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Stimulus Package Update
for Dealerships

**Rex Collins, CPA, CVA**

Principal

Dealership Solutions

rcollins@hbkcpa.com

317-504-7900

Rex is a Principal of HBK CPAs & Consultants and directs the firm's Dealership Solutions. He has worked extensively in the dealership industry since 1984 as a department manager, a general manager and an owner, as well as providing tax, accounting and operational consulting services exclusively to dealers as an independent CPA. This experience includes working closely with hundreds of dealers from coast-to-coast since 1987 on creative tax planning and financial statements issues. He provides clients with a wide range of transaction work services and consults for them in specialty areas such as operations, government regulatory compliance, valuations and M&A feasibility studies. Rex is active in many professional associations. He is the current Chairman of the BDO Dealership Industry Group, contributes articles and commentary to dealership industry publications, is frequently called upon to speak to industry associations and conferences, provides expert testimony, and is regularly quoted by industry and the general media.



Amy Reynalt, MBA
Manager, Manufacturing Solutions
areynalt@hbkcpa.com
330-758-8613

COVID-19 Business Management Advocate &
SBA Loan Specialist

Amy is a manager of [HBK's Manufacturing Industry Group](#) located in the Youngstown, Ohio office. She joined the firm in 2019, after spending thirteen years in the manufacturing industry. Amy has experience navigating strategic and financial matters associated with manufacturing companies. She works closely with these companies to help them plan, execute, and meet their short- and long-term goals.



Ben DiGirolamo, CPA, JD
Principal
Tax Advisory Group
bdigirolamo@hbkcpa.com
330-758-8613

Ben is a Principal in the Tax Advisory Group (TAG) of HBK and works in the Youngstown, OH office. He has been with the firm since 2009 and has focused extensively on entity tax issues, entity planning, and flow-through taxation. Additionally, he has experience with many of our real estate and manufacturing clients. As a member of TAG, Ben frequently teaches tax-related training courses both internally for the firm and externally for clients and the public. Ben provides research and expert counsel on complex tax issues for our clients. He also regularly appeared on the mid-day news broadcast of Youngstown, Ohio's NBC affiliate station in a segment called "Smart Money," which highlights personal financial planning tips.

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January 14th 11:00 – 12:00 EST

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Dealership Hot Topics



EIDL Program Changes

Advance Coordination with PPP

- Repeals deduction of EIDL Advance from PPP forgiveness amount
- SBA to issue rules to ensure borrowers are made whole if forgiveness already received



PPP Program Changes

Simplified Forgiveness Process

- For loans up to \$150,000, a simplified, 1 page application will be allowed
 - Application to be established by the Administrator not later than 24 days after the date of enactment
 - Will require description of number of employees the eligible recipient was able to retain
 - Will require certifications and attestations
 - No supporting documentation



PPP Program Changes

Modification to Covered Period

- Begins on the date of the origination of a covered loan
- Ending on a date selected by the eligible recipient of the covered loan that occurs during the period:
 - Beginning on the date that is 8 weeks after such date of origination; and
 - Ending on the date that is 24 weeks after such date of origination



PPP Program Changes

Modification to Allowable Uses and Forgivable Funds

- Payroll Costs:
 - Health Insurance also includes group life, disability, vision, or dental insurance
- Non-Payroll Costs:
 - Covered Operations Expenditure: “payment for any business software or cloud computing service that facilitates business operations, product or service delivery, the processing, payment, or tracking of payroll expenses, human resources, sales and billing functions, or accounting or tracking of supplies, inventory, records, and expenses”



PPP Program Changes

Modification to Allowable Uses and Forgivable Funds (cont'd)

- Non-Payroll Costs (cont'd):
 - Covered Property Damage Cost: “a cost related to property damage and vandalism or looting due to public disturbances that occurred during 2020 that was not covered by insurance or other compensation”
 - Covered Supplier Cost: “expenditure made by an entity to a supplier of goods for the supply of goods that:
 - Are essential to the operations of the entity at the time at which the expenditure is made
 - Is made pursuant to a contract, order, or purchase order in effective at any time before the covered period with respect to the applicable covered loan, or with respect to perishable goods, in effect before or at any time during the covered period with respect to the applicable covered loan”



