

COVID-19 RESOURCES

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Resources for Individuals

Payments to Individuals

The CARES Act provides for a one-time cash payment to individuals. Individuals making \$75,000 or less or married couples making \$150,000 or less will receive \$1,200 per adult and \$500 for each child. Individuals making over these amounts may still receive a lesser payment depending on income. Payment is based on either the 2018 or 2019 income tax returns. Coronavirus Aid, Relief, and Economic Security Act (CARES), Pub. L. No. 116-136, § 2201 (2020); *Overview of Benefits Provided by CARES Act*, SAN DIEGO L. LIBRARY (Mar. 26, 2020), <https://sandiegolawlibrary.org/overview-benefits-provided-cares-act/>.

A payment calculator can be found at <https://www.washingtonpost.com/graphics/business/coronavirus-stimulus-check-calculator/>.

Federal Unemployment

Federal unemployment benefits now compliment state unemployment benefits and widen eligibility. Individuals may receive \$600 per week in addition to the state benefits for up to four months. The Act also adds 13 weeks of unemployment which extends unemployment for those who are close to receiving the maximum unemployment benefits for their state. Freelancers, contractors, and self-employed individuals, who typically would not qualify for unemployment, now qualify. Coronavirus Aid, Relief, and Economic Security Act (CARES), Pub. L. No. 116-136, §§ 2101-2116 (2020); *Overview of Benefits Provided by CARES Act*, SAN DIEGO L. LIBRARY (Mar. 26, 2020), <https://sandiegolawlibrary.org/overview-benefits-provided-cares-act/>.

Tax Returns

The deadline for filing tax returns was extended to July 15, 2020. *Tax Day Now July 15: Treasury, IRS Extend Filing Deadline and Federal Tax Payment Regardless of Amount Owed*, IRS (Mar. 21, 2020) <https://www.irs.gov/newsroom/tax-day-now-july-15-treasury-irs-extend-filing-deadline-and-federal-tax-payments-regardless-of-amount-owed>; *Overview of Benefits Provided by CARES Act*, SAN DIEGO L. LIBRARY (Mar. 26, 2020), <https://sandiegolawlibrary.org/overview-benefits-provided-cares-act/>.

Insurance

Private insurance plans must cover COVID-19 related treatments and vaccines. Coronavirus tests are free. Coronavirus Aid, Relief, and Economic Security Act (CARES), Pub. L. No. 116-136, §§ 3202, 3203 (2020); *Overview of Benefits Provided by CARES Act*, SAN DIEGO L. LIBRARY (Mar. 26, 2020)

<https://sandiegolawlibrary.org/overview-benefits-provided-cares-act/>.

FCRA Amendment

Section 4021 of the CARES Act amends the Fair Credit Reporting Act. The amendment is applicable between January 31, 2020 and either (1) 120 days after the date of enactment (July 25, 2020) or (2) 120 days after the end of the national emergency regarding COVID-19. Creditors or data furnishers can defer payments, allow partial payments, forbear delinquent amounts, modify a loan contract, or offer other assistance/relief to a consumer affected by COVID-19. If a furnisher makes an accommodation regarding payments and the consumer makes the payment, or is not required make the payment based on the accommodation, then the furnisher must report the credit obligation or account as current. If the consumer is delinquent before the accommodation, then the furnisher can maintain the delinquent status during the accommodation period. If the consumer brings the obligation or account current during the obligation period, then the furnisher must report the obligation or account as current. These rules do not apply to charged-off obligations or accounts. Coronavirus Aid, Relief, and Economic Security Act (CARES), Pub. L. No. 116-136, § 4021 (2020); *CARES Act Amends the Fair Credit Reporting Act for Accommodations Extended to Consumers During COVID-19*, DUANE MORRIS LLP (Apr. 3, 2020),

<https://blogs.duanemorris.com/bankinglaw/2020/04/03/cares-act-amends-the-fair-credit-reporting-act-for-accommodations-extended-to-consumers-during-covid-19/>.

Student Loan Relief

The CARES Act suspends payments on federal student loans and all interest accrued for six months. The missed months will be recorded as if the payments were made. Emergency aid is available up to the amount of the maximum Pell Grant. Federal work-study payments will be made to qualifying students, even if they are unable to complete work study programs. Student who are forced to withdraw from school may have the related student loan cancelled. Any requirement to return grants or loan assistance is cancelled. An employer may contribute up to \$5,250, that is excluded from the employee's income, for student loan payments through December 31, 2020.

Coronavirus Aid, Relief, and Economic Security Act (CARES), Pub. L. No. 116-136, §§ 2206, 3501-3519 (2020); *Overview of Benefits Provided by CARES Act*, SAN DIEGO L. LIBRARY (Mar. 26, 2020) <https://sandiegolawlibrary.org/overview-benefits-provided-cares-act/>.

Housing

San Diego City Ordinance Number O-21177: There is a temporary moratorium on evictions for nonpayment of rent for residential and commercial tenants in the City of San Diego for tenants who are impacted by COVID-19. If the tenant provided written notice that the tenant is unable to pay rent due to financial impacts attributed to COVID-19 on or before the date the rent is due, then the landlord cannot evict the tenant for nonpayment of rent that was due on or after March 12, 2020. The tenant must provide “documentation or objectively verifiable information” that the tenant has suffered from a financial impact related to COVID-19. Tenants will have either six months from the date of the order or the withdrawal of the Order, whichever is sooner, to pay all unpaid rent. The Order is effective until May 31, 2020. San Diego, Cal., Ordinance O-21177 (2020).

