NFIB UPDATE

Weekly Briefing for Small Business

Shelley Brown, SBA
Beth Milito and Holly Wade, NFIB
November 11, 2020 - PPP Loan Forgiveness Tips from the SBA



DISCLAIMER

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- This is based on information available by 11/10/20.



Agenda

- ➤ Covid-19 Small Business Resources
- ➤ Shelley Brown, SBA
- > Q&A

NFIB Webinars

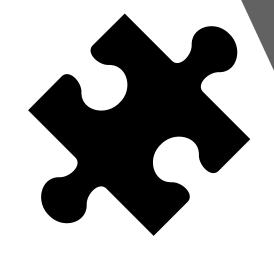
December 2Covid-19 Employer Update, Q&A

December 16

TBD

Send questions to info@nfib.org

Covid -19 Small Business Resources







Get support for your small business through The MBA Response

We are an organization of MBA students from across the U.S. offering pro bono consulting support to help small businesses respond to the economic fallout from the pandemic.

Our volunteers are prepared to help you with:

- Applying for PPP Loan Forgiveness
- An Online Presence Assessment providing feedback on your website, social media, and review sites
- Our Ask an MBA service: students provide general support for what matters most to you

To learn more about The MBA Response and to get matched with an MBA student, email Elizabeth.Milito@nfib.org



COVID-19 Resources

- PPP Loan Forgiveness Form 3508S Application Instructions
- PPP Loan Forgiveness Form 3508S Application

- PPP Loan Forgiveness Form 3508EZ Application Instructions
- PPP Loan Forgiveness Form 3508EZ Application

- PPP Loan Forgiveness Form 3508 Application Instructions
- PPP Loan Forgiveness Form 3508

- AICPA PPP Loan Forgiveness Calculator (updated 11/4/20)
- NFIB Coronavirus Resources (including webinar recordings)
- NFIB FFCRA Tax Credit Tip Sheet

FFCRA in a Nutshell

- The "Families First Coronavirus Response Act," (FFCRA) requires businesses with fewer than 500 employees to provide emergency paid sick leave and family leave.
- Employers receive a dollar-for-dollar credit for wages paid. Can take the credit under the FFCRA and get a PPP loan, but cannot count the same wages for both programs
- FFCRA Poster (MANDATORY!!)
- Law expires 12/31/20.



PAID LEAVE ENTITLEMENTS p to two weeks (80 hours, or a partitime employee's two-week equivalent) of paid sick leave based on the higher of their regular rate of pay, or the applicable state or Federal minimum wage, paid at . 100% for qualifying reasons #1.3 below, up to \$611 daily and \$6,110 total; . % for qualifying reasons #4 and 6 below, up to \$200 daily and \$2,000 tetal; and A part-time employee is eligible for leave for the number of hours that the employee is normally scheduled to wor yers, are eligible for up to two weeks of fully or partially paid sick leave for CCVID-19 related reasons (see b have been employed for at least 30 days prior to their leave request may be eligible for up to an An employee is entitled to take leave related to COVID-19 if the employee is unable to work, including unable t is subject to a Federal, State, or local quarantine or isolation order related to COVID-19;
 Iso have a related to a basis can exceed to place of care is closed (or child care provider is unavailable) due to COVID-19 institute organization. 3. is experiencing COVID-19 symptoms and is seeking is caring for an individual subject to an order described in (1) or self-quarantine as described in (2);

The U.S. Department of Labor's Wage and Hour Dirision (WHD) has the authority to investigate and erribroe compliance with the FFCRA. Employers may not discharge, discipline, or otherwise discriminate against any employee who learnfully takes paid slick leave or expended family and medical leave under the FFCRA size a complaint, or institutes a proceeding under or related to this Act. Employers in vidualise of the provisions of the FFCRA all the subject to practises.