PPP Program Changes

Modification to Allowable Uses and Forgivable Funds (cont'd)

- Non-Payroll Costs (cont'd):
 - Covered Worker Protection Expenditure: “an operating or capital expenditure to facilitate the adaptation of the business activities of any entity to comply with requirements established or guidance issued by the Department of Health & Human Services, the Centers for Disease Control, or the Occupational Safety & Health Administration, or any equivalent requirements established or guidance issued by a State or local government”, during the period beginning on 3/1/2020 through the end of the national emergency declaration, “related to the maintenance of standards for sanitation, social distancing, or any other worker or customer safety requirement related to COVID-19”



PPP Program Changes

Modification to Allowable Uses and Forgivable Funds (cont'd)

- Non-Payroll Costs (cont'd):
 - Covered Worker Protection Expenditure (cont'd): May include:
 - 1) the purchase, maintenance, or renovation of assets that create or expand:
 - a drive through window facility
 - an indoor, outdoor, or combined air or air pressure ventilation or filtration system
 - a physical barrier such as a sneeze guard
 - an expansion of additional indoor, outdoor, or combined business space
 - an onsite or offsite health screening capability
 - other assets relating to compliance with the requirements or guidance described as determined by the Administrator in consultation with the Secretary of HHS and Secretary of Labor



PPP Program Changes

Modification to Allowable Uses and Forgivable Funds (cont'd)

- Non-Payroll Costs (cont'd):
 - Covered Worker Protection Expenditure (cont'd): May include:
 - 2) the purchase of
 - Covered materials described in section [328.103\(a\) of title 44 CFR](#) (N95 masks, PPE surgical masks, PPE nitrile gloves, Level 3 & 4 surgical gowns and surgical isolation gowns)
 - Particulate filtering face piece respirators approved by NIOSH, including those approved only for emergency use authorization
 - Other kinds of PPE, as determined by the Administrator in consultation with the Secretary of HHS and the Secretary of Labor
 - Does not include residential real property or intangible property.



PPP Program Changes

Other Expectations

- Expect new FAQs and IFRs provided by SBA and Treasury. Watch for guidance!
- Lenders have indicated they may need to take their portals down to incorporate these changes. Don't be alarmed!
- Lenders are not responsible for confirming eligibility, forgiveness amounts, etc. Several hold harmless agreements and language supporting this. Consult with advisors – including accountants and lawyers.
- No changes to Loan Necessity Questionnaires, although the Association of General Contractors has sued.



PPP Second Draw Loans

Overview

- Second loan for those who have already used their first loan
- Follows many program rules of first loan, including eligible expenses
- Will apply 60/40 rule for forgiveness
- Expecting guidance on additional details



PPP Second Draw Loans

Eligibility

- Businesses, nonprofit organizations, veterans organizations, Tribal business concerns, eligible self-employed individuals, sole proprietors, independent contractors, or small agricultural cooperatives that attest that it has used or will use on or before the expected date of the disbursement of the 2nd draw loan the full amount of the first draw loan
 - Businesses:
 - Employs not more than 300 employees, and had gross receipts during the any 2020 calendar quarter that demonstrated at least a 25% reduction from the gross receipts of the entity during the same calendar quarter in 2019



PPP Second Draw Loans

Eligibility Exclusions

- Generally, is listed as an exclusion on 120.110(g) of title 13, CFR or any successor regulation, unless exempted by a PPP Interim Final Rule
- Entities primarily engaged in political or lobbying activities
- Entities where 20% or more of ownership is held by an entity created in or organized under the laws of China or Hong Kong or that retains a member of its board of directors who is a resident of China
- Any person required to submit a registration statement under section 2 of the Foreign Agents Registration Act of 1938
- Person or business that receives a grant under the Economic Aid to Hard Hit Small Business, Nonprofits, and Venues Act



PPP Second Draw Loans

Maximum Loan Amount

- The lesser of:
 - 2.5 months of 2019 payroll costs incurred or paid by the eligible entity OR 2.5 months of payroll costs incurred or paid by the eligible entity in the 1-year period before the date on which the loan is made (at the election of the entity)
- AND
- \$2 million



Poll #1

For the second draw loans what is the maximum loan amount?

