



Fiscal Year 2020-2021

NEW PORT RICHEY COMMUNITY REDEVELOPMENT AGENCY RETAIL RECRUITMENT COMMERCIAL FAÇADE IMPROVEMENT GRANT PROGRAM

Program Rules and Regulations

The Commercial Façade Improvement Grant Program is designed to help facilitate the establishment of new businesses and aid in the expansion of existing businesses within the New Port Richey Community Redevelopment Agency (the “CRA”) District. The program is designed to provide financial assistance to new and existing businesses in the form of a grant intended to reduce the initial costs that result in more visually appealing commercial properties or other improvements in accordance with the CRA Community Redevelopment Plan.

The CRA reserves the right to approve or deny any Commercial Façade Improvement Grant Program application and to deny payment at any time if, in its sole and absolute discretion, it determines that the business will not advance the goals and objectives established for redevelopment of the CRA District.

The New Port Richey CRA is a public agency and is governed by the “Florida Public Records Law” under Florida State Statutes, Chapter 163. Any documents provided by the Applicant(s) may be subject to production by the CRA upon receipt of a public records request, subject to any exemptions provided by Florida Law.

Incentive Funding

The Commercial Façade Improvement Grant Program offers financial assistance in the form of a matching (75%) grant up to \$25,000 to the landlord or business owner for eligible expenses associated with improving the external appearance of their business and to encourage businesses to invest in their operations.

Eligibility Requirements

Applicants must meet all of the following requirements in order to be considered eligible to receive grant funding:

- Must be located within the CRA District.
- Must provide proof that the commercial business is properly licensed by all necessary levels of government and professional associations or agencies (copies of city and county licenses or receipts that the licenses have been applied for).
- Non-profit and residentially zoned properties are NOT eligible.
- If tenant, applicant must have an executed multi-year lease (two year minimum).
- Façade improvements must be consistent with the New Port Richey's Urban Design Guidelines (Note: Contact the New Port Richey Development Office regarding design guidelines. All proposed exterior improvements using CRA funds must be approved by the CRA. The CRA may make recommendations for exterior improvements based upon the city's Urban Design Guidelines).
- All work must be done in compliance with applicable City of New Port Richey Building Codes and Land Development Regulations. Please contact the City of New Port Richey Development Department regarding the proposed work to be performed prior to submitting a façade grant application.
- Grant funding amounts will be based on the applicant's project budget specified at the time of the CRA approval.
- Grant funds will be awarded exclusively for approved work and approved change orders.
- The Commercial Façade Improvement Grant Program may only be used up to \$25,000 in a two (2) year timeframe for any one address/storefront.

Example: One \$25,000 maximum exterior remodel grant per two (2) years.

- If a storefront or location/address is remodeled and the tenant leaves within a few months or a year, the location/address is not eligible for another exterior grant for two (2) years from the date of the first grant if the \$25,000 maximum was awarded. Otherwise, they are eligible for the balance of \$25,000 minus the first grant. Then the location/address would be eligible for another \$25,000 grant award two (2) years from the time the second grant was awarded.
- One sign grant per tenant.
 - In the example above, while the next tenant may not be eligible for an exterior remodel, they would be eligible for an exterior grant for their new sign

- In order to qualify for the grant, the subject property may not have any outstanding City of New Port Richey liens at the time the applicant seeks an award. In the event that there is an outstanding lien against the property, the grant will not be awarded until the complete satisfaction of the lien.
- The property owner or tenant must complete the façade improvement project and submit for payment within 120 days of the issuance date of the permit for the project. If CRA approves grant funding and the work being performed does not require a permit, the application for payment must be within 120 days of the grant award. Failure to complete the improvements within the specified time frame will result in the property owner or tenant losing the grant award opportunity. Only one 60 day administrative extension will be permitted.
- Project items completed and paid for by the applicant prior to CRA approval may be excluded and/or denied at the CRA's sole discretion if the CRA determines the improvements are not consistent with the CRA's Design Guidelines.
- Application and CRA approval of this grant is for funding only. Approval of CRA grant funding is NOT approval of any type of City processes including, but not limited to, permits and site plan modification. Applicants must apply for permits and site plan modification through the appropriate departments at the City. All commercial projects require permitting and site plan modification reviews. It is the responsibility of the applicant to obtain all necessary City approvals.
- Grantees shall allow the CRA the rights and use of photos and project application materials.

Projects and items eligible for funding under the program are but not limited to:

- | | |
|---|--|
| • Decorative exterior façade improvements | • Patio decks connected to the building |
| • Landscape around the building | • Irrigation |
| • ADA improvements | • Exterior wall repairs (stucco, brick/wood repairs and replacement) |
| • Parking lot re-paving, re-sealing, re-striping | • Demolition of structure and re-sodding of vacant property |
| • Signage | • Exterior lighting |
| • Exterior doors and windows | • Solar electricity and water heating |
| • Fencing (excluding: chain link, barbed wire, and wood panels) | |
| • Electric vehicle charging stations | |
| • Use or designs that CRA staff or CRA Board determine will support the redevelopment of the CRA District | |

Ineligible Businesses

The following businesses are considered ineligible for assistance under the Commercial Interior Build-Out Grant Program:

- Fire Arm Sales
- Religious Affiliated Retail Stores
- Non Profits
- Check Cashing Stores
- Adult Entertainment
- Adult Arcades
- Take-out foods
- Alcohol and/or Drug Rehabilitation Centers/Housing
- Medical Research Centers
- Massage/Personal Services
- Liquor Stores
- Churches
- Fitness Centers over 4,500 sq. ft.
- Vapor Cigarette, E-Cigarette Stores
- Pawn Shops
- Tattoo Shops/Body piercing/Body Art Shops
- Any other use that the CRA staff or CRA Board have determined not to support the redevelopment of the CRA District.

