

# **New Hampshire Coronavirus Tracker: PPP Update; State Legislative Update; NCUA Releases – 6.17.20**

## **PPP Update**

New Forgiveness Information:

<https://home.treasury.gov/system/files/136/3245-0407-SBA-Form-3508-PPP-Forgiveness-Application.pdf>

[https://home.treasury.gov/system/files/136/PPP-Loan-Forgiveness-Application-Instructions\\_0.pdf](https://home.treasury.gov/system/files/136/PPP-Loan-Forgiveness-Application-Instructions_0.pdf)

Updated Forgiveness Forms and Instructions:

### **Instructions for PPP Loan Forgiveness Calculation Form**

<https://content.sba.gov/sites/default/files/2020-06/PPP%20Loan%20Forgiveness%20Application%20Instructions%20%28Revised%206.16.2020%29.pdf>

### **PPP Loan Forgiveness Application Form 3508EZ**

<https://www.sba.gov/sites/default/files/2020-06/PPP%20Forgiveness%20Application%203508EZ%20%28%20Revised%206.16.2020%29.pdf>

### **Checklist for Using SBA Form 3508EZ**

<https://content.sba.gov/sites/default/files/2020-06/PPP%20Loan%20Forgiveness%20Application%20Form%20EZ%20Instructions%20%28Revised%206.16.2020%29.pdf>

### **PPP Loan Forgiveness Calculation Form**

<https://content.sba.gov/sites/default/files/2020-06/PPP%20Loan%20Forgiveness%20Application%20%28Revised%206.16.2020%29.pdf>

Forgiveness Calculators:

A number of calculators and information are available from various entities concerning the new rules. One confusing section is how the \$100,000 is calculated and what is the maximum. Some calculators and recommendations suggest that the maximum is \$46,153 per employee.

Yesterday, the Office of Capital Access responded and the answer is NO. The maximum remains 100,000 / 52 x 2 or \$15,384 or 2 months salary that any one person may be paid under the Paycheck Protection Program.

Recent changes released last week by the U.S. Department of Treasury may be found at:

<https://home.treasury.gov/system/files/136/PPP-IFR--Additional-Revisions-to-First-Interim-Final-Rule.pdf>

<https://home.treasury.gov/system/files/136/PPP-IFR-Revisions-to-First-Interim-Final-Rule.pdf>

<https://home.treasury.gov/system/files/136/PPP-Lender-Application-Form-Revised-June-12-2020.pdf>

<https://home.treasury.gov/system/files/136/PPP-Borrower-Application-Form-Revised-June-12-2020.pdf>

PPP Loan Forgiveness Reminder for Businesses:  
Notify Unemployment Insurance Office of Rejected Offers to Hire or Rehire

Employers seeking PPP loan forgiveness should notify their unemployment insurance office if they have offered to hire or rehire an employee who has then rejected that offer. Sample letters are provided:

To whom it may concern:

Please accept this as notice that **[INSERT FULL LEGAL NAME OF EMPLOYER]** (Company) offered **[NAME OF EMPLOYEE]** employment *[or reemployment]* consistent with the terms of the enclosed offer letter *[or email]* and on **[DATE]** **[NAME OF EMPLOYEE]** rejected the Company's offer.

If you have any questions or concerns, please do not hesitate to contact me.

Very truly yours, **[COMPANY REPRESENTATIVE]**

-OR-

To whom it may concern:

Please accept this as notice that **[INSERT FULL LEGAL NAME OF EMPLOYER]** (Company) offered the following individuals:

**[NAME OF EMPLOYEES]** employment *[or reemployment]* on **[DATE]** and they rejected the Company's offer within the last 30 days. Enclosed please find the copies of the Company's offer letters and the employees' rejections of such offers of employment.

If you have any questions or concerns, please do not hesitate to contact me.