FFCRA – Summary

	What employers does this apply to?	What is the required duration of leave?	What are qualifying reasons for taking leave?	What is the required wage replacement?*
Paid sick leave (PSL) Takes effect: April 1, 2020 Expires: December 31, 2020	 Private sector employers that have fewer than 500 employees An employer of an employee who is a health care provider or an emergency responder may elect to exclude such employee *Small businesses with less than 50 employees may be exempted from providing paid leave for child care, if leave requirements would burden the business too much* 	 Two weeks of paid sick leave for full-time employees that meet leave eligibility requirements Part-time employee leave is based on the average hours they work 	 Government mandated COVID-19 quarantine or isolation order Health care provider advised self quarantine Experiencing symptoms & seeking diagnosis Caring for quarantined individuals Caring for children who are at home due to COVID-19* Experiencing a similar condition as defined by HHS 	 If home due to reasons 1-3: Regular rate of pay, capped at \$511 daily and \$5,110 in the aggregate If home due to reasons 4-6: 2/3 of regular rate of pay, capped at \$200 daily and \$2,000 in the aggregate per employee
Emergency Family and medical leave (EFML) Takes effect: April 1, 2020 Expires: December 31, 2020	 Private sector employers that have fewer than 500 employees An employer of an employee who is a health care provider or an emergency responder may elect to exclude such employee Small businesses with less than 50 employees may be exempted if leave requirements would burden the business too much 	 Ten weeks of paid family and medical leave for full-time employees that have been with the company for at least a month Part-time employees are "eligible for leave for the number of hours that the employee is normally scheduled to work over that period" 	Unable to work or telework because caring for child under 18 at home due to COVID-19 school/child-care closure	At least 2/3 of regular rate of pay, capped at \$200 daily and \$10,000 in the aggregate per employee



How to Claim FFCRA Credit

- Employers that pay FFCRA leave wages can retain an amount of all federal employment taxes equal to the amount of the FFCRA leave wages paid, plus the qualified health plan expenses and the amount of the employer's share of Medicare tax imposed on those wages, rather than depositing them with the IRS.
- Employers can retain: federal income taxes withheld from employees, the employees' share of social security and Medicare taxes, and the employer's share of social security and Medicare taxes with respect to all employees.
- If the federal employment taxes yet to be deposited are not sufficient to cover the cost of qualified FFCRA leave wages, plus the qualified health plan expenses and the amount of the employer's share of Medicare tax imposed on those wages, the employer will be able file a request for an advance payment from the IRS using form 7200, Advance of Employer Credits due to COVID-19.
- Employers must retain records and documentation related to and supporting each employee's leave to substantiate the claim for the credits, as well retaining the <u>Forms 941, Employer's Quarterly Federal Tax</u> <u>Return</u>, and <u>7200, Advance of Employer Credits Due To COVID-19</u>, and any other applicable filings made to the IRS requesting the credit.
- For more detail on the refundable tax credits and the procedures to receive payment of the advance credit, see How to Claim the Credits.



FFCRA Tax Credit Example

The FFCRA credit reduces the amount of payroll taxes owed by the business, including employee income tax withholdings.

<u>Example</u>: Holly's Auto Shop pays \$5,000 of FFCRA sick leave to an employee. That business receives a \$5,000 tax credit for those wages paid.

- Employer has \$6,000 payroll tax deposit requirement. The business is only required to deposit \$1,000.
- Employer has \$4,000 payroll tax deposit requirement. The business can apply for a fast refund on IRS Form 7200 of \$1,000





Overview of

PPP Loan Forgiveness Process

November 11, 2020

SBA PPP Loan Forgiveness

This presentation is developed to provide a general, non-comprehensive review of PPP loan forgiveness. In the event of any inconsistency between this presentation and the CARES Act, the Paycheck Protection Program Flexibility Act of 2020, PPP IFRs, FAQs, Loan Forgiveness Applications and Instructions, and other PPP guidance (together, official guidance), the official guidance governs.



PPP Forgiveness Training

Brought to you by SBA's New Mexico District Office Shelley Brown, Lender Relations Specialist

Please mute your line upon entrance.





