CARES Act, EIDLs Updates, and Steps to Apply for the SBA Economic Injury Disaster Loan

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Presented By:





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Housekeeping & Webinar Basics

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QUESTIONS

SBDC staff are on the call and ready to help with your questions. Please be sure to listen for answers to other questions that may also answer your own question.

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FOLLOW-UP

We <u>will</u> send out all webinar slides, links, and contact information to all attendees! To ensure we send them correctly, please comment with your email address (Private comment to Catherine Raley if you prefer). When you get your evaluation, please let us know topics you would like addressed.

An Important Reminder

The most important reminder we can give is that relief funding and emergency resources should be considered <u>supplemental</u> - this is a difficult time for all of us, and we must each use **ALL** resources at our disposal to weather the storm.

Some options that do not require an application include:

- Speaking with creditors to negotiate deferral/abatement/waiver of fees/payments
- Contacting your business insurance provider to discuss business interruption coverage

Once you've exercised these options, it's time to start looking at relief funding.

Updates & New Programs

This webinar will provide information regarding new and existing relief programs including:

- Coronavirus Aid, Relief, and Economic Security Act (CARES Act)
- SBA Paycheck Protection Program (PPP)
- SBA Economic Injury Disaster Assistance Loan (EIDL) application process
- Emergency Economic Injury Grants
- SBA Debt Relief
- Business Relief Wizard (Self Employed)
- Pandemic Adjustment Loan Funding Program (PALFP)
- It will not include information on potential changes.

What is the CARES Act?

- The Coronavirus Aid, Relief, and Economic Security Act (CARES Act), is aimed at providing financial relief to the American People and American businesses in response to the COVID-19 pandemic.
- Designed to provide direct financial aid to American families, payroll and operating expenses support for small businesses, and loan assistance for distressed industries.
- Additional funding for CARES Act is being negotiated now, all potential changes are just potential until it is signed.

Core Pieces Of The CARES Act

- Provision of small businesses loans through federally backed loans under a modified and expanded Small Business Administration (SBA) 7(a) loan guaranty program called the Paycheck Protection Program (PPP).
- Congress has designed the program to make funds available to qualifying businesses quickly through approved banks and nonbank lenders.

SBA Paycheck Protection Program (PPP)

WHERE DO I GO TO APPLY?

Directly to your SBA approved bank (link: Maryland Lender List)

ELIGIBILITY

- Business in operation prior to February 15, 2020
- Business has/had employees or 1099 contractors (full- or part-time)
- Self-employed individuals and sole proprietors ARE eligible
- Non-profit organizations ARE eligible
- Businesses with <u>UP TO 500</u> employees or which meet the applicable size standard for the industry as provided by the SBA's existing regulations.

PPP Loan Terms

MAXIMUM LOAN AMOUNT

To figure out how much you can apply for take the following two numbers and add them together:

- The <u>average monthly payroll cost</u> for your business <u>multiplied by 2.5</u>, up to \$10 million
 - Payroll Costs are defined in later slides
 - Take the sum of these costs for each month, add them together, divide by twelve (or the total number of months, if in business for less than one year)
- Can Refi The total amount of any EIDL loan received after January 31, 2020

Other PPP Loan Terms*

- Interest rate of 100 basis points or 1%
- Maturity of 2 years
- First payment differed for six months
- 100% guarantee by SBA
- No collateral will be required
- No personal guarantees will be required
- No borrower or lender fees payable to SBA
- There will be no up-front guarantee fee payable to SBA by the borrower

^{*}As of April 6, 2020

How can I use the funds from the PPP?

Loan proceeds can be used for the following costs incurred between February 15 and June 30, 2020

- Payroll costs (more on the next slide)
- Payments of interest on any mortgage obligation (excludes prepayment)
- Rent (including rent under a lease agreement in force before Feb. 15, 2020)
- Utilities, for which service began before Feb. 15, 2020
- Interest on any other debt obligation that were incurred before the period

What does "payroll costs" cover?

