

January 12, 2021

## Paycheck Protection Program Re-opens



The U.S. Small Business Administration (SBA), in consultation with the Treasury Department, has re-opened the Paycheck Protection Program (PPP) on Monday, January 11, 2021 for new borrowers who have not received a PPP loan in the past. The program is initially opening to participating Community Financial Institutions, with the first two days reserved for

new borrowers. On Wednesday, January 13, 2021, Second Draw PPP Loans will open for participating Community Financial Institutions. Shortly thereafter, the SBA will announce the full availability for all lenders who previously participated in the PPP to resume accepting new applications. Applications will be accepted through March 31, 2021 or until the \$284 billion appropriation is exhausted.

The SBA provided overviews of the First Draw and Second Draw PPP loans, which include details on eligibility and more. These overviews are included in the back of this announcement.

While you await the opening of the lending portal, you should begin to familiarize yourself with the applications, assess your eligibility for a first draw or second draw loan and gather information needed to complete the application, which can be found at [Form 2483 – First Draw Borrower Application](#) or [Form 2483-SD – Second Draw Borrower Application](#).

We will send another alert when the SBA releases a timeline for the opening of the lending portal to all borrowers. Please contact your Brown Edwards' professionals if you have any questions about the Paycheck Protection Program.

## **PAYCHECK PROTECTION PROGRAM FIRST DRAW LOANS**

SBA is reopening the Paycheck Protection Program (PPP) for First Draw Loans the week of January 11, 2021. First Draw PPP Loans can be used to help fund payroll costs, including benefits. Funds can also be used to pay for mortgage interest, rent, utilities, worker protection costs related to COVID-19, uninsured property damage costs caused by looting or vandalism during 2020, and certain supplier costs and expenses for operations.

### **Full Forgiveness Terms**

First Draw PPP Loans made to eligible borrowers qualify for full loan forgiveness if during the 8- to 24-week covered period following loan disbursement:

- Employee and compensation levels are maintained;
- The loan proceeds are spent on payroll costs and other eligible expenses; and
- At least 60 percent of the proceeds are spent on payroll costs.

### **Who Can Apply**

Eligible small entities, that together with their affiliates (if applicable), have 500 or fewer employees—including nonprofits, veterans organizations, tribal concerns, self-employed individuals, sole proprietorships, and independent contractors—can apply. Entities with more than 500 employees in certain industries that meet SBA’s alternative size standard or SBA’s size standards for those particular industries can also apply.<sup>1</sup>

### **Reapplying and Loan Increases**

Existing PPP borrowers that did not receive loan forgiveness by December 27, 2020 may: (1) reapply for a First Draw PPP Loan if they previously returned some or all of their First Draw PPP Loan funds, or (2) under certain circumstances, request to modify their First Draw PPP Loan amount if they previously did not accept the full amount for which they are eligible.

### **How and When to Apply**

Borrowers can apply for a First Draw PPP Loan until March 31, 2021, through any existing SBA 7(a) lender or through any federally insured depository institution, federally insured credit union, eligible non-bank lender, or Farm Credit System institution that is participating in PPP. All new First Draw PPP Loans will have the same terms regardless of lender or borrower. A list of participating lenders as well as additional information and full terms can be found [HERE](#).

### **Ensuring Access for All**

SBA continues to call upon its lending partners, including Community Development Financial Institutions (CDFIs) and Minority Depository Institutions (MDIs), to redouble their efforts to assist eligible borrowers in underserved and disadvantaged communities. At least \$15 billion is being set aside for First Draw PPP loans to eligible borrowers with a maximum of 10 employees or for loans of \$250,000 or less to eligible borrowers in low- or moderate-income neighborhoods. To promote access for smaller lenders and their customers, SBA will initially only accept loan applications from community financial institutions starting on January 11, 2021. The PPP will open to all participating lenders shortly thereafter.

Visit [www.sba.gov](http://www.sba.gov) or [www.treasury.gov](http://www.treasury.gov) for more information and details, including the comprehensive program rules.

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<sup>1</sup> Also eligible to apply for First Draw PPP Loans are businesses with a NAICS Code that begins with 72 (Accommodation and Food Services sector) or eligible news organizations with no more than 500 employees per physical location, as well as housing cooperatives, 501(c)(6) organizations, or destination marketing organizations with no more than 300 employees.



## **PAYCHECK PROTECTION PROGRAM SECOND DRAW LOANS**

The Paycheck Protection Program (PPP) now allows certain eligible borrowers that previously received a PPP loan to apply for a Second Draw PPP Loan with the same general loan terms as their First Draw PPP Loan. Second Draw PPP Loans can be used to help fund payroll costs, including benefits. Funds can also be used to pay for mortgage interest, rent, utilities, worker protection costs related to COVID-19, uninsured property damage costs caused by looting or vandalism during 2020, and certain supplier costs and expenses for operations.

### **Full Forgiveness Terms**

Second Draw PPP Loans made to eligible borrowers qualify for full loan forgiveness if during the 8- to 24-week covered period following loan disbursement:

- Employee and compensation levels are maintained in the same manner as required for the First Draw PPP loan;
- The loan proceeds are spent on payroll costs and other eligible expenses; and
- At least 60 percent of the proceeds are spent on payroll costs.

### **Targeted Eligibility**

A borrower is generally eligible for a Second Draw PPP Loan if the borrower:

- Previously received a First Draw PPP Loan and will or has used the full amount only for authorized uses;
- Has no more than 300 employees; and
- Can demonstrate at least a 25% reduction in gross receipts between comparable quarters in 2019 and 2020.

### **Maximum Loan Amount and**

#### **Increased Assistance for Accommodation and Food Services Businesses**

For most borrowers, the maximum loan amount of a Second Draw PPP Loan is 2.5x average monthly 2019 or 2020 payroll costs up to \$2 million. For borrowers in the Accommodation and Food Services sector (click [HERE](#) for NAICS 72 to confirm), the maximum loan amount for a Second Draw PPP Loan is 3.5x average monthly 2019 or 2020 payroll costs up to \$2 million.

### **How and When to Apply**

Borrowers can apply for a Second Draw PPP Loan until March 31, 2021, through any existing SBA 7(a) lender or through any federally insured depository institution, federally insured credit union, eligible non-bank lender, or Farm Credit System institution that is participating in PPP. All Second Draw PPP Loans will have the same terms regardless of lender or borrower. A list of participating lenders as well as additional information and full terms can be found [HERE](#).

### **Ensuring Access for All**

SBA continues to call upon its lending partners, including Community Development Financial Institutions (CDFIs) and Minority Depository Institutions (MDIs), to redouble their efforts to assist eligible borrowers in underserved and disadvantaged communities. At least \$25 billion is being set aside for Second Draw PPP Loans to eligible borrowers with a maximum of 10 employees or for loans of \$250,000 or less to eligible borrowers in low- or moderate-income neighborhoods. To promote access for smaller lenders and their customers, SBA will initially only accept Second Draw PPP Loan applications from community financial institutions starting on January 13, 2021. The PPP will open to all participating lenders for Second Draw PPP Loans shortly thereafter.

Visit [www.sba.gov](http://www.sba.gov) or [www.treasury.gov](http://www.treasury.gov) for more information and details, including the comprehensive program rules.