Businesses must be one of the following types of businesses:

- Home Decor and Home Gifts
- Jewelers
- Art and Music Galleries
- Stationary and Flower Shops
- Clothing, Apparel, Shoes, and Accessories
- Sporting Goods
- Book Stores
- Specialty Brewers
- Wine Shops
- Bicycle Repair, Sales, Rentals
- Hobbies
- Gifts

Application Process

Applications can be obtained from the CRA office located at City Hall, Economic Development, Second Floor, 5919 Main St. New Port Richey, FL 34653. Funding requests will not be considered until all required documentation is submitted to the CRA office.

Application to this grant program is not a guarantee of funding. Funding is at the sole discretion of the CRA.

Applicants must submit an original hard copy application with all materials to the CRA for review and approval by the CRA Staff. Applicants will be considered on a first-come, first-serve basis. Application packets must include the following documentation:

1. Written detailed project budget describing the improvements to be done to the property. It must list all project costs the applicant is requesting for reimbursement. The project budget must provide a total cost of the project.
2. Cost estimate(s) from a licensed contractor(s) as specified in the applicant's project budget.
3. Copies of building permit receipt/application. If the permit has not been applied for prior to submissions of the grant application, a copy of the building permit receipt is due within 90 days of grant approval.
4. Copy of Warranty Deed.
5. Copy of executed multi-year commercial lease agreement
6. Copy of design and construction plans associated with the proposed improvements.
7. A minimum of four color digital "before" photos of the project.
8. Signage design, if applicable.
9. Project color chips, material samples and material specifications, if applicable.
10. Completed and signed application (attached).
11. W9 Form (attached).

Approval of Funding Request

A review panel of CRA and City staff will consider the application to evaluate whether the applicant is eligible for reimbursement. If it meets these requirements, CRA staff will present the funding request to the CRA Executive Director for approval.

CRA staff will notify the applicant of the Executive Director's approval or denial in writing.

Site Visits

CRA may conduct a site visit prior to transmitting the application to the CRA and once the project is completed. Staff may also conduct unannounced site visits before, during, and after the project in order to determine and ensure compliance with the terms of the grant agreement.

Procedures for Grant Award

This program is designed as a matching 75% grant. All work must be completed and paid for prior to the release of CRA funds. The CRA will provide the award to the applicant upon submittal of a complete grant request package.

All grant award requests and supporting documents must be submitted to the CRA (3) days prior to the grant expiration date. The CRA may refuse to issue grant funding if the submission is not received by the specified time.

Once the work is completed, the grant award request shall be summarized in a report and accompanied by the following documentation:

1. Invoices, receipts or other acceptable evidence of payment from suppliers and licensed contractor(s) that have been marked "paid in full". Proposals for "work to be completed" or "bids" are not considered proper documentation.
 - a. Each item will be supported by a canceled check showing the face of the check, as well as the back of the canceled check. The only forms of cash payments that are acceptable as evidence of payments are cashier's checks and bank transfers. A copy of the cashier's check to the payee must be provided as proof of payment. If payment is being made by a bank transfer, a copy of the statement from both payer and payee showing the transaction and/or copy of the email/text verification from both parties.
2. A "final release of lien" signed by each licensed contractor(s). See attached Sample of a Final Release of Lien form.
3. Proof that the work has been approved by the City of New Port Richey Building Department, i.e. Copy of Certificate of Occupancy/Completion
4. CRA has received copies of final inspection approvals for all work that requires a permit.
5. Entire scope of work for eligible items is completed.
6. A minimum of 4 color "after" photos of the project.

By submitting for reimbursement, the applicant warrants that all bills for which applicant is directly responsible related to the project are paid in full including, but not limited to, all contractors, labor, materials, related fees, and permits.

Grantees may not submit work improvements for grant awards which have been used as grant award requests in any other grant program offered by the CRA, City of New Port Richey, Pasco County or the State of Florida. The Commercial Façade Improvement Grant Program will only award applicants for new expenditures that have not been submitted to other grant programs for award.

SUBMISSION OF AN APPLICATION IS NOT A GUARANTEE OF FUNDING

It is the responsibility of the applicant to READ AND UNDERSTAND all aspects of the Grant Program's Rules/Requirements and Application.

NOTICE TO THIRD PARTIES: The grant application program does not create any rights for any parties, including parties that performed work on the project. Nor shall issuance of a grant result in any obligation on the part of the CRA to any third party. The CRA is not required to verify that entities that have contracted with the applicant have been paid in full, or that such entities have paid any subcontractors in full. Applicant's warranty that all bills related to the Project for which the applicant is directly responsible is sufficient assurance for the CRA to award grant funding.

