



CDFI Fund Certification Agreement

January 16, 2025

COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS FUND

www.cdfifund.gov

Presentation Overview



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CDFI Certification Agreement Overview



Policy Requirements

- Terms and Conditions
- Statutory Requirements
- CDFI Designation

Applicant Responsibilities

- Review
- Modifications (If Applicable)
- Signing
- Important Dates

CDFI Certification Agreement Overview

Policy Requirements



- The Certification Agreement is a new requirement being implemented with the CDFI Certification Application Process.
- The Certification Agreement contains terms and conditions an organization will be held to in order to become a Certified CDFI and maintain their Certification.
- CDFI Certification means that an organization meets the requirements described in the CDFI Program regulations at 12 CFR section 1805.20 and any CDFI Fund issued guidance.

CDFI Certification Agreement Overview

Policy Requirements (continued)



Policy Requirements (continued)

- These requirements include the following:
 - Having a Primary Mission of promoting community development;
 - Predominantly serving and maintaining Accountability to an eligible CDFI Certification Target Market;
 - Being a Financing Entity;
 - Providing Development Services; and
 - Being neither a government entity nor controlled by a government entity.

CDFI Certification Agreement Overview

Policy Requirements (continued)



- Upon designation as a Certified CDFI:
 - Certain organizational information about the Certified CDFI and its activities may be posted on the CDFI Fund's public website for the purpose of creating a public list and description of Certified CDFIs.
 - The Certified CDFI will be required to meet annual reporting requirements no later than 180 days after its fiscal year end or as requested by the CDFI Fund.
 - Reports include:
 - » Annual Certification and Data Collection Report (ACR) and TLR

CDFI Certification Agreement Overview

Policy Requirements (continued)



- Upon designation as a Certified CDFI (continued):
 - The Certified CDFI shall maintain all CDFI Certification-related records and documentation supporting the data reported to the CDFI Fund, including supporting documents related to the initial Certification Application, for a minimum of five years after submission of the document(s) or record(s) to the CDFI Fund.
 - Under 12 CFR 1805.201(c), the CDFI Fund will:
 - Review a CDFI's certification status, as deemed appropriate, to ensure that the CDFI meets the certification requirements,
 - Review the CDFI's organizational capacity, lending activity, community impacts, and such other information that the CDFI Fund deems appropriate.
 - Access to Applicant and/or Certified CDFI records shall also be maintained in accordance with the Freedom of Information Act (5 U.S.C. § 552) (FOIA).

CDFI Certification Agreement Overview-

Policy Requirements (continued)



CDFI Certification DOES NOT:

- Constitute an opinion by the CDFI Fund or the U.S. Department of the Treasury as to the effectiveness or financial viability of an organization.
- Indicate that the organization will be selected to receive an award from the CDFI Fund.
- Obligate the CDFI Fund to an exchange of funds, personnel, property, services, or any kind of financial commitment
- Indicate control of the CDFI by reason of CDFI Certification, for the purpose of any applicable law, nor does CDFI Certification imply that the CDFI is an agent of the Federal government.

CDFI Certification Agreement Overview



Applicant Responsibilities

- Review
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CDFI Certification Agreement Overview

Applicant Responsibilities



- Applicants are responsible for reading and understanding all the terms and conditions in the Certification Agreement.
- Applicants are responsible for ensuring that all organizational and CDFI Certification information on the signature page of your Certification Agreement is accurate.
- Applicants can view their Certification Agreement in the organization's Awards Management Information System (AMIS) account. The Certification Agreement is in the "Notes and Attachments" section of your CDFI Certification record in AMIS.

CDFI Certification Agreement Overview

Applicant Responsibilities (continued)



- Modification to the Certification Agreement.
 - Entities that wish to request a modification to their Certification Agreement must submit a modification request via a Service Request in AMIS.
 - Modification requests must include:
 - An explanation and justification;
 - Be received by the CDFI Fund within 30 calendar days of receiving the Letter of Certification Agreement.
 - *Please note: that the CDFI Fund will only consider requests to modify organizational information.*
 - Requests to modify General Certification Terms and Conditions will NOT be considered.
 - Entities that submit a Certification Agreement modification request should NOT sign the Certification Agreement by the stated deadline if the CDFI Fund has not provided a decision on the modification request by that date.