- Salary, wage, commission, or similar compensation;
- Payment of cash tip or equivalent;
- Employees leased from a Professional Employer Organization (PEO) qualify for inclusion in payroll;
- Payment for vacation, parental, family, medical or sick leave;
- Allowance for dismissal or separation;
- Payment required for the provision of group health care benefits, including insurance premiums;
- Payment of any retirement benefits; or
- Payment of state or local tax assessed on the compensation of employees;
- The sum of payments of any compensation to or income of a sole proprietor or independent
- Contractor that is a wage, commission, income, net earnings from self employment, or similar
- Compensation and that is in an amount not exceeding more than \$100,000 in 1 year, as prorated for the period beginning on February 15, 2020 and ending on June 30, 2020.

What does "payroll costs" exclude?

- Compensation of an individual employee in excess of an annual salary of \$100,000 as prorated for the period beginning on February 15, 2020 and ending on June 30, 2020
 - The exclusion of wages/salaries in excess of \$100,000 annually applies only to cash compensation (salaries and wages) and not to non-cash benefits.
- Independent Contractors are not eligible payroll, contract employees, by IRS rules, "under your direct supervision and control" are eligible payroll. Independent Contractors may apply for PPP loans individually.
- Taxes imposed or withheld under FICA (Social Security and Medicare), Railroad Retirement Act, and IRC Chapter 24 (income tax at source)
 - Treasury clarified that the employer portion of FICA and other federal payroll taxes should be excluded, not the employee portion.
- Any compensation of an employee whose principal place of residence is outside the United States
- Qualified sick leave or family leave wages for which a credit is allowed under the Families First Coronavirus Response Act

How to Determine The Number Of Seasonal Employees

• If the applicant is a seasonal employer, determine the average number of full-time equivalent (FTE) employees per month during February 15, 2019 to June 30, 2019. This will be compared to the FTE employees during the eight-week period beginning after funding of the loan.

Minimum Documentation Required

- Completed and signed copy of SBA Form 2843 (PPP application form)
- Payroll report including salaries and payroll taxes paid on or around Feb. 15, 2020
- Borrower calculation of requested loan amounts as included on application including calculation of Average Monthly Payroll Costs.
- Copy of internal payroll reports for 2020 payroll costs included and quarterly payroll tax filings (Form 941) for 2019 payroll costs included
- Report of payroll by employee for the previous or 12 months ended Dec. 31, 2020
- Supporting documentation for amounts paid and included in "average monthly payroll costs"
- Copy of State and Local unemployment tax reports.

PPP: Who Is Eligible Schedule C?

- In operation before February 15,2020
- You are an individual with self-employment income (independent contractor or sole proprietor)
- Your principal place of residence is in the United States
- You filed or will file a Form 1040 Schedule C for 2019
- Partnerships

*If you are a partner in a partnership, you may not submit a separate PPP loan application for yourself as a self-employed individual

Max Amount For Sole Proprietor With No Employees

- Step 1 Find your 2019 IRS Form 1040 Schedule C line 31 net profit amount.
 If this amount is over \$100,000, reduce it to \$100,000. If the amount is zero or less, you are not eligible for a PPP loan.
- Step 2 Calculate the average monthly net profit amount (divide the amount of step 1 by 12)
- Step 3 Multiply the average monthly profit amount from step 2 by 2.5
- Step 4 Add the outstanding amount of any EIDL made between Jan 31, 2020 and April 3, 2020 that you seek to refinance, less the amount of any advance under an EIDL COVID-19 loan (because it does not have to be repaid)

Max Amount For Sole Proprietor With Employees

- Step 1 Compute by adding the following
 - Your 2019 Form 1040 Schedule C line 31 net profit amount
 - 2019 gross wages and tips paid to your employees who's principal place of residence is the United States computed using 2019 IRS Form 941
 - 2019 employer health insurance contributions (Form 1040 Schedule C line 14), retirement contributions (Form 1040 Schedule C line 19), and state and local taxes assessed on employee.
- Step 2 Calculate the average monthly amount
- Step 3 Multiply the average monthly amount by 2.5
- Step 4 Add the outstanding amount of any EIDL made between Jan 31,2020 and Apr 3,2020