SBA

Stay Connected and Up to Date

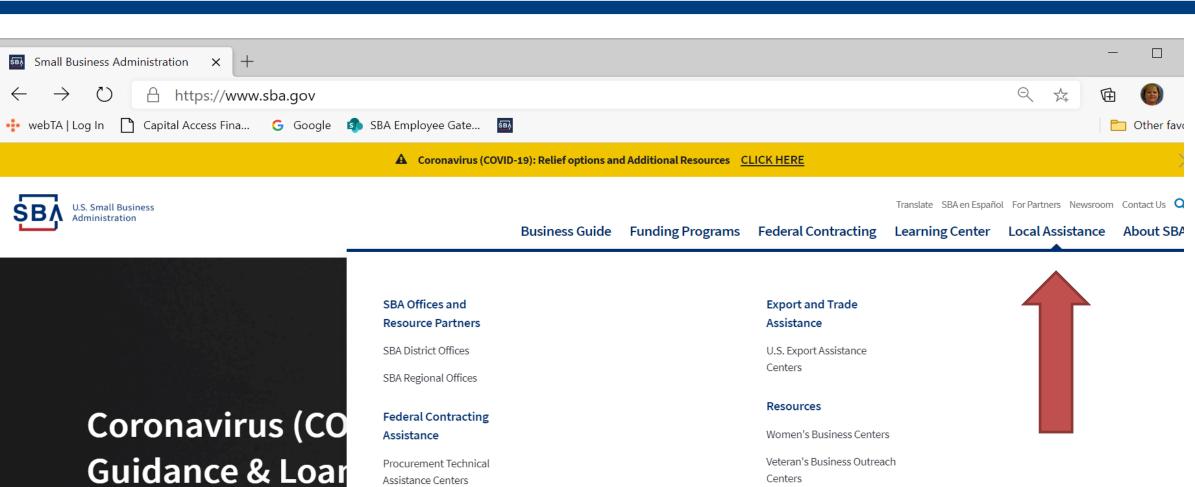




www. Sba.gov







LEARN MORE

nttps://www.sba.gov/local-assistance

Access to Capital

Certified Development

Companies

Disaster Field Offices

Loan Centers

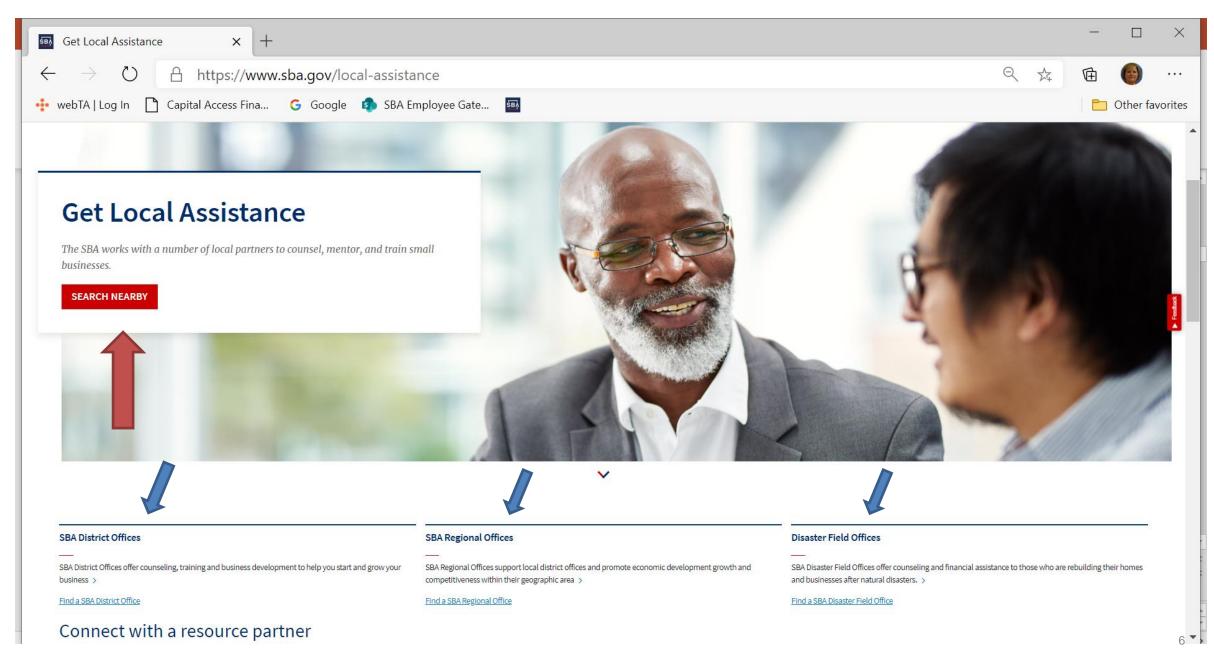
Find help nearby

SCORE Business Mentors

Development Centers

Small Business







Connect and Stay Informed



LENDER MATCH

Lender Match is a free online referral tool that connects small businesses with participating SBA-approved lenders.