CDFI Certification Agreement Overview

Applicant Responsibilities (continued)



Signing the Certification Agreement:

- The Certification Agreement must be signed electronically, via AMIS, within 30 business days by a contact that is designated as an Authorized Representative in your AMIS account.
- This person must be someone authorized to sign legal binding documents on behalf of your organization and CANNOT be a consultant.
- The Office of Certification and Policy Evaluation will:
 - Conduct a thorough review of the document.
 - Is allocated 30 calendar days to countersign the Certification Agreement upon receipt.

CDFI Certification Agreement Overview

Applicant Responsibilities (continued)



Recognized Authorized Rep. Signatory Titles	Authorized Rep. Titles Requiring Follow-up
<ul style="list-style-type: none"> • Any C-Suite position • Chief Executive Officer • Chief Financial Officer • Chief Operating Officer • President/Vice President • Partner (Venture Capital Funds) • Compliance Manager/Supervisor or any Manager/Supervisor related position • Senior Accountant or any senior-level title • Director • Board Officer • Board Chair • Chairman • Chairperson • Vice Chair (Vice Chairman, Vice Chairperson) • Treasurer • Board Secretary • Manager • Or any similar titles that reflect the incumbent authority within the organization 	<ul style="list-style-type: none"> • Assistant/Executive Assistant • Secretary/Receptionist • Loan Officer • Community Development Officer • Intern • Analyst • Board Member • Associate Treasurer • Associate Director • Secretary • Comptroller • Controller • Staff Accountant • Consultant – Not allowed to sign on behalf of an organization.

CDFI Certification Agreement Overview

Applicant Responsibilities (continued)



Signing the Certification Agreement (Continued):

- Following the countersignature, your organization will receive a notification via the AMIS platform confirming the completion of the process.
- A copy of the executed Agreement will be available in the Certified CDFI's AMIS account for future reference.
- A Certified CDFI Logo toolkit will be sent to the Applicant's Authorized Representative and point of contacts identified in the AMIS Application via email.

CDFI Certification Agreement Overview

Applicant Responsibilities (continued)



Important Dates:

<u>Time Frame</u>	<u>Activity</u>
<u>Within 30 calendar days from the date the notification letter is received by the entity.</u>	<ul style="list-style-type: none"> Entities should contact the Office of Certification Policy and Evaluation (OCPE) with questions related to the Certification Agreement <u>by submitting a service request via the entity's AMIS account.</u>
<u>30 calendar days from the date the notification letter is received by the entity.</u>	<ul style="list-style-type: none"> Last day for entities to submit a modification request to the Office of Certification Policy and Evaluation (OCPE) with questions related to the Certification Agreement <u>by submitting a service request via the entity's AMIS account.</u> Last day for entities to electronically sign the Certification Agreement in the CDFI Certification record in AMIS. <p>Note: Entities that submit a Certification Agreement modification request should not sign the Certification Agreement by the stated deadline if the CDFI Fund has not provided a decision on the modification request by that date.</p>
<u>After 30 calendar days from the date the notification letter is received by the entity.</u>	<ul style="list-style-type: none"> The CDFI Fund reserves the right, in its sole discretion, to rescind the entity's CDFI Certification if the Certification Agreement is not signed by an Authorized Representative and/or required documentation is not provided to the CDFI Fund after 30 calendar days from the date this letter is received by the entity.

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- This slide highlights the steps to finalize the Certification Agreement (CA).

Step 1: Recipient receives email notification that the CA is available in AMIS



Step 2: Recipient reviews, requests modification (if applicable) and signs the CA.



Step 3: CDFI Fund completes a thorough review of the document.



Step 5a: Recipient receives the CDFI Resource Guide and logos.



Step 5: Recipient receives email notification that countersigned CA is available in AMIS.



Step 4: OCPD Program Manager countersigns CA.
May take up to 30 Days.