How can PPP loans be used for self-employed

- Owner compensation replacement, calculated based on 2019 net profit as described In paragraph 1.b. above
- Employee payroll costs (as defined in the first PPP Interim Final Rule)
- Mortgage interest payments (but not mortgage prepayments or principal payments)
- Business rent payments
- Business utility payments
- Interest payments on any other debt obligations that were incurred before Feb
 15, 2020
- Refinancing a SBA EIDL loan made between Jan 31,2020 Apr 3,2020
- 75% of the loan proceeds shall be used for payroll costs

More Information Sole Proprietor / Schedule C

- For mortgage interest, business rent and business utilities you must have claimed or be entitled to claim a deduction for such expense on your 2019
 Form 1040 Schedule C for them to be a permissible use. For example, if you did not claim or are not entitled to claim utilities expenses on your 2019 Form 1040 Schedule C, you cannot use the proceeds for utilities during the covered period.
- Be aware that participation in the PPP may affect your eligibility for state administrated unemployment compensation or unemployment assistance programs

Good Faith Certification

In order to expedite the PPP loan approval process, applicants must make the following agreements "in good faith"...

- The loan is necessary due to economic uncertainty caused by COVID-19
- Loan funds will be used to retain workers and maintain payroll and/or to make mortgage, rent, and utility payments owed by the business (excludes personal rent/mortgage/utility payments)
- Loan applicants may not have an application pending for another PPP loan through a different lender for the same purpose
- Loan applicants may not have received a PPP loan through a different lender for the same purpose

Default & Collections

PPP Loans are...

Nonrecourse Loans

The loan provider has no recourse against any borrower or eligible recipient for a
 PPP loan unless the loan funds are used for an unauthorized purpose

No Guarantee

PPP loans <u>do not</u> require a personal guarantee or collateral

No Fees

Loan providers may not charge fees for any PPP loans issued between February
 15 and June 30, 2020

PPP Loan Forgiveness* Forms and Documentation requirements are still being developed

Partial forgiveness is available for all PPP loans equal to...

- The sum of costs incurred and payments made during the eight (8) weeks starting on the loan origination date, to include:
 - Payroll Costs (as previously defined)
 - Payment of interest on BUSINESS mortgage established before February 15, 2020
 - O Payment of rent on any BUSINESS lease agreement made before February 15, 2020
 - Payment of utilities on any electricity, gas, water, transportation, telephone, or internet for which BUSINESS service began prior to February 15, 2020
- Forgivness is based on the employer maintaining or quickly rehiring employees and maintaining salary levels.
- 75% must be used for payroll costs, or the forgiveness will be reduced.
- The period used to determine average monthly payroll costs can be either the trailing 12 months or the full year 2019. Considerations continue to exist for seasonal employees and new organizations

Loan Forgiveness - Required Documentation

* Forms and Documentation requirements are still being developed

Borrowers must provide the following documentation to the Lender...

- Verification of full-time or full-time equivalent employees on payroll and pay rates, including payroll tax filings reported to the IRS and income, payroll, and unemployment insurance filings reported to the State
- Verification of eligible costs incurred and payments made, including cancelled checks, payment receipts, account statements, or other documentation verifying payments on business mortgages, rent agreements, and utilities
- Certification (signature) from an authorized representative of the borrower stating that the documents true and correct, and stating that funds were used for eligible purposes
- Any other documentation required by the lender as needed

Loan Forgiveness Timeframe

DECISION TIMEFRAME

 Borrowers will receive a decision from the lender regarding loan forgiveness within 60 days after the loan forgiveness application is received

TAXABLE INCOME

Please discuss with your accountant.

Loan Forgiveness Reductions * Final Guidelines not complete.

Loan forgiveness amounts may be reduced if...