Please read and initial the following items:

_____ All grant applications must receive approval before any construction can commence, unless applicant has received prior approval from Economic Development Director. No grants will be awarded on an application if work has been started or completed unless prior approval has been received.

_____ All applicants are required to present a copy of their approved permit at the completion of project, it is applicants responsibility to determine what permits are necessary. Proper permitting through the Building Department and final inspection is mandatory before grant funds will be dispersed. This includes any changes required for getting a permit. Variance or zoning change request must be handled prior to award approval. Any changes during the project will require approval from the Development Department.

_____ All applicants that are awarded a grant understand that when submitting for reimbursement "cash receipts" will not be accepted due to auditing requirements (no exceptions). You must pay for materials or services by check, money order or credit/debit card. Proof of payment in full is required, this includes copies of credit card statements and canceled checks.

_____ All grant recipients must complete a W-9 and will receive a 1099 tax form for their award.

_____ Reimbursement for grant monies will be submitted to the Finance Department once all final paperwork has been received and approved. Grant reimbursement awards will take up to 30 days to be processed and will be mailed to the address provided on the W-9 form.

_____ I understand the grants are funded if funding is available.

Applicant: _____
Signature Print Date

Property Owner
Approval: _____
(If Applicant is not Owner) Signature Print Date



APPLICANT INFORMATION

BUSINESS INFORMATION:

Applicant Name/Business Name (d/b/a if applicable):

Business Address (if currently in a different location than project site):

Fed ID#: _____

Business Phone Number: _____ Cell: _____

Existing Business: Yes _____ No _____ Number of years in existence: _____

Time at Current Location: _____ New Business to New Port Richey: Yes ___ No ___

Do you have an executed lease agreement: Yes ___ No ___ If so, monthly base rent: _____

New Business Address (project site): _____

Square footage of current location (if moving): _____

Square footage of new location: _____

Type of Business: _____

Number of Employees: _____ Hours of Operation: _____

Requested grant amount: _____

PROPOSED BUILDING IMPROVEMENTS

(Please fill out and attach detailed description, drawings, photos, plans, etc.)

	Improvement	Total Cost
1.		
2.		
3.		
4.		
5.		
6.		
7.		
8.		
9.		
10.		
11.		
12.		
13.		
14.		

Total cost of work to be completed: _____

Application must include two (2) bids from a licensed contractor and "before" photos of work to be completed

TENANT INFORMATION:

(If more than 2 principals/owners additional sheets may be used)

1. Principal/Owner Name: _____

Date of Birth: _____ Email: _____

Residential Address: _____

Telephone Number: _____

2. Principal/Owner Name: _____

Date of Birth: _____ Email: _____

Residential Address: _____

Telephone Number: _____

Are you applying for grant assistant under any other program offered by the CRA?

Yes _____ No _____ If yes, what additional programs are you applying for:

Are you receiving grant assistance under any other governmental agencies: Yes__ No ____

If yes, list any additional grant sources and amounts:

LANDLORD INFORMATION:

Landlord Name: _____

Landlord Address: _____

Landlord Telephone Number: _____

CERTIFICATION AND WAIVER OF PRIVACY:

I, the undersigned applicant(s), certify that all information presented in this application, and all of the information furnished in support of the application, is given for the purpose of obtaining a grant under the New Port Richey Community Redevelopment Agency Commercial Façade Improvement Grant Program, and it is true and complete to the best of my knowledge and belief.

I further certify that I am aware of the fact that I can be penalized by fine and/or imprisonment for making false statements or presenting false information. I further acknowledge that I have read and understand the terms and conditions set forth and described in the New Port Richey Community Redevelopment Agency Commercial Façade Improvement Grant Program Rules and Requirements.

I understand that this application is not a guarantee of grant assistance, and that award of grants is at the sole discretion of the New Port Richey Community Redevelopment Agency Board. I understand that the purpose of the grant is to further the New Port Richey Community Redevelopment Plan, and that the New Port Richey Community Redevelopment Agency may decline my application for any legal reason, including the reason that granting the award will not further the Community Redevelopment Plan. Should my application be approved, I understand that the CRA may, at its sole discretion, discontinue subsidy payments at any time if in its sole and absolute determination it feels such assistance no longer meets the program criteria or is no longer in furtherance of the New Port Richey Community Redevelopment Plan.

I hereby waive my rights under the privacy and confidentiality provision act, and give my consent to the New Port Richey Community Redevelopment Agency, its agents and contractors to examine any confidential information given herein. I further grant permission, and authorize any bank, employers or other public or private agency to disclose information deemed necessary to complete this application.

I give permission to the New Port Richey Community Redevelopment Agency or its agents to take photos of myself and business to be used to promote the program.

I understand that if this application and the information furnished in support of the application are found to be incomplete, it will be not processed.

SUBMISSION OF AN APPLICATION IS NOT A GUARANTEE OF FUNDING
It is the responsibility of the applicant to READ AND UNDERSTAND all aspects of the Grant Program's Rules/Requirements and Application.