LEARN MORE



SBA NEAR YOU

SBA has resource partners like SCORE, Small Business Development Centers and Women's Business Centers that provide additional business counseling and training.

GET LOCAL ASSISTANCE



EMAIL UPDATES

OCTOBER 15, 2020

CORRECTION: Veterans—LEARN, CELEBRATE, and BE INSPIRED! SBA...

OCTOBER 15, 2020

Veterans—LEARN, CELEBRATE, and BE INSPIRED! SBA Veterans...

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What this Session WillCover:

- 1 Overview of PPP and Loan Forgiveness
- Loan Forgiveness Platform & How To Submit Lender Decisions
- 3 Q&A



COVID Relief Funding Options

Paycheck Protection Program PPP

Short term to help support Payroll for COVID impacted entities SBA Approved Lender

No Longer Available



Economic Injury Disaster Loan EIDL

Long term loan to support cost of operations
Direct Loan Through SBA
Currently Available

Debt Relief for Existing SBA Loans

Covers Existing Disaster Loans, 7(a), 504, and Microloans



PAYCHECK PROTECTION PROGRAM (PPP)

ECONOMIC INJURY DISASTER LOAN (EIDL)

payroll and approved operating expenses

USES

working capital

no collateral required

COLLATERAL

no collateral on loans u/\$25k SBA will take best lien available (excluding real estate) on loans o/\$25k

up 100%

FORGIVENESS

0% is eligible for forgiveness

2.5X average monthly payroll for the prior 12 months

AMOUNT

up to 6 months of operating expenses not to exceed **\$150,000**

1% on unforgiven portion

TERMS

3.75%

2.75%

2 or 5 -year fixed note

small businesses non-profits 30 -year fixed note

no payments for first 6 months

DEFERMENT

no payments for first

all for-profits

ELIGIBLE

12 months

• private non-profits

ENTITIES

• sole proprietors, LLC's, & corporations • small agriculture coops and aquaculture

private non-profits

SBA APPROVED BANK

APPLY

SBA.GOV/DISASTER



Difference between PPP and EIDL

Payment Protection Program
PPP

Economic Impact Disaster Loan EIDL

Small Biz less than 500 employees, Small Biz less than 500 employees, ELIGIBILITY non-profits, veteran orgs, minority and non-profits, veteran orgs, minority and women-owned biz, plus self-employed women-owned biz, plus self-employed Payroll, debt prior to 2/15, salaries, Payroll, fixed debt, accounts payable, USES mortgage interest, rent & utilities unpayable expenses due to COVID-19 2.5 X average monthly payroll costs, \$\$\$ Up to \$150,000 up to \$10 Million 3.75% 2.75% RATE 1% fixed, regardless of entity type **Small Business** Non-Profits 2 Years or TERM Up to 30 Years 5 Years Between 6 - 12 months 1 year for principal & interest DEFERMENT for principal & interest FORGIVENESS Up to 100% with approval 0% is eligible for forgiveness



How To Request Loan Forgiveness For PPP

Borrower must submit documentation package to request forgiveness to **lender**

Form 3508 Form 3508 EZ Form 3508 S



EZ Form is for Businesses with no reduction in employees.

S Form for Businesses with PPP loan of \$50,000 or less

All forms require supporting documentation

Forms and instructions can be found on the SBA site or Treasury Site



Important Notes on PPP Loan Forgiveness

- What amounts can be forgiven?
 - Minimum loan proceeds for payroll expenses: 60%
 - Maximum loan proceeds for non-payroll expenses: 40%
 - Not an "all or nothing" to receive at least partial forgiveness
- If applicable, EIDL Advance amounts will be deducted from forgiveness amounts paid to lender.
- SBA reserves the right to review and make final decisions on eligibility.