Very truly yours, **[COMPANY REPRESENTATIVE]**

### **State Legislative Update**

A new amendment has been passed to pending legislation relative to mortgage defaults which may be found at

[http://www.qencourt.state.nh.us/senate/onlinemtgs/jud/AM1433s\\_HB1247.pdf](http://www.qencourt.state.nh.us/senate/onlinemtgs/jud/AM1433s_HB1247.pdf)  
[http://www.qencourt.state.nh.us/bill\\_Status/billText.aspx?sy=2020&id=1660&xtFormat=html](http://www.qencourt.state.nh.us/bill_Status/billText.aspx?sy=2020&id=1660&xtFormat=html)

479:5-a Duty of Good Faith and Fair Dealing. A duty of good faith and fair dealing shall be implied in any loan secured by a mortgage of real estate, made by a bank, mortgage company, or any other financial institution. Such duty shall arise at the inception of the loan and continues until the borrower has fully performed all of his or her obligations under the note and mortgage, or the mortgagee has completed the foreclosure process pursuant to this chapter.

The amendment adds a covenant of an express duty of good faith and fair dealing in any loan secured by a mortgage of real estate, made by a bank, mortgage company, or any other financial institution. The practical impact of such a covenant can be to create grounds for litigation against lenders on the basis of unfair and deceptive practices.

New Hampshire law has not recognized a claim for breach of the implied covenant of good faith and fair dealing outside the contractual context.

Courts have generally concluded that the covenant of good faith and fair dealing in a loan agreement cannot be used to require the lender to modify or restructure the loan.

The Association remains active to oppose this bill and will continue to impact the legislative process at every level.

### **Recent NCUA Releases**

Remittance Transfers under the Electronic Fund Transfer Act Regulatory Alert  
20-RA-05, June 2020

The Consumer Financial Protection Bureau issued a [final rule](#) amending parts of Regulation E, which implements the Electronic Fund Transfer Act. The final rule, effective on July 21, 2020, increases the normal course of business safe harbor threshold from 100 remittance transfers to 500 remittance transfers in Subpart B to Regulation E (Remittance Rule). As a result, if a credit union provided 500 or fewer remittance transfers in the previous calendar year and provides 500 or fewer remittance transfers in the current calendar year, that credit union is not considered to be providing remittance transfers in the normal course of business and not subject to the Remittance Rule. The final rule also creates two new permanent exceptions, one for third-party fees and one for foreign exchange rates. These permanent exceptions permit credit unions to use estimates in required disclosures if they meet certain conditions.

### **Federal Reserve's Main Street Lending Program**

<https://www.bostonfed.org/supervision-and-regulation/supervision/special-facilities/main-street-lending-program/main-street-lending-program-overview.aspx>

The Federal Reserve Bank of Boston administers the Main Street Lending Program. The Bank uses a special purpose vehicle to purchase loan participations from eligible lenders across the U.S. The NCUA encourages credit unions to participate in this program, if appropriate.

The program is designed to help credit flow to small and medium-sized businesses that were in sound financial condition before the onset of the COVID-19 crisis, but now need loans to help maintain their operations until they have recovered from, or adapted to, the impacts of the pandemic. Loans originated under the program have several features that will help businesses facing challenges. The program offers 5-year loans, with floating rates, and principal and interest payments deferred to assist businesses facing temporary cash flow interruptions.

### **FFIEC's BSA/AML Examination Manual Webinar-June 26**

[Register Now for the FFIEC Webinar on 2020 Updates to the BSA/AML Examination Manual](#)

The Federal Financial Institutions Examination Council ("FFIEC") will host an interagency webinar on Friday, June 26, 2020, beginning at 1:00 p.m. Eastern. The focus of this webinar is on the 2020 updates to the FFIEC's BSA/AML Examination Manual. Specifically, staff will address the BSA/AML compliance program sections and examination procedures relating to:

- Scoping and planning,
- BSA/AML risk assessment,
- Assessing the BSA/AML compliance program, and
- Developing conclusions and finalizing the exam.

The event will be recorded and available within approximately five-business days after the webinar.