APPLICANT SIGNATURES:

1. _____
Principal/ Owner's Signature Date

Printed Name Title

2. _____
Principal/Owner's Signature Date

Printed Name Title

Notary as to Principal/Owner's Signatures - Multiple notary pages may be used if signing individually

STATE OF _____
COUNTY OF _____

BEFORE ME, an officer duly authorized by law to administer oaths and take acknowledgements, personally appeared _____, who is/are personally known to me or produced _____ as identification, and acknowledged he/she executed the foregoing Agreement for the use and purposed mentioned in it and that the instrument is his/her act and deed.

IN WITNESS OF THE FOREGOING, I have set my hand and official seal in the State and County aforesaid on this _____ day of _____, 20____.

NOTARY PUBLIC
My Commission Expires:

LANDLORD SIGNATURES:

- 1. _____
Landlord Signature _____ Date _____

Printed Name _____ Title _____

- 2. _____
Landlord Signature _____ Date _____

Printed Name _____ Title _____

Notary as to Principal/Owner's Signatures - Multiple notary pages may be used if signing individually

STATE OF _____
COUNTY OF _____

BEFORE ME, an officer duly authorized by law to administer oaths and take acknowledgements, personally appeared _____, who is/are personally known to me or produced _____ as identification, and acknowledged he/she executed the foregoing Agreement for the use and purposed mentioned in it and that the instrument is his/her act and deed.

IN WITNESS OF THE FOREGOING, I have set my hand and official seal in the State and County aforesaid on this _____ day of _____, 20_____.

NOTARY PUBLIC
My Commission Expires:



**CITY OF NEW PORT RICHEY
Development Department
Eligible Business and Zoning District
Confirmation Form**

This form must be reviewed and signed by a Development Department Representative prior to submitting application to Economic Development Staff.

I, _____ (CRA Grant Applicant Name),
have met with the City's Development Department and propose
improvements to premises located at:

_____ to allow
operation of one of the following businesses (check box):

- Bakery/Restaurant/Gourmet Food Market/Specialty Food
- Specialty business stationary, gifts, sporting goods, florist, jeweler
- Business beneficial to residents and that support the CRA Mission
- Hair/Nail
- Home Décor/Design-home furnishings, art & music galleries, kitchen wares
- Retail Apparel Sales, including clothing, boutique clothing, shoes, accessories
- Specialty Brewers and Vintners/Wine/Cigar Shop
- Transportation Alternative bicycle repair/rental, charging stations,
segways, water taxi, etc.

The Development Department finds the Zoning District Map shows the
premises are located within the _____ zoning
district and the proposed business:

- is allowed is prohibited

Signature of Reviewer: _____

Review Date: _____

Approved by: _____

Development Department Representative



Fiscal Year 2020-2021

NEW PORT RICHEY COMMUNITY REDEVELOPMENT AGENCY

COMMERCIAL FAÇADE BUILD-OUT GRANT

INITIAL APPLICATION CHECKLIST

Please fill out the following checklist *before* submitting your application to CRA staff.

Check each box to indicate that the requested items are included in your packet before submission.

Please do not submit application if items are missing.

	A completed and signed application
	Proposed Building Improvement form is filled out completely
	Copy of building permit receipt/application
	Signage Design (if applicable)
	Copy of executed multi-year commercial lease agreement or Warranty Deed
	Copy of design and construction plans associated with the proposed improvements
	List of jobs to be created and filled, including job descriptions, pay range, and weekly schedule
	A minimum of four color digital “before” photos of the project
	Copy of estimate(s) from a licensed contractor(s)
	W9 Form

Applicant Signature _____

Applicant Print _____

Date _____



Fiscal Year 2020-2021

NEW PORT RICHEY COMMUNITY REDEVELOPMENT AGENCY

COMMERCIAL FAÇADE BUILD-OUT GRANT

GRANT COMPLETION CHECKLIST

Please fill out the following checklist once work has been completed and you are requesting reimbursement.

Initial each box to indicate that the requested items are included in your packet before submission.

Please do not submit application if items are missing.

	I have included receipts from each business hired with corresponding method of payment attached
	I have included receipts from any items purchased for build-out with corresponding method of payment attached
	Receipts provided have purchases listed and/or list in detail work that was completed
	For invoices paid by check – I have submitted copies of front and back of canceled checks
	For invoices paid by credit/debit card – I have submitted credit or debit card statement
	I have double-checked that amounts paid match amounts invoiced

Applicant Signature _____

Applicant Print _____

Date _____

Request for Taxpayer Identification Number and Certification

**Give Form to the
requester. Do not
send to the IRS.**

Print or type See Specific Instructions on page 2.	Name (as shown on your income tax return)	
	Business name/disregarded entity name, if different from above	
	Check appropriate box for federal tax classification: <input type="checkbox"/> Individual/sole proprietor <input type="checkbox"/> C Corporation <input type="checkbox"/> S Corporation <input type="checkbox"/> Partnership <input type="checkbox"/> Trust/estate <input type="checkbox"/> Limited liability company. Enter the tax classification (C=C corporation, S=S corporation, P=partnership) ▶ _____ <input type="checkbox"/> Other (see instructions) ▶ _____	
	<input type="checkbox"/> Exempt payee	
	Address (number, street, and apt. or suite no.)	Requester's name and address (optional)
City, state, and ZIP code		
List account number(s) here (optional)		

Part I Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. The TIN provided must match the name given on the "Name" line to avoid backup withholding. For individuals, this is your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the Part I instructions on page 3. For other entities, it is your employer identification number (EIN). If you do not have a number, see *How to get a TIN* on page 3.