PPP Loan Forgiveness Basics

Borrowers are eligible for forgiveness in an amount equal to the sum of the eligible costs and payments during the 8-week or 24-week Covered Period:

	Eligible Costs		Additional Considerations	
	Payroll Costs		 Payroll costs must account for at least 60% of the total PPP forgiveness amount or the amount of forgiveness will be reduced 	
	Business Rent Payments (lease effective prior to February 15, 2020)	•	Salary / wage reduction can be no more than 25% during the Covered Period or the amount	
	Mortgage Interest Payments (incurred prior to February 15, 2020)	•	of forgiveness will be reduced (certain exemptions / safe harbors may apply) Borrower must maintain the average number	
-	Utility Payments (service in place prior to February 15, 2020)		of full-time equivalent (FTE) employees during the Covered Period or the amount of forgiveness will be reduced (certain exemptions / safe harbors may apply)	



Payroll Cost Considerations

Timing: To be eligible for forgiveness, payroll costs must be:

- Incurred or paid during the Covered Period or Alternative Payroll Covered Period.
- Incurred before the Covered Period or Alternative Payroll Covered Period, but paid during the Covered Period or Alternative Payroll Covered Period.
- 3. Incurred during the Covered Period or Alternative Payroll Covered Period, but paid on or before the next regular payroll date after the Covered Period or Alternative Payroll Covered Period.



Borrower Documentation Requirements

What documentation does the borrower submit to the lender with its forgiveness application?

In addition to the signed Forgiveness Application Form (SBA Form 3508, 3508EZ, 3508S or lender equivalent) borrowers are generally expected to submit the following (see SBA Form 3508, 3508EZ or 3508S for instructions on specific details):

- 1. Payroll: Proof of payment
- 2. Nonpayroll: Proof of obligation and proof of payment
- 3. 3508 Only: PPP Schedule A and FTE Documentation
- 4. 3508EZ Only: FTE Information (if applicable)

For each form, there are certain documents that the borrower is required to maintain, but not submit. See Instructions of forms.

Additionally, all loans \$2 million and over will be subject to SBA loan reviews and additional documentation will be required.

Borrower should keep records at least 6 years



Borrower Documentation - Payroll

Documents Must Provide Proof of Eligible Costs (e.g., that payments were made towards eligible payroll costs and within the eligible Covered Period or Alternative Payroll Covered Period) with the following:

- 1. Bank account statements or third-party payroll service provider reports documenting the amount of cash compensation paid to employees.
- 2. Tax forms or equivalent third-party payroll service provider reports.
- 3. Payment receipts documenting the amount of any employer contributions to employee health insurance and retirement plans.

See Instructions to forms for other acceptable documents.



Borrower Documentation – Non-Payroll

Documents Must Provide Proof of Eligible Costs (e.g., that verify existence of eligible non-payroll obligations/services prior to February 15, 2020 and eligible payment from the Covered Period) with the following if borrower includes nonpayroll expenses in the amount requested for forgiveness:

- **1. Business mortgage interest payments** amortization schedule and receipts.
- 2. Business rent or lease payments lease agreement and receipts.
- 3. Business utility payments invoices from February 2020 and invoices paid during Covered Period and receipts.

See Instructions to forms for other acceptable documents.



Loan Forgiveness Process and Timeline

Borrower Application Submission Lender
Review &
Submission

SBA Review & Remittance

Borrower submits forms and documentation to lender

If borrower does not submit
Forgiveness Application within
10 months of the end of the
Covered Period, deferral on PPP
loan ends, and borrower must
begin making payments.

Lender reviews and submits forgiveness decision to SBA

60 Days

SBA reviews lender decisions & makes a determination on loan forgiveness, subject to any SBA review of the loan or loan application

90 Days



Question: Who can use the SBA Form 3508**S** forgiveness application?



Answer: (See Form 3508S)

A BORROWER MAY USE THIS FORM ONLY IF THE BORROWER RECEIVED A PPP LOAN OF \$50,000 OR LESS

A Borrower that, together with its affiliates, received PPP loans totaling \$2 million or greater cannot use this form.

SBA Form 3508S requires fewer calculations and less documentation for eligible borrowers. Borrowers that use SBA Form 3508S are exempt from reductions in loan forgiveness amounts based on reductions in full-time equivalent (FTE) employees or in salaries or wages. SBA Form 3508S also does not require borrowers to show the calculations used to determine their loan forgiveness amount. However, SBA may request information and documents to review those calculations as part of its loan review process.



Question: What documentation do I need to submit to the lender with the 3508S form?