- The number of verified full-time or full-time equivalent employees during the loan period is **less** than the average number of full-time or full-time equivalent employees for either the period of February 15 June 30, 2019 or January 1 February 29, 2020
- Wages are less than 75% of funds expended
- Salary or wages for eligible full-time or full-time equivalent employees are reduced by 25% or more
 - Only applies to employees earning a salary of up to \$100,000 in the equivalent period in 2019
- Special rules for tipped workers and rehires in a certain time period

What If Employees Choose Not To Return

"A business can update unemployment records with the State to identify a "return to work date" for employees after the business receives the PPP Funds. If the employee does not return to work (or allow themselves to be paid by the employer) as of that date it will be deemed as voluntary abandonment therefore former employee will not be eligible for unemployment." Claimants who are temporarily laid off must take reasonable steps to preserve contact with their regular employer and can not refuse an offer of suitable employment." - Guidance from Maryland Department of Labor

SBA's Disaster Declaration Makes Loans (EIDLs) Available Due to the Coronavirus (COVID-19)

The U.S. Small Business Administration (SBA) is offering designated states and territories low-interest federal disaster loans for working capital to small businesses suffering substantial economic injury as a result of the Coronavirus (COVID-19). Maryland has received a COVID-19 Economic Disaster designation Disaster

Disaster #: MD-00041

• Effective Date: 1/31/2020

• Incident Period: 1/31/2020 and continuing

• Incident: Coronavirus (COVID-19)

SBA will provide relief through the Coronavirus Preparedness and Response Supplement Appropriations Act that was recently signed by the President, an Economic Injury Disaster Loan declaration.

Who is Eligible for EIDLs

- EIDLs are now also available to Tribal businesses, cooperatives,
- ESOPs with fewer than 500 employees,
- All non-profit organizations (including 501(c)(6)s)
- Individuals operating as sole proprietors or independent contractors

*Must have been in business since January 31, 2020

Required Documentation for EIDLs

- SBA Form 5 (application)
- Credit Score
- IRS Form 4506T
- Most recent federal income tax return
- SBA Form 1143 (personal financial statement)
- SBA Form 2202 or a similar schedule of liabilities listing all fixed debts

EIDLs Terms

- Program Period is through December 31, 2020
- Lender is the Small Business Administration (SBA)
- Duration up to 30 years
- Interest Rates
 - 3.75% for businesses
 - 2.75% for nonprofits
- No loan forgiveness
- Maximum loan amount is \$2 million
- EIDLs can be approved by the SBA based solely on an applicant's credit score
- EIDLs that are smaller than \$200,000 can be approved without a personal guarantee
- Borrowers can receive a \$10,000 emergency grant cash advanced that can be forgiven
 if spent on paid leave, maintaining payroll, increased costs due to supply chain
 disruption, mortgage or lease payment or repaying obligations that cannot be met due
 to revenue losses

How Can EIDLs Funds Be Used?

- Payroll Costs (including benefits)
- Fixed Debts (mortgage, rent, lease)
- Accounts Payable
- Other Bills

*The loans are not intended to replace lost sales or profits or for expansion.

EIDL and PPP

- Borrowers can apply for BOTH an Economic Injury Disaster Loan and the Paycheck Protection Program Ioan.
- However, the Paycheck Protection Program loan funds and the Economic Injury
 Disaster Loan funds cannot be used for the same purpose.
- The Paycheck Protection Program loan must be used for payroll (minimum of 75% of the funds received) for it to be eligible for a forgivable loan and the remaining 25% is used for different purposes (mortgage interest, rent, utilities, other services).
- Borrowers who accept both loan funds should document the uses of the funds appropriately.
- If your Economic Injury Disaster Loan was used for payroll costs, your Paycheck Protection Program loan must be used to refinance your Economic Injury Disaster Loan.
- Any advance up to \$10,000 on the Economic Injury Disaster Loan will be deducted from the loan forgiveness amount of the Paycheck Protection Program loan.

EIDL and PPP, Continued

- If you are applying for both, you can accept PPP first then decide whether or not to close on your EIDL approved loan.
- The application period for PPP loans runs through June 30, 2020, but the EIDL application period runs through December 2020.
- EIDL loans will not require a personal guarantee for loans under \$200,000
- EIDL loans <u>will not require</u> real estate collateral for loans under \$500,000. SBA will be looking be best available lien priority on all business assets or other business assets.