Social security number									

Note. If the account is in more than one name, see the chart on page 4 for guidelines on whose number to enter.

Employer identification number									

Part II Certification

Under penalties of perjury, I certify that:

1. The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me), and
2. I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding, and
3. I am a U.S. citizen or other U.S. person (defined below).

Certification instructions. You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the certification, but you must provide your correct TIN. See the instructions on page 4.

Sign Here	Signature of U.S. person ▶	Date ▶
------------------	----------------------------	--------

General Instructions

Section references are to the Internal Revenue Code unless otherwise noted.

Purpose of Form

A person who is required to file an information return with the IRS must obtain your correct taxpayer identification number (TIN) to report, for example, income paid to you, real estate transactions, mortgage interest you paid, acquisition or abandonment of secured property, cancellation of debt, or contributions you made to an IRA.

Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN to the person requesting it (the requester) and, when applicable, to:

1. Certify that the TIN you are giving is correct (or you are waiting for a number to be issued),
2. Certify that you are not subject to backup withholding, or
3. Claim exemption from backup withholding if you are a U.S. exempt payee. If applicable, you are also certifying that as a U.S. person, your allocable share of any partnership income from a U.S. trade or business is not subject to the withholding tax on foreign partners' share of effectively connected income.

Note. If a requester gives you a form other than Form W-9 to request your TIN, you must use the requester's form if it is substantially similar to this Form W-9.

Definition of a U.S. person. For federal tax purposes, you are considered a U.S. person if you are:

- An individual who is a U.S. citizen or U.S. resident alien,
- A partnership, corporation, company, or association created or organized in the United States or under the laws of the United States,
- An estate (other than a foreign estate), or
- A domestic trust (as defined in Regulations section 301.7701-7).

Special rules for partnerships. Partnerships that conduct a trade or business in the United States are generally required to pay a withholding tax on any foreign partners' share of income from such business. Further, in certain cases where a Form W-9 has not been received, a partnership is required to presume that a partner is a foreign person, and pay the withholding tax. Therefore, if you are a U.S. person that is a partner in a partnership conducting a trade or business in the United States, provide Form W-9 to the partnership to establish your U.S. status and avoid withholding on your share of partnership income.

The person who gives Form W-9 to the partnership for purposes of establishing its U.S. status and avoiding withholding on its allocable share of net income from the partnership conducting a trade or business in the United States is in the following cases:

- The U.S. owner of a disregarded entity and not the entity,
- The U.S. grantor or other owner of a grantor trust and not the trust, and
- The U.S. trust (other than a grantor trust) and not the beneficiaries of the trust.

Foreign person. If you are a foreign person, do not use Form W-9. Instead, use the appropriate Form W-8 (see Publication 515, Withholding of Tax on Nonresident Aliens and Foreign Entities).

Nonresident alien who becomes a resident alien. Generally, only a nonresident alien individual may use the terms of a tax treaty to reduce or eliminate U.S. tax on certain types of income. However, most tax treaties contain a provision known as a “saving clause.” Exceptions specified in the saving clause may permit an exemption from tax to continue for certain types of income even after the payee has otherwise become a U.S. resident alien for tax purposes.

If you are a U.S. resident alien who is relying on an exception contained in the saving clause of a tax treaty to claim an exemption from U.S. tax on certain types of income, you must attach a statement to Form W-9 that specifies the following five items:

1. The treaty country. Generally, this must be the same treaty under which you claimed exemption from tax as a nonresident alien.
2. The treaty article addressing the income.
3. The article number (or location) in the tax treaty that contains the saving clause and its exceptions.
4. The type and amount of income that qualifies for the exemption from tax.
5. Sufficient facts to justify the exemption from tax under the terms of the treaty article.

Example. Article 20 of the U.S.-China income tax treaty allows an exemption from tax for scholarship income received by a Chinese student temporarily present in the United States. Under U.S. law, this student will become a resident alien for tax purposes if his or her stay in the United States exceeds 5 calendar years. However, paragraph 2 of the first Protocol to the U.S.-China treaty (dated April 30, 1984) allows the provisions of Article 20 to continue to apply even after the Chinese student becomes a resident alien of the United States. A Chinese student who qualifies for this exception (under paragraph 2 of the first protocol) and is relying on this exception to claim an exemption from tax on his or her scholarship or fellowship income would attach to Form W-9 a statement that includes the information described above to support that exemption.

If you are a nonresident alien or a foreign entity not subject to backup withholding, give the requester the appropriate completed Form W-8.

What is backup withholding? Persons making certain payments to you must under certain conditions withhold and pay to the IRS a percentage of such payments. This is called “backup withholding.” Payments that may be subject to backup withholding include interest, tax-exempt interest, dividends, broker and barter exchange transactions, rents, royalties, nonemployee pay, and certain payments from fishing boat operators. Real estate transactions are not subject to backup withholding.

You will not be subject to backup withholding on payments you receive if you give the requester your correct TIN, make the proper certifications, and report all your taxable interest and dividends on your tax return.