Answer: (See Form 3508S)

A borrower will need to submit the supporting documentation for payroll and any other expenses paid during the covered period. If you chose to use the 24 week period and can show that all the funds were used in 24 weeks for payroll then only payroll documentation will need to be submitted. If you are claiming other expenses you will supporting documents and submit those to the lender along with the 3508S form.



Question: Who can use the SBA Form 3508**EZ** forgiveness application?



Answer: (See Form 3508EZ instructions, page 1)

- 1) Self-employed individual, independent contractor, or sole proprietor who had no employees at the time of the PPP loan application and did not include any employee salaries in the calculation of their average monthly payroll (when determining their eligible loan amount); or
- 2) Borrower didn't reduce annual salary or hourly wages of any employee by more than 25% during Covered Period or Alternative Payroll Covered Period <u>and</u> didn't reduce the number of employees or the average paid hours of employees between 1/1/20 and the end of Covered Period; or
- 3) Borrower didn't reduce salary or wages of any employee by more than 25% during Covered Period or Alternative Payroll Covered Period <u>and</u> was unable to operate during Covered Period at the same level of business activity as before 2/15/20 due to compliance with HHS, CDC, or OSHA restrictions issued between 3/1/20 and 12/31/20 related to COVID-19.



Question: May a borrower submit a forgiveness application before the end of their covered period?



Answer: Yes, if the borrower has used all the loan proceeds for which it is requesting forgiveness.

If borrower reduced annual salary or hourly wages by more than 25%, borrower must account for the reduction for the full Covered Period (either 8- or 24-week period beginning on the PPP Loan Disbursement Date).



Question: The PPP loan forgiveness application forms (3508, 3508EZ, and 3508S) display an expiration date of 10/31/2020 in the upper-right corner. Is October 31, 2020 the deadline for borrowers to apply for forgiveness?



Answer: No. Borrowers may submit a loan forgiveness application any time before the maturity date of the loan, which is either two or five years from loan origination.

The expiration date in the upper-right corner of the posted PPP loan forgiveness application forms is displayed for purposes of SBA's compliance with the Paperwork Reduction Act, and reflects the temporary expiration date for approved use of the forms. This date will be extended, and when approved, the same forms with the new expiration date will be posted.



Borrower Forgiveness Application Submission FAQ

Question: The Paycheck Protection Program Flexibility Act of 2020 (Flexibility Act) extended the deferral period for borrower payments of principal, interest, and fees on all PPP loans to the date that SBA remits the borrower's loan forgiveness amount to the lender (or, if the borrower does not apply for loan forgiveness, 10 months after the end of the borrower's loan forgiveness covered period). Previously, the deferral period could end after 6 months. Are lenders and borrowers required to modify promissory notes used for PPP loans to reflect the extended deferral period?

Answer: The extension of the deferral period under the Flexibility Act automatically applies to all PPP loans. Lenders are required to give immediate effect to the statutory extension and should notify borrowers of the change to the deferral period. SBA does not require a formal modification to the promissory note. A modification of a promissory note to reflect the required statutory deferral period under the Flexibility Act will have no effect on the SBA's guarantee of a PPP loan.



Borrower Forgiveness Application Submission FAQ

Question: What should a lender do if a borrower received an EIDL advance in excess of the amount of its PPP loan?



Answer: A borrower that received an EIDL advance in excess of the amount of its PPP loan will not receive any forgiveness on the PPP loan, because the amount of an EIDL advance is deducted from the PPP loan forgiveness amount. The lender is responsible for notifying the borrower of the date on which the borrower's first loan payment is due. The lender must continue to service the loan. The borrower must repay the remaining loan balance by the maturity date of the PPP loan (either two or five years). If a borrower is determined to have been ineligible for a PPP loan for any reason, SBA may seek repayment of the outstanding PPP loan balance or pursue other available remedies.



Borrower Forgiveness Application Submission FAQ

Question: How can Sole Proprietors document "pay?"



Answer:

- Bank account statements documenting the amount of cash compensation paid.
- Business to personal account.
- Account for expenses.
- 2019 Schedule C
 — compensation caps
- No forgiveness for home-based businesses household expenses.