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	Signature Page	Yes
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	2B. CDFI Certification Annual Reporting Timeline	
3.	CDFI Certification – Entity-Specific Provisions	
4.	CDFI Certification – Target Market	Yes
5.	Affiliates and Other Entities subject to CDFI Certification Collective Review	
6.	Native American Community Development Financial Institution (CDFI) Designation	

CDFI Certification Agreement Components



Signature Page:

COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS FUND (CDFI FUND)	
CDFI CERTIFICATION AGREEMENT	
Certified CDFI: [REDACTED]	CDFI Certification Control Number: [REDACTED]
	Employer Identification Number: [REDACTED]
Certification Application Date: [REDACTED]	Unique Entity Identifier: [REDACTED]
Controlling CDFI(s): [REDACTED]	
Address: [REDACTED]	
Certified CDFI Information	
Entity Type: Loan Fund	
Depository Institution Holding Company/Bank Holding Company: No	
<i>Community Development Financial Institutions Fund</i>	[REDACTED]
Signed: <input type="checkbox"/>	EIN: [REDACTED]
Digitally signed by on	Signed: <input type="checkbox"/>
Title: OCPE Manager	Digitally signed by on
Date signed:	Authorized Representative:
	Title:
	Date signed:
CDFI Certification Effective Date: [REDACTED]	

Organization Name

Organization Address

Entity Type

Effective entered once countersigned by the OCPE Program Manager.

(1) CDFI Certification Control Number and the Employer Identification Number can be found in the upper right corner of the Signature Page.

Organization Name and EIN number displayed above the AR signature.

CDFI Certification Agreement Components



Schedule 1: CDFI Certification – Requirements, Terms and Conditions

CDFI Funds
Certification
Acknowledgement
Statement

**COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS FUND
CDFI CERTIFICATION AGREEMENT**

Commencing with the CDFI Certification Effective Date listed on the signature page, the Community Development Financial Institutions Fund (CDFI Fund), U.S. Department of the Treasury, hereby certifies the entity with the Employer Identification Number (EIN) listed herein (hereafter, the CDFI) as a Certified Community Development Financial Institution (Certified CDFI) in accordance with regulations set forth at 12 C.F.R. 1805.201.

**ARTICLE I
INCORPORATION BY REFERENCE**

12 U.S.C. Chapter 47, 12 C.F.R. part 1805, the CDFI Certification Application, the Annual Certification and Data Collection Report, the Transaction Level Report, and all CDFI Fund-issued CDFI Certification guidance, as amended from time to time, are incorporated by reference as part of this CDFI Certification Agreement and given the same force and effect as if set out in full text. In the event of any inconsistency between 12 U.S.C. Chapter 47 or 12 C.F.R. part 1805, and the terms set forth in this Agreement, the provisions of 12 U.S.C. Chapter 47 and then 12 C.F.R. part 1805 shall govern.

Schedule 1
CDFI Certification control #: «Control_Number»
Certified CDFI:

The Schedule Name, CDFI Certification Control Number and the Organization Name is in the top right-hand corner.

Articles contain the terms and conditions of the CDFI Certification

CDFI Certification Agreement Components



2A. Annual Reporting Requirements

Schedule 2A
CDFI Certification control #: «Control_Number»
Certified CDFI:

SCHEDULE 2A. Annual Reporting Requirement

1. Annual reporting requirement. Throughout the term of this Agreement, the Certified CDFI agrees to comply with any reporting obligations established by the CDFI Fund related to CDFI Certification. The Certified CDFI acknowledges that any such information required to be reported pursuant to this section may be publicly disclosed, if allowed by law. The Certified CDFI must meet annual reporting requirements, to provide information that will assist the CDFI Fund to: (1) ascertain whether the Certified CDFI continues to meet the CDFI Certification requirements set forth in 12 C.F.R. 1805, CDFI Fund-issued CDFI Certification guidance and this Agreement, including the criteria for Certification, as shown in Schedule 1 above; and (2) assess the Certified CDFI's annual financial and socio-economic performance. The Certified CDFI acknowledges that the CDFI Fund may act on any information obtained via the annual reports, including deeming the Certified CDFI noncompliant with any of the provisions in this Agreement and potentially terminating the Certified CDFI's Certification.
2. Failure to Report. Failure to file any CDFI Certification compliance report or to provide CDFI Certification compliance information requested by the CDFI Fund may result in termination of the Certified CDFI's Certification.
3. Reporting Requirements. The reporting requirements include, but are not limited to, as further detailed in Schedule 2B of this Agreement, the following:
 - (a) Annual Certification and Data Collection Report (ACR)
The Certified CDFI must submit an ACR no later than 180 days after its fiscal year end, or as directed by the CDFI Fund.
 - (b) Transaction Level Report (TLR)
The Certified CDFI, and if applicable, its Affiliate(s), must submit the appropriate TLR no later than 180 days after its fiscal year end, or as directed by the CDFI Fund. The information in the TLR will be used to confirm the CDFI's Target Market and/or Native Community directed activity levels. This data is required in conjunction with the submission of the ACR and as requested by the CDFI Fund. |

Outlines the specific Annual reporting Requirements.

CDFI Certification Agreement Components



2B. CDFI Certification Annual Reporting Timeline

Schedule 2B
CDFI Certification control #:
Certified CDFI: [REDACTED]

SCHEDULE 2B Annual Reporting Requirements Timeline

The CDFI Certification is contingent upon the annual submission of the Annual Certification and Data Collection Report (ACR) and the appropriate Transaction Level Report (TLR). The report submission deadlines are based on the CDFI's fiscal year end date and/or as requested by the CDFI Fund. A change to the fiscal year end must be reported as a material event.

The CDFI must submit an ACR and the TLR no later than 180 days after its fiscal year end. If you are a CDFI Fund Award recipient, instead, refer to the TLR reporting schedule reflected in your Assistance Agreement.

Annual Certification and Data Collection Report (ACR)

Fiscal Year End: [ex. 6/30]	Report Submission Deadline (no later than 180 days after the Fiscal Year End): (ex. 12/31)
12/31	06/30

Outlines the specific Reporting Dates for the ACR.

Outlines the specific Reporting Dates for the TLR.

Abbreviated Transaction Level Report (TLR)

Fiscal Year End: [ex. 6/30]	Report Submission Deadline (no later than 180 days after the Fiscal Year End): (ex. 12/31)
12/31	06/30

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Schedule 3: CDFI Certification – Entity-Specific Provisions

These Provisions
only apply if
Applicable to your
type of Entity.

Schedule 3
CDFI Certification control #: «Control_Number»
Certified CDFI

CDFI Certification Additional Entity Specific Provisions: The following additional CDFI Certification provisions apply only if marked applicable. Changes regarding any of these CDFI Certification provisions will require an amendment to this CDFI Certification Agreement or may result in the termination of Certified CDFI status.

This section of the Agreement briefly provides details of some of the standards related to these additional Certification guidelines. Certified CDFI acknowledges that it has reviewed and will adhere to the full guidance as articulated in 12 C.F.R. part 1805, the CDFI Certification Application, and other CDFI Fund approved guidance materials, as applicable.

Applicable if marked "Yes"	Additional CDFI Certification Provision
	BGP Provision I
	BGP Provision II
	BGP Provision III
	BGP Provision IV
	DIHC Provision I
	DIHC Provision II
	Native American CDFI Designation

CDFI Certification Agreement Components



Schedule 4: CDFI Certification – Target Market

The approved TM Component and corresponding TM Map name is listed along with other pertinent information.

Schedule 4
CDFI Certification control #:
Certified CDFI: [REDACTED]

Approved Target Market

Organization Name: Westwater Financial, Inc.
CDFI Certification Number:

Target Market Component	Target Market Map Name (if applicable)	Target Market Description(s)
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]

Customized Investment Area (Optional)

The Certified CDFI has a Target Market that includes one or more customized Investment Areas, which consist of both qualified and non-qualified census tracts, as defined by the CDFI Fund. At least 85% of the Certified CDFI's eligible financing activity directed to a customized Investment Area must continue to be directed to the individually qualified census tracts within the customized Investment Area geography. If that condition is satisfied, eligible activity in the non-qualified census tracts of the customized Investment Area will count toward the relevant Target Market benchmark.