Payments you receive will be subject to backup withholding if:

1. You do not furnish your TIN to the requester,
2. You do not certify your TIN when required (see the Part II instructions on page 3 for details),
3. The IRS tells the requester that you furnished an incorrect TIN,
4. The IRS tells you that you are subject to backup withholding because you did not report all your interest and dividends on your tax return (for reportable interest and dividends only), or
5. You do not certify to the requester that you are not subject to backup withholding under 4 above (for reportable interest and dividend accounts opened after 1983 only).

Certain payees and payments are exempt from backup withholding. See the instructions below and the separate Instructions for the Requester of Form W-9.

Also see *Special rules for partnerships* on page 1.

Updating Your Information

You must provide updated information to any person to whom you claimed to be an exempt payee if you are no longer an exempt payee and anticipate receiving reportable payments in the future from this person. For example, you may need to provide updated information if you are a C corporation that elects to be an S corporation, or if you no longer are tax exempt. In addition, you must furnish a new Form W-9 if the name or TIN changes for the account, for example, if the grantor of a grantor trust dies.

Penalties

Failure to furnish TIN. If you fail to furnish your correct TIN to a requester, you are subject to a penalty of \$50 for each such failure unless your failure is due to reasonable cause and not to willful neglect.

Civil penalty for false information with respect to withholding. If you make a false statement with no reasonable basis that results in no backup withholding, you are subject to a \$500 penalty.

Criminal penalty for falsifying information. Willfully falsifying certifications or affirmations may subject you to criminal penalties including fines and/or imprisonment.

Misuse of TINs. If the requester discloses or uses TINs in violation of federal law, the requester may be subject to civil and criminal penalties.

Specific Instructions

Name

If you are an individual, you must generally enter the name shown on your income tax return. However, if you have changed your last name, for instance, due to marriage without informing the Social Security Administration of the name change, enter your first name, the last name shown on your social security card, and your new last name.

If the account is in joint names, list first, and then circle, the name of the person or entity whose number you entered in Part I of the form.

Sole proprietor. Enter your individual name as shown on your income tax return on the “Name” line. You may enter your business, trade, or “doing business as (DBA)” name on the “Business name/disregarded entity name” line.

Partnership, C Corporation, or S Corporation. Enter the entity's name on the “Name” line and any business, trade, or “doing business as (DBA) name” on the “Business name/disregarded entity name” line.

Disregarded entity. Enter the owner's name on the “Name” line. The name of the entity entered on the “Name” line should never be a disregarded entity. The name on the “Name” line must be the name shown on the income tax return on which the income will be reported. For example, if a foreign LLC that is treated as a disregarded entity for U.S. federal tax purposes has a domestic owner, the domestic owner's name is required to be provided on the “Name” line. If the direct owner of the entity is also a disregarded entity, enter the first owner that is not disregarded for federal tax purposes. Enter the disregarded entity's name on the “Business name/disregarded entity name” line. If the owner of the disregarded entity is a foreign person, you must complete an appropriate Form W-8.

Note. Check the appropriate box for the federal tax classification of the person whose name is entered on the “Name” line (Individual/sole proprietor, Partnership, C Corporation, S Corporation, Trust/estate).

Limited Liability Company (LLC). If the person identified on the “Name” line is an LLC, check the “Limited liability company” box only and enter the appropriate code for the tax classification in the space provided. If you are an LLC that is treated as a partnership for federal tax purposes, enter “P” for partnership. If you are an LLC that has filed a Form 8832 or a Form 2553 to be taxed as a corporation, enter “C” for C corporation or “S” for S corporation. If you are an LLC that is disregarded as an entity separate from its owner under Regulation section 301.7701-3 (except for employment and excise tax), do not check the LLC box unless the owner of the LLC (required to be identified on the “Name” line) is another LLC that is not disregarded for federal tax purposes. If the LLC is disregarded as an entity separate from its owner, enter the appropriate tax classification of the owner identified on the “Name” line.

Other entities. Enter your business name as shown on required federal tax documents on the "Name" line. This name should match the name shown on the charter or other legal document creating the entity. You may enter any business, trade, or DBA name on the "Business name/disregarded entity name" line.

Exempt Payee

If you are exempt from backup withholding, enter your name as described above and check the appropriate box for your status, then check the "Exempt payee" box in the line following the "Business name/disregarded entity name," sign and date the form.

Generally, individuals (including sole proprietors) are not exempt from backup withholding. Corporations are exempt from backup withholding for certain payments, such as interest and dividends.

Note. If you are exempt from backup withholding, you should still complete this form to avoid possible erroneous backup withholding.

The following payees are exempt from backup withholding:

1. An organization exempt from tax under section 501(a), any IRA, or a custodial account under section 403(b)(7) if the account satisfies the requirements of section 401(f)(2),
 2. The United States or any of its agencies or instrumentalities,
 3. A state, the District of Columbia, a possession of the United States, or any of their political subdivisions or instrumentalities,
 4. A foreign government or any of its political subdivisions, agencies, or instrumentalities, or
 5. An international organization or any of its agencies or instrumentalities.
- Other payees that may be exempt from backup withholding include:
6. A corporation,
 7. A foreign central bank of issue,
 8. A dealer in securities or commodities required to register in the United States, the District of Columbia, or a possession of the United States,
 9. A futures commission merchant registered with the Commodity Futures Trading Commission,
 10. A real estate investment trust,
 11. An entity registered at all times during the tax year under the Investment Company Act of 1940,
 12. A common trust fund operated by a bank under section 584(a),
 13. A financial institution,
 14. A middleman known in the investment community as a nominee or custodian, or
 15. A trust exempt from tax under section 664 or described in section 4947.

