

SBA and Treasury PPP Guidance*

As of February 16, 2021

The guidance and forms issued by the SBA and Treasury are integral to understanding PPP. Please review the authoritative resources listed below as you have questions about the program. For more information and updates, visit [SBA.gov/PPP](https://www.sba.gov/ppp) or [Treasury.gov/CARES](https://www.treasury.gov/CARES).

Loan Application Forms and Guidance

[Borrower Application Form Revised Jan. 8, 2021](#)

[Second Draw Borrower Application Form \(January 8, 2021\)](#)

[Interim Final Rule on Paycheck Protection Program as Amended by Economic Aid Act \(January 6, 2021\)](#)

- Consolidates the IFRs and important guidance issued to date re: borrower eligibility, lender eligibility, and PPP application and origination requirements for new PPP loans
- Provides general rules relating to loan increases and loan forgiveness

[Interim Final Rule on Second Draw Loans \(January 6, 2021\)](#)

- Outlines key differences between 1st draw and 2nd draw PPP loans

[How to Calculate Maximum Loan Amounts for First Draw PPP Loans and What Documentation to Provide – By Business Type \(January 17, 2021\)](#)

[Second Draw Paycheck Protection Program \(PPP\) Loans: How to Calculate Revenue Reduction and Maximum Loan Amounts Including What Documentation to Provide \(January 19, 2021\)](#)

[Procedural notice - First Draw Paycheck Protection Program Loan Increases \(January 13, 2021\)](#)

Loan Forgiveness Forms and Guidance

[PPP Loan Forgiveness Application Form 3508S](#) (Revised January 19, 2021)

- For use by borrowers of loans of \$150,000 or less. Applicants do not need to provide support for the computation of the amount requested for forgiveness, but must attest to the accuracy of the information reported on the form.
- Borrowers or loans of \$50,000 or less are not required to reduce their forgiveness amount for reductions in employee headcounts or salaries.

[PPP Loan Forgiveness Application Form 3508EZ](#) (Revised January 19, 2021)

- For use by borrowers who did not reduce the annual salary or hourly wages of any employee (whose annualized 2019 salary was \$100,000 or less) by more than 25% during the covered period, compared to the most recent full quarter preceding the covered period, **and**
 - Did not reduce the number of employees or the average paid hours of employees between Jan. 1, 2020 and the end of the covered period, **or**
 - Was unable to operate during the covered period at the same level of business activity as prior to Feb. 15, 2020 due to compliance with government health and safety requirements or guidance issued during specified timeframes.

[PPP Loan Forgiveness Application Form 3508](#) (Revised January 19, 2021)

- For use by all borrowers ineligible to use Forms 3508S and 3508EZ.

[Interim Final Rule on Loan Forgiveness Requirements and Loan Review Procedures as Amended by Economic Aid Act](#) (January 19, 2021)

- Provides that borrowers of second-draw loans exceeding \$150,000 must submit their first-draw loan forgiveness application (even if not requesting any forgiveness amount) either before or simultaneously with the second-draw loan forgiveness application (though on separate forms).
- Reiterates that payroll costs that are qualified wages taken into account in determining any employee retention credits claimed by the borrower are not eligible for loan forgiveness.

[Procedural Notice - PPP Borrower Resubmissions of Loan Forgiveness Applications Using Form 3508S, Lender Notice Responsibilities to PPP Borrowers, and Offset of Remittances to Lender for Lender Debts](#) (January 19, 2021)

[Procedural Notice - Paycheck Protection Program Excess Loan Amount Errors](#) (January 15, 2021)

Loan Necessity Questionnaires and Borrower Disclosures

Loan Necessity Questionnaire [Form 3509](#) (For-Profit Borrowers)

Loan Necessity Questionnaire [Form 3510](#) (Non-Profit Borrowers)

Lenders will issue the above questionnaires to borrowers who together with their affiliates borrowed loans of \$2 million or more. ***Borrowers must respond to and return the questionnaires to their lenders within 10 days of receipt.***

- Designed to assist the SBA with gathering information used to evaluate the certification made by the borrower with their loan application that economic uncertainty made their loan necessary.
- Instructions provide that the questionnaires should not be viewed as a challenge by the SBA to the borrower's certification, and that the responses will only be used to assist the SBA in determining whether additional information is needed. The SBA will consider the totality of the borrower's facts and circumstances in assessing the validity of their certification.
- Failure to complete and timely return the questionnaire may result in the SBA's determination that the borrower was ineligible for the loan, the loan amount or any forgiveness claimed.
- Inquiries include but are not limited to the borrower's 2020 second quarter revenue relative to previous quarters, whether the borrower's operations were shut down or significantly altered due to a COVID-19-related government order, and the borrower's cash and cash equivalents position on the last day of the calendar quarter that immediately preceded the date of their loan application.

[Borrower's Disclosure of Certain Controlling Interests Form 3508D](#) (Revised January 19, 2021)

Helpful Reminder for The Second Round of PPP - Make sure the PPP First Draw Loan number is included in the Second Draw PPP Loan application

As part of the [Second Draw Borrower application](#), Applicants must enter the SBA loan number of the First Draw PPP loan (*i.e. the loan that was originated in 2020*). SBA loan numbers have the following format to help borrowers identify the SBA loan number of their first PPP loan: XXXXXXXX-XX (*i.e. eight numbers followed by a dash and then two more numbers*). PPP lenders should make SBA loan numbers easily accessible to their borrowers.

* *Lender-focused guidance is not included in this list.*

Reviewed January 26, 2021