\$2 million

\$150,000

\$3 million

COVID-Related Tax Relief Act of 2020



Clarification of Tax Treatment of Forgiveness of Covered Loans

PPP Loan Expense Tax Deduction

- No amount shall be included in the gross income of the eligible recipient by reason of forgiveness of indebtedness
- No deduction shall be denied, not tax attribute shall be reduced, and not basis increase shall be denied, by reason of the exclusion from gross income
- For partnerships and S Corps, any amount excluded from income shall be treated as tax-exempt income for purposes of sections 705 and 1366 (basis will be increased)

Clarification of Tax Treatment of Forgiveness of Covered Loans

EIDL Grants, Targeted EIDL Advances, Loan Payment Subsidies

- Forgiveness of these loans, and subsidy payments will not be included in taxable income
- Deductions allowed, just like original and subsequent PPP loans



Additional Recovery Rebates for Individuals

Stimulus Payments

- \$600 (\$1,200 in the case of eligible individuals filing a joint return, plus
- \$600 for each qualifying child (same definition from CARES Act, under 17)
- Reduced by 5% of AGI in excess of \$150,000 for MFJ, \$112,500 for HOH, and \$75,000 for all other filers
- MFJ with two qualifying children – tentative credit equals \$2,400 – if AGI is between \$150,000 and \$198,000 they will receive some credit

Extension of Certain Deferred Payroll Taxes

IRS Notice 2020-65

- Optional deferral of employee's share of social security taxes for the period from 9/1/2020 – 12/31/2020
- Amount was to be repaid from 1/1/2021 – 4/30/2021
- Act extends the deferral period through 4/30/2021, and defers penalty for unpaid amount to 1/1/2022



Credits for Paid Sick and Family Leave

FFCRA Paid Sick Leave and Expanded FMLA Extended to 3/31/2021

- Two weeks (up to 80 hours) of **paid sick leave** at the employee's regular rate of pay where the employee is unable to work;
- Two weeks (up to 80 hours) of **paid sick leave** at two-thirds the employee's regular rate of pay because the employee is unable to work because of a bona fide need to care for an individual; and
- Up to an additional 10 weeks of **paid expanded family and medical leave** at two-thirds the employee's regular rate of pay where an employee, who has been employed for at least 30 calendar days, is unable to work due to a bona fide need for leave to care for a child whose school or child-care provider is closed or unavailable for reasons related to COVID-19.

Continued Assistance for Unemployed Workers Act of 2020

POLL #2

Was the FFCRA paid sick leave extended?

☐ Yes

☐ No



Unemployment Insurance

Continued Assistance for Unemployed Workers Act of 2020

- Extends the CARES Act unemployment benefits set to expire 12/31/2020 to 3/14/2021
- Extends benefits from 39 weeks to 50 weeks
- Additional \$300 of unemployment for weeks of unemployment beginning after 12/26/2020 and ending before 3/14/2021



POLL #3

Unemployment benefites were extended
from Extends benefits from 39 weeks to
50 weeks.

- True
- False

Taxpayer Certainty and Disaster Relief Act of 2020



Employee

Expanded and Extended through July 1, 2021

- The credit percentage is increased from 50% to 70%
- The per employee wage limitation of \$10,000 is changed to \$10,000 per quarter
- Decrease in gross receipts for an eligible business is reduced to 80% of gross receipts for the same calendar quarter in calendar year 2019
- Changes the “large employer” threshold from 100 to 500 for determining eligible wages
- Now available for taxpayers who received a PPP loan



Full Deduction for Business Meals

Temporary Allowance

- Full deduction for business expenses for “food or beverages provided by a restaurant”
- Paid or incurred after December 31, 2020, and before January 1, 2023



Credits for Paid Sick and Family Leave

Above the Line Charitable Contribution Deductions

- The CARES Act allowed taxpayers a \$300 above the line deduction for charitable contributions for 2020
- This provision is extended to 2021 and increased to \$600 for married couples filing a joint return
- The CARES Act allowed a 100% deduction for cash contributions to public charities, this provision is extended through 2021

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Rex A. Collins, CPA, CVA
317-504-7900

rcollins@hbkcpa.com

HBK Dealership Solutions Group
317-886-1624

vramun@hbkcpa.com