Non-Metro Customized Investment Areas, Counties, and Parishes (Optional)

The Certified CDFI has an approved Target Market that includes one or more non-Metro¹ customized Investment Areas, or one or more non-Metro county, parish, or equivalent area, which consist of both qualified and non-qualified census tracts. Until October 1, 2027, at least 75% of the CDFI's eligible Financial Product and/or Financial Services activity directed to a non-Metro customized Investment Area, county, parish, or equivalent area must continue to be directed to individually qualified census tracts of the respective non-Metro geography. If that condition is satisfied, eligible activity in the non-qualifying tracts of the non-Metro geography will count toward the relevant Target Market benchmark. Beginning October 1, 2027, at least 85% of the Certified CDFI's eligible Financial Product and/or Financial Services activity directed to a non-Metro customized Investment Area, county, parish, or equivalent area must be directed to individually qualified census tracts of the respective non-Metro geography for activity in the

CDFI Certification Agreement Components



Schedule 5: Affiliates and Other Entities subject to CDFI Certification Collective Review

Schedule 5
CDFI Certification control #:
Certified CDFI: [REDACTED]

AFFILIATE(S) SUBJECT TO THE CDFI CERTIFICATION REVIEW

Affiliate(s) subject to the CDFI Certification review	EIN	Subject to CDFI Certification Primary Mission collective review: (Yes or No)	Subject to CDFI Certification collective review (if applicable): (Yes or No)	Controlling Certified CDFI: for BG Program provision only (if applicable): (Yes or No)
-		No	No	No
			Approved collective review Accountability method:	Non-arm's-length activity allowed:

This schedule only displays if the Applicant has an Affiliate subject to CDFI Certification Collective Review.

- (1) Collective review for Depository Institution Holding Companies, Affiliates of Depository Institution Holding Companies and Subsidiaries of Insured Depository Institutions.
 - (a) A Depository Institution Holding Company (DIHC) may qualify as a Certified CDFI only if it and its Affiliates collectively meet the certification requirements set forth in 12 C.F.R. 1805.200 et seq.
 - (b) No Affiliate of a DIHC may qualify as a Certified CDFI unless the DIHC and all of its Affiliates collectively meet the requirements set forth in 12 C.F.R. 1805.200 et seq.
 - (c) No Subsidiary of an Insured Depository Institution (IDI) may qualify as a Certified CDFI if the IDI and its Subsidiaries do not collectively meet the requirements described in 12 C.F.R. 1805.200 et seq.

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Schedule 6: Native American Community Development Financial Institution (CDFI) Designation

Schedule 6
CDFI Certification control #: «Control_Number»
Certified CDFI:

Native American Community Development Financial Institution Designation

Organization Name: «CDFI Name»
CDFI Certification Number: «Certification Name»

If the Native American CDFI designation check box is selected in the Schedule 3 above, the CDFI Fund has conferred the Native American CDFI designation upon the Certified CDFI beginning the Effective Date of the CDFI Certification.

To maintain the Native American CDFI designation, the CDFI must continue to:

- (1) meet all other CDFI Certification requirements;
- (2) primarily serve Native Communities, as evidenced by at least 50% (without any rounding of decimal points) of its Financial Product activity (both number and dollar volume) as having been directed to one or more Native Community population or Native Community Geography each fiscal year; and
- (3) demonstrate accountability to at least one Native Community through at least one of the following options:
 - (i) Governing board only
 - (a) At least 33% of the governing board is accountable to a Native Community population or Native Community geography; and
 - (b) At least 50% of such representative board members are members of a Native Community population(s).
 - (ii) Governing Board Supplemented by Advisory Board
 - (a) At least 60% of an advisory board is accountable to a Native Community population or Native Community geography;
 - (b) At least 50% of such representative board members are members of a Native Community population(s);
 - (c) At least 20% of the governing board is accountable to a Native Community population or Native Community geography;
 - (d) At least one governing board member is also a member of the advisory board; and
 - (e) The CDFI has adopted an advisory board policy.