Lender Reviews - Making a Forgiveness Decision

Lenders Have Four Decision Options:

- ☐ Approved in Full Lender approved the full forgiveness amount requested by borrower, and the forgiveness amount requested by lender equals that amount.
- ☐ Approved in Part Lender did not approve the full forgiveness amount requested by borrower and the forgiveness amount decision by lender is less than the forgiveness amount requested by borrower.
- ☐ **Denied** Lender denied the entire forgiveness amount requested by the borrower.
- ☐ Denied without Prejudice Lender should use this status when SBA notifies the lender that a loan review is pending at the time the borrower submits a loan forgiveness application.



SBA Forgiveness Payment to Lender

When SBA remits forgiveness payment to lender, lender must notify borrower of:

- Amount of forgiveness payment received (or that SBA determined no amount of the loan is eligible for forgiveness)
- Due date of borrower's first payment (if applicable)





Economic Injury Disaster Loan (EIDL) FAQ

Question: How will a lender know the amount of the EIDL advance that will be automatically deducted by SBA?



Answer: If a borrower received an EIDL advance, SBA is required to reduce the borrower's loan forgiveness amount by the amount of the EIDL advance. SBA will deduct the amount of the EIDL advance from the forgiveness amount remitted by SBA to the lender. The lender will be able to confirm the amount of the EIDL advance that will be automatically deducted by SBA from the forgiveness payment by reviewing the borrower's EIDL advance information in the Forgiveness Platform.



Remaining Balance FAQ

Question: How should a lender handle any remaining balance due on a PPP loan after SBA remits the forgiveness amount to the lender?



Answer: If a PPP loan is not forgiven in full (including if there has been a reduction in the forgiveness amount for an EIDL advance), any remaining balance due on the PPP loan must be repaid by the borrower.

- Lenders must notify borrower of the loan forgiveness amount remitted by SBA and the date on which the borrower's first loan payment is due.
- The lender must continue to service the loan.
- The borrower must repay the remaining loan balance by the maturity date of the PPP loan (either two or five years).

If a borrower is determined to have been ineligible for a PPP loan for any reason, SBA may seek repayment of the outstanding PPP loan balance or pursue other available remedies.



General Forgiveness Process FAQs

- How long will it take to receive an SBA forgiveness decision?
 SBA has 90 days to review and remit payment to the lender, subject to any SBA loan review.
- Can documents be added to a forgiveness submission after it is submitted?
 No, submissions must be withdrawn and resubmitted with two exceptions:
 - If a lender is using APIs, a lender generally has 24 hours after submission to add additional documents to the file. After the SBA picks up the review, the Platform doesn't allow additional documents or file changes.
 - The Platform will allow a lender or API vendor to add additional documents if the SBA asks for additional documents as part of its review.

- Should the Forgiveness Amount on Line 11 of the 3508 or Line 8 of the 3508EZ include the EIDL deduction?
 - No, SBA automatically will reduce the Forgiveness Amount by the amount of any EIDL Advance before remitting the payment to the lender. Lenders should input the EIDL Advance information provided by the Borrower on the 3508/3508EZ, where requested in the Platform, but should not subtract it from the Forgiveness Amount.
- Can a borrower appeal a final SBA loan review decision?
 - Borrowers may appeal to SBA's Office of Hearings and Appeals (OHA) certain final SBA Loan Review decisions. Lenders do not have a right to appeal to OHA. Please see Interim Final Rule on Appeals of SBA Loan Review Decisions under the Paycheck Protection Program posted on 8/11/20 at www.sba.gov/ppp.



SBA's Resource Partners

Available throughout the Nation



Small Business Development Center



The Small Business Development Centers through out the Country provides expert guidance to help small businesses succeed. They provide the services and assistance your business needs throughout the development process including concept, startup and growth. Their statewide network of business coaches' partner with you - and collaborate with each other - to help you move your business to the next level. Many of their coaches have entrepreneurial experience themselves.

https://americassbdc.org/

To locate your local Small Business Development Center visit www.sba.gov/resources.



SCORE



Free and confidential business counseling. Counseling can be conducted at the client's place of business, by phone or email.

www.score.org

To find your local SCORE organization

visit www.sba.gov/resources.



Women's Business Center



Most States have Women Business Centers

The Women's Business Centers provide

- 1:1 counseling with experienced business advisors
- Virtual and in-person training (in the hopefully near future
- Assistance in obtaining funding and financing

www.awbc.org

To Locate a WBC in your area visit www.sba.gov/resources.





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https://www.sba.gov/local-assistance