The following chart shows types of payments that may be exempt from backup withholding. The chart applies to the exempt payees listed above, 1 through 15.

IF the payment is for . . .	THEN the payment is exempt for . . .
Interest and dividend payments	All exempt payees except for 9
Broker transactions	Exempt payees 1 through 5 and 7 through 13. Also, C corporations.
Barter exchange transactions and patronage dividends	Exempt payees 1 through 5
Payments over \$600 required to be reported and direct sales over \$5,000 ¹	Generally, exempt payees 1 through 7 ²

¹ See Form 1099-MISC, Miscellaneous Income, and its instructions.

² However, the following payments made to a corporation and reportable on Form 1099-MISC are not exempt from backup withholding: medical and health care payments, attorneys' fees, gross proceeds paid to an attorney, and payments for services paid by a federal executive agency.

Part I. Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. If you are a resident alien and you do not have and are not eligible to get an SSN, your TIN is your IRS individual taxpayer identification number (ITIN). Enter it in the social security number box. If you do not have an ITIN, see *How to get a TIN* below.

If you are a sole proprietor and you have an EIN, you may enter either your SSN or EIN. However, the IRS prefers that you use your SSN.

If you are a single-member LLC that is disregarded as an entity separate from its owner (see *Limited Liability Company (LLC)* on page 2), enter the owner's SSN (or EIN, if the owner has one). Do not enter the disregarded entity's EIN. If the LLC is classified as a corporation or partnership, enter the entity's EIN.

Note. See the chart on page 4 for further clarification of name and TIN combinations.

How to get a TIN. If you do not have a TIN, apply for one immediately. To apply for an SSN, get Form SS-5, Application for a Social Security Card, from your local Social Security Administration office or get this form online at www.ssa.gov. You may also get this form by calling 1-800-772-1213. Use Form W-7, Application for IRS Individual Taxpayer Identification Number, to apply for an ITIN, or Form SS-4, Application for Employer Identification Number, to apply for an EIN. You can apply for an EIN online by accessing the IRS website at www.irs.gov/businesses and clicking on Employer Identification Number (EIN) under Starting a Business. You can get Forms W-7 and SS-4 from the IRS by visiting IRS.gov or by calling 1-800-TAX-FORM (1-800-829-3676).

If you are asked to complete Form W-9 but do not have a TIN, write "Applied For" in the space for the TIN, sign and date the form, and give it to the requester. For interest and dividend payments, and certain payments made with respect to readily tradable instruments, generally you will have 60 days to get a TIN and give it to the requester before you are subject to backup withholding on payments. The 60-day rule does not apply to other types of payments. You will be subject to backup withholding on all such payments until you provide your TIN to the requester.

Note. Entering "Applied For" means that you have already applied for a TIN or that you intend to apply for one soon.

Caution: A disregarded domestic entity that has a foreign owner must use the appropriate Form W-8.

Part II. Certification

To establish to the withholding agent that you are a U.S. person, or resident alien, sign Form W-9. You may be requested to sign by the withholding agent even if item 1, below, and items 4 and 5 on page 4 indicate otherwise.

For a joint account, only the person whose TIN is shown in Part I should sign (when required). In the case of a disregarded entity, the person identified on the "Name" line must sign. Exempt payees, see *Exempt Payee* on page 3.

Signature requirements. Complete the certification as indicated in items 1 through 3, below, and items 4 and 5 on page 4.

1. Interest, dividend, and barter exchange accounts opened before 1984 and broker accounts considered active during 1983. You must give your correct TIN, but you do not have to sign the certification.

2. Interest, dividend, broker, and barter exchange accounts opened after 1983 and broker accounts considered inactive during 1983. You must sign the certification or backup withholding will apply. If you are subject to backup withholding and you are merely providing your correct TIN to the requester, you must cross out item 2 in the certification before signing the form.

3. Real estate transactions. You must sign the certification. You may cross out item 2 of the certification.

4. Other payments. You must give your correct TIN, but you do not have to sign the certification unless you have been notified that you have previously given an incorrect TIN. "Other payments" include payments made in the course of the requester's trade or business for rents, royalties, goods (other than bills for merchandise), medical and health care services (including payments to corporations), payments to a nonemployee for services, payments to certain fishing boat crew members and fishermen, and gross proceeds paid to attorneys (including payments to corporations).

5. Mortgage interest paid by you, acquisition or abandonment of secured property, cancellation of debt, qualified tuition program payments (under section 529), IRA, Coverdell ESA, Archer MSA or HSA contributions or distributions, and pension distributions. You must give your correct TIN, but you do not have to sign the certification.