Outlines the specific Criteria to continue to meet the Native American Designation, including Board Accountability and percentage of Native Communities Served.

CDFI Certification Agreement Components



Schedule 7: Accountability (Non-Native)

Schedule 7
CDFI Certification control #: «Control_Number»
Certified CDFI:

Accountability

The Certified CDFI must maintain accountability to its approved Target Market (See Schedule 4). The Certified CDFI shall demonstrate Accountability based on the composition of its governing board and /or advisory board, based on the standards below and as further described in Section AC of the Application and in relevant Certification Guidance. The governing board must consist of no less than three (3) members and an advisory board must consist of no less than five (5) members.

Governing Board Only

- (i) At least one governing board member is accountable to each approved Target Market type, *and*
- (ii) At least 33% of the governing board is accountable to the overall approved Target Market(s).

Governing Board Supplemented by Advisory Board

- (i) At least 20% of the governing board members are accountable to the overall approved Target Market;
- (ii) At least one advisory board member is accountable to each approved Target Market type;
- (iii) At least 60% of the advisory board is accountable to the overall approved Target Market(s);
- (iv) At least one governing board member is also a member of the advisory board; and
- (v) The Certified CDFI has adopted an advisory board policy.

Advisory Board Supplemented by Credit Union Membership (Credit Union Only)

- (i) At least 33% of the credit union's members are determined to be members of at least one Target Market type in the overall approved Target Market, using a CDFI Fund-approved Target Market assessment methodology;
- (ii) At least one advisory board member is accountable to each approved Target Market type;
- (iii) At least 60% of the advisory board is accountable to the overall approved Target Market(s);

Outlines the specific Accountability Criteria for Governing and or Advisory Boards.

CDFI Certification Agreement Components

Material Events – Related to Certification



- You must advise the CDFI Fund of certain Material Events that occur during the Certification period.
 - If a Material Event occurs, your organization must notify the CDFI Fund by submitting a Material Event Form via a Service Request initiated in your organization's AMIS account.
 - The form must be submitted within 30 days of the occurrence of a material event.
 - Please review Schedules 1, 2B & 3 for specific criteria for Material Events.

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Certification Reference Documents



Documents Received in the Certification Notification

- (i) Letter of Certification Agreement
 - Provides next steps to effectuate your organization's Community Development Financial Institution (CDFI) Certification
- (ii) AMIS Instructions for Accessing and Signing the Certification Agreement
 - Provides detailed instructions for detailed instructions on how to access the Certification record and Certification Agreement on how to request a modification to the Certification Agreement.
- Documents Received after the Certification is Countersigned.
 - Executed Certification Agreement
 - Certified CDFI Logo Resource Guide
 - CDFI Seal/Logo

Certification Agreement Additional Information

Contact Information



- For questions about CDFI Certification contact the CDFI Fund's Office of Certification Policy and Evaluation (OCPE) via AMIS Service Request.
- For questions about the ACR or TLR contact the CDFI Fund's Office of Financial Strategies and Research (FS&R) via cdfi-financialstrategiesandresearch@cdfi.treas.gov or AMIS Service Request.
- Detailed guidance information is also available on the CDFI Fund website at <https://www.cdfifund.gov/programs-training/certification/cdfi/apply-step> please check this page regularly for updated information.

Certification Agreement Additional Information

CDFI Certification Conference Call Schedule



Date	Time	Presentation Topic
January 30, 2025	3:00-4:15 PM ET	Collective Review Process
February 6, 2025	3:00-4:15 PM ET	Primary Mission Requirements
February 20, 2025	3:00-4:15 PM ET	Section Zero Review Process
March 6, 2025	3:00-4:15 PM ET	Mergers and Acquisitions
March 20, 2025	3:00-4:15 PM ET	Entity Spin-Off Provisions

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This concludes the presentation.

Thank you for participating!