SBA Debt Relief

As part of SBA's debt relief efforts,

- The SBA will automatically pay the principal, interest, and fees of current
 7(a), 504, and microloans for a period of six months.
- The SBA will also automatically pay the principal, interest, and fees of new
 7(a), 504, and microloans issued prior to September 27, 2020.
- For current SBA Serviced Disaster (Home and Business) Loans: If your disaster loan was in "regular servicing" status on March 1, 2020, the SBA is providing automatic deferments through December 31, 2020.

What Does An "Automatic Deferral" Mean To Borrowers?

- Interest will continue to accrue on the loan.
- 1201 monthly payment notices will continue to be mailed out which will reflect the loan is deferred and no payment is due.
- The deferment will NOT cancel any established Preauthorized Debit (PAD) or recurring payments on your loan. Borrowers that have established a PAD through Pay.Gov or an OnLine Bill Pay Service are responsible for canceling these recurring payments. Borrowers that had SBA establish a PAD through Pay.gov will have to contact their SBA servicing office to cancel the PAD.
- Borrowers preferring to continue making regular payments during the deferment period may continue remitting payments during the deferment period. SBA will apply those payments normally as if there was no deferment.
- After this automatic deferment period, borrowers will be required to resume making regular principal and interest payments. Borrowers that cancelled recurring payments will need to reestablish the recurring payment.

For Self Employed

EXPANSION OF UNEMPLOYMENT INSURANCE BENEFITS:

- The Federal CARES Act expanded unemployment insurance benefits nationwide, giving access to sole proprietors, independent contractors, and self-employed workers. The Maryland Department of Labor is collaborating with the U.S. Department of Labor to create new IT systems, modify the current platforms, and train staff in order to implement these new programs. Maryland will provide all three expanded unemployment programs:
 - Pandemic Unemployment Assistance (PUA)
 - Federal Pandemic Unemployment Compensation
 - Pandemic Emergency Unemployment Compensation.
- Upon availability, benefits will be paid back to the earliest date of eligibility.

For Self Employed

- The Maryland Department of Labor (Labor) is excited to provide an important update about the implementation of the Coronavirus Aid, Relief, and Economic Security Act (CARES Act). This Friday, April 24, Labor will be launching the BEACON one-stop application for Marylanders to file claims for all benefit types including the Pandemic Unemployment Assistance (PUA) program entirely online.
- The PUA program is available for those who are self-employed, independent contractors, gig workers, sole proprietors, or have insufficient work history. These individuals who are not eligible for regular unemployment insurance (UI) and who cannot work due to COVID-19 are now eligible to apply for a maximum of 39 weeks of benefits, effective January 27, 2020 through December 31, 2020.

For Self Employed

- To file a PUA claim, you will need to have the following information available, as applicable:
 - Social security number;
 - Date of birth;
 - Alien registration number, if you are not a citizen;
 - Residential and mailing address;
 - O Telephone number and email address;
 - Name, date of birth, and social security number of all dependents under 16 years of age that you will claim, as well the same information for each dependent's other parent, such as the social security number and date of birth for any dependents that you claim;
 - If you worked for the federal government, you will also need a SF-8 or SF-50 form; and
 - O If you are separated from military service, you will also need Form DD-214, member 4 copy.
- To file your PUA claim, you will need to provide information and supporting documentation about your work and income history, which may include the following:
 - O Documentation of the income that you earned in 2019 (Schedule K-1, Form 1099, or summary of quarterly payments);
 - All necessary licenses and permits for your self-employment; and
 - Proof of an offer to begin employment that was postponed or withdrawn due to COVID-19.

MARYLAND BUSINESS RELIEF WIZARD

 There are several relief programs designed to help combat the negative effects from COVID-19. The Relief Wizard is an easy to use tool to navigate these programs. If you answer the questions, the relief wizard will point you to the programs you are eligible for, based on your answers.

https://reliefwizard.net/

Partners and contributors include: Howard County Economic Development Authority, Mindgrub, BTS Software Solutions,
 Maryland Department of Commerce, Howard County Chamber of Commerce, Maryland Tech Council, Maryland Chamber of Commerce, IBM, and various industry SME's including KatzAbosch, Capital Services, and Offit Kurman Attorneys at Law.

