**Section 886.235 Amendments to Loan Agreement**

a) To implement a project change, the loan recipient first must obtain a formal amendment to the loan agreement. The loan recipient may request an amendment to the loan agreement by submitting an amended loan application to the Agency at any point during the loan term.

b) The loan agreement may be amended only by the mutual consent of the parties set forth in writing as a formal loan agreement amendment, signed and dated by the Agency and the loan recipient.

c) The loan recipient may request amendments for project changes, including, but not limited to:

1) Increasing the amount of State funds needed to complete the project;

2) Altering the scope of the loan, as agreed to at the time of the loan award (e.g., by changing methodologies or personnel to be used); or

3) Extending any contractual or completion date for the project.

d) No more than 90 days after receipt of an amended loan application, the Agency shall notify the loan recipient in writing of its approval or rejection of the requested amendment to the loan agreement.

e) The Agency shall not approve any amendment to the loan agreement in violation of the limitations on loans set forth in this Part.

f) The Agency shall approve an amendment to the loan agreement to the extent that the Agency may approve the amendment consistent with the requirements of this Part, if the loan recipient makes a showing that:

1) The original project cost approval was based on estimated costs or contractor bids, where the actual costs or contractor bids are over or under the estimated costs;

2) Amendments to State statutes have affected or will affect the project cost;

3) A project element was inadvertently omitted; or

4) An approved project element has been found unnecessary.

g) If the Agency approves a requested amendment to a loan agreement, the Agency shall prepare and send an amended loan agreement and a formal amendment signature page to the loan recipient. The loan recipient shall sign and date the formal amendment signature page and then return it to the Agency. The Agency shall sign and date the formal amendment signature page and then send a copy of the formal amendment signature page and a copy of the amended loan agreement, along with a letter notifying the loan recipient of the Agency's approval of the requested amendment, to the loan recipient.