What Name and Number To Give the Requester

For this type of account:	Give name and SSN of:
1. Individual	The individual
2. Two or more individuals (joint account)	The actual owner of the account or, if combined funds, the first individual on the account ¹
3. Custodian account of a minor (Uniform Gift to Minors Act)	The minor ²
4. a. The usual revocable savings trust (grantor is also trustee) b. So-called trust account that is not a legal or valid trust under state law	The grantor-trustee ¹ The actual owner ¹
5. Sole proprietorship or disregarded entity owned by an individual	The owner ³
6. Grantor trust filing under Optional Form 1099 Filing Method 1 (see Regulation section 1.671-4(b)(2)(i)(A))	The grantor*
For this type of account:	Give name and EIN of:
7. Disregarded entity not owned by an individual	The owner
8. A valid trust, estate, or pension trust	Legal entity ⁴
9. Corporation or LLC electing corporate status on Form 8832 or Form 2553	The corporation
10. Association, club, religious, charitable, educational, or other tax-exempt organization	The organization
11. Partnership or multi-member LLC	The partnership
12. A broker or registered nominee	The broker or nominee
13. Account with the Department of Agriculture in the name of a public entity (such as a state or local government, school district, or prison) that receives agricultural program payments	The public entity
14. Grantor trust filing under the Form 1041 Filing Method or the Optional Form 1099 Filing Method 2 (see Regulation section 1.671-4(b)(2)(i)(B))	The trust

¹ List first and circle the name of the person whose number you furnish. If only one person on a joint account has an SSN, that person's number must be furnished.

² Circle the minor's name and furnish the minor's SSN.

³ You must show your individual name and you may also enter your business or "DBA" name on the "Business name/disregarded entity" name line. You may use either your SSN or EIN (if you have one), but the IRS encourages you to use your SSN.

⁴ List first and circle the name of the trust, estate, or pension trust. (Do not furnish the TIN of the personal representative or trustee unless the legal entity itself is not designated in the account title.) Also see *Special rules for partnerships* on page 1.

*Note. Grantor also must provide a Form W-9 to trustee of trust.

Note. If no name is circled when more than one name is listed, the number will be considered to be that of the first name listed.

Secure Your Tax Records from Identity Theft

Identity theft occurs when someone uses your personal information such as your name, social security number (SSN), or other identifying information, without your permission, to commit fraud or other crimes. An identity thief may use your SSN to get a job or may file a tax return using your SSN to receive a refund.

To reduce your risk:

- Protect your SSN,
- Ensure your employer is protecting your SSN, and
- Be careful when choosing a tax preparer.

If your tax records are affected by identity theft and you receive a notice from the IRS, respond right away to the name and phone number printed on the IRS notice or letter.

If your tax records are not currently affected by identity theft but you think you are at risk due to a lost or stolen purse or wallet, questionable credit card activity or credit report, contact the IRS Identity Theft Hotline at 1-800-908-4490 or submit Form 14039.

For more information, see Publication 4535, Identity Theft Prevention and Victim Assistance.

Victims of identity theft who are experiencing economic harm or a system problem, or are seeking help in resolving tax problems that have not been resolved through normal channels, may be eligible for Taxpayer Advocate Service (TAS) assistance. You can reach TAS by calling the TAS toll-free case intake line at 1-877-777-4778 or TTY/TDD 1-800-829-4059.

Protect yourself from suspicious emails or phishing schemes.

Phishing is the creation and use of email and websites designed to mimic legitimate business emails and websites. The most common act is sending an email to a user falsely claiming to be an established legitimate enterprise in an attempt to scam the user into surrendering private information that will be used for identity theft.

The IRS does not initiate contacts with taxpayers via emails. Also, the IRS does not request personal detailed information through email or ask taxpayers for the PIN numbers, passwords, or similar secret access information for their credit card, bank, or other financial accounts.

If you receive an unsolicited email claiming to be from the IRS, forward this message to phishing@irs.gov. You may also report misuse of the IRS name, logo, or other IRS property to the Treasury Inspector General for Tax Administration at 1-800-366-4484. You can forward suspicious emails to the Federal Trade Commission at: spam@uce.gov or contact them at www.ftc.gov/idtheft or 1-877-IDTHEFT (1-877-438-4338).

Visit IRS.gov to learn more about identity theft and how to reduce your risk.

Privacy Act Notice

Section 6109 of the Internal Revenue Code requires you to provide your correct TIN to persons (including federal agencies) who are required to file information returns with the IRS to report interest, dividends, or certain other income paid to you; mortgage interest you paid; the acquisition or abandonment of secured property; the cancellation of debt; or contributions you made to an IRA, Archer MSA, or HSA. The person collecting this form uses the information on the form to file information returns with the IRS, reporting the above information. Routine uses of this information include giving it to the Department of Justice for civil and criminal litigation and to cities, states, the District of Columbia, and U.S. possessions for use in administering their laws. The information also may be disclosed to other countries under a treaty, to federal and state agencies to enforce civil and criminal laws, or to federal law enforcement and intelligence agencies to combat terrorism. You must provide your TIN whether or not you are required to file a tax return. Under section 3406, payers must generally withhold a percentage of taxable interest, dividend, and certain other payments to a payee who does not give a TIN to the payer. Certain penalties may also apply for providing false or fraudulent information.