MARBIDCO Loan Programs

Pandemic Adjustment Loan Fund Program (PALFP)

- To help Maryland's food and fiber producers, harvesters and primary processors adjust to the business disruptions caused by COVID-19, MARBIDCO is offering loans (with very quick turnaround time) through new Pandemic Adjustment Loan Fund.
- The program is targeted to assist existing agriculture or resource based enterprises in making timely adjustments to their business operations to help take advantage of new or continuing market opportunities.

Who Is Eligible

Eligible applicants must currently be operating their qualifying business enterprises in a substantial manner (e.g., as farmers, loggers and seafood harvesters, or as primary food/fiber processors). Spin-off activities of the main business enterprise are eligible and encouraged, but purely start-up businesses are generally not eligible. As such, all applicants must demonstrate that they are currently, or recently have been, producing, harvesting or processing food or fiber products. Applications can be submitted until May 31st (or until the available funding runs out). Note: MARBIDCO borrowers who are not currently in good standing are not eligible for this program.

Contact Information for MARBIDCO

- MARBIDCO 1410 Forest Drive, Suite 21, Annapolis, MD 21403
- Office: 410-267-6807
- Fax: 410-267-6809
- info@marbidco.org
- All applications must be EMAIL or MAILED to:
- Info@marbidco.org
- MARBIDCO Pandemic Adjustment Loan Fund, 1410 Forest Drive, Suite 21, Annapolis, MD 21403
- For application materials and more information visit:
 http://www.marbidco.org/ pages/programs loans/loan programs pal pf 1.htm

Existing Relief Funding Resources

Here are of some of the Other relief funding:

https://commerce.maryland.gov/fund/maryland-small-business-covid-19emergency-relief-fund-programs

MOST Common Question on State programs - When will I hear about my application?

Applicants, who have not already done so should complete the next step in the process - to create an account with Maryland OneStop. Take a moment to sign up for a OneStop account. They should make sure to use the same email address that was used in their original application. Their application will be linked up to their account and they will be notified. Once in the OneStop, applicants will be able to see the status of their application in their dashboard and receive updates.

Maryland COVID-19 Emergency Relief Manufacturing Fund (Commerce)

Questions and Additional Resources

Need Help:

- <u>Daily SBA Conference Call</u> Updates provided and you can ask questions.
 3:00pm, Call 202-765-1264, Conf Call ID# 827-299-626
- <u>Daily EIDL Application Help</u> 10:30am and 8:00pm. On ZOOM, the SBA agent will walk you through how to fill out the EIDL form. Have all your necessary documents ready. Download the ZOOM app. Free. Meeting # 6794772946
- COVID-19 Small Business Survival Guide
- Maryland Department of Commerce COVID-19 Resources
- Live Updates from the Governor's Office
- For J1 Updates, visit here: https://j1visa.state.gov/covid-19/

Record Keeping - IMPOTRANT

- Document all expenditures
- Have detailed payroll support.
- Keep records of loan, rent, utility, and other payments.
 Include detail on Interest, principal, and other costs included
- Retain correspondence with employees, including dates.
- If possible, segregate funds.
- Make sure all claimed expenditures are for expenses within the period of the loan.

For Information In Another Language

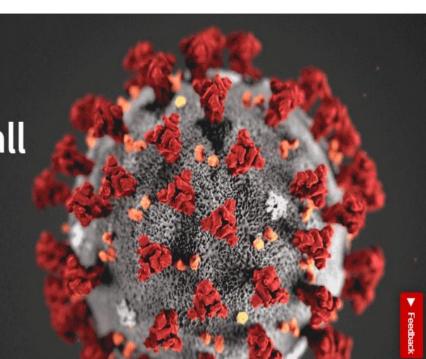




Coronavirus (COVID-19): Small Business Guidance & Loan Resources

Business Guide

LEARN MORE



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