San Diego County Resolution: The County also placed a moratorium on evictions similar to California Ordinance Number O-21177. The Resolution is effective for rent due on or after March 4, 2020. The Resolution also requires a landlord to cease eviction proceedings if they are pending. Tenants will have 3 months from June 1, 2020 to pay all unpaid rent. *City of San Diego COVID-19 Temporary Ban on Evictions*, SAN DIEGO HOUS. COMM’N, <https://www.sdhc.org/evictionban/>

California Executive Order N-37-20: Governor Newsom issued an executive order similar to San Diego City Ordinance Number O-21177 and the San Diego County Resolution. The Executive Order is effective until May 31, 2020. Cal. Exec. Order No. N-37-20, STATE OF CAL. (Mar. 27, 2020), <https://www.gov.ca.gov/2020/03/27/governor-newsom-takes-executive-action-to-establish-a-statewide-moratorium-on-evictions/>.

Comprehensive List of Tenant Protections in California:

<http://astanehelaw.com/2020/03/20/the-complete-guide-to-covid-19-coronavirus-california-tenant-protections/>.

Federal Protections: Lessors of certain dwellings cannot file eviction proceedings or charge fees for nonpayment of rent if the “dwelling is secured by a federally backed mortgage or participate in various federal programs” until after July 25, 2020 (120 days after CARES was enacted). Coronavirus Aid, Relief, and Economic Security Act (CARES), Pub. L. No. 116-136, §§ 4022, 4024 (2020).

HUD: There is a moratorium on foreclosures for all FHA-insured mortgages for 60 days. Coronavirus Aid, Relief, and Economic Security Act (CARES), Pub. L. No. 116-136, § 4022 (2020); *Housing – COVID-19 Issues*, SAN DIEGO L. LIBRARY (last updated Apr. 7, 2020) <https://sandiegolawlibrary.org/housing-covid-19-issues/>.

Mortgages: Some banks are “waiving” mortgage payments for up to 90 days for California residents impacted by COVID-19. Coronavirus Aid, Relief, and Economic Security Act (CARES), Pub. L. No. 116-136, §§ 4022, 4023 (2020); *Housing – COVID-19 Issues*, SAN DIEGO L. LIBRARY (last updated Apr. 7, 2020) <https://sandiegolawlibrary.org/housing-covid-19-issues/>.

- Multi-property owners: There are protections under the CARES Act for owners of 1-4 properties and those owning 5+ properties.
- The Consumer Financial Protection Bureau has a guide to mortgage relief options. The guide can be found at: https://www.consumerfinance.gov/about-us/blog/guide-coronavirus-mortgage-relief-options/?utm_source=newsletter&utm_medium=email&utm_campaign=wc&utm_term=April12020.

Utilities

Electric: SDG&E will not disconnect service for nonpayment. The temporary suspension will last until further notice. *Utilities – COVID-19 Issues*, SAN DIEGO L. LIBRARY (last updated Apr. 7, 2020) <https://sandiegolawlibrary.org/utilities-covid-19-issues/>.

Water: The City suspended all water shut offs and will not charge interest for late or nonpayment. *Utilities – COVID-19 Issues*, SAN DIEGO L. LIBRARY (last updated Apr. 7, 2020) <https://sandiegolawlibrary.org/utilities-covid-19-issues/> .

Paid Sick Leave

Emergency Paid Sick Leave Act: Division E of the Families First Coronavirus Response Act (Pub. L. 116-127) provides that employers must pay employees either 80 hours for full time employees or a part time employee’s average wage over a two week period if the employee is affected by COVID-19. An employee is affected by COVID-19 if one of the following applies:

1. The employee is subject to a Federal, State, or local quarantine or isolation order related to COVID-19.
2. The employee has been advised by a health care provider to self-quarantine due to concerns related to COVID-19.
3. The employee is experiencing symptoms of COVID-19 and seeking a medical diagnosis.
4. The employee is caring for an individual who is subject to an order as described in subparagraph (1) or has been advised as described in paragraph (2).
5. The employee is caring for a son or daughter of such employee if the school or place of care of the son or daughter has been closed, or the child care provider of such son or daughter is unavailable, due to COVID-19 precautions.

6. The employee is experiencing any other substantially similar condition specified by the Secretary of Health and Human Services in consultation with the Secretary of the Treasury and the Secretary of Labor.

Families First Coronavirus Response Act, Pub. L. No. 116-127, § 5101 (2020).

Los Angeles Paid Sick Leave Policy: Employers are required to provide supplemental paid sick leave of up to 80 hours if the employer has 500 or more employees in Los Angeles or 2,000 or more employees nationwide. *LA Mayor Signs COVID-19 Related Emergency Orders on Paid Sick Leave, Worker Protection*, CALCHAMBER (Apr. 9, 2020), <https://hrwatchdog.calchamber.com/2020/04/la-mayor-signs-covid-19-related-emergency-orders-paid-sick-leave-worker-protection/>; *The City of Los Angeles Mandates Supplemental Paid Sick Leave Effective Immediately*, SHEPPARD MULLIN (Apr. 8, 2020), <https://www.laboremploymentlawblog.com/2020/04/articles/coronavirus/los-angeles-mandates-supplemental-ffcra/>.

Resources for Small Businesses

Economic Injury Disaster Loan

Emergency Grants are available to small businesses to cover operating costs. The grant may be up to \$10,000. See *Economic Injury Disaster Loan Emergency Advance*, U.S. SMALL BUS. ADMIN. (last visited Apr. 9, 2020), <https://www.sba.gov/funding-programs/loans/coronavirus-relief-options/economic-injury-disaster-loan-emergency-advance>; *Business – COVID-19 Issues*, SAN DIEGO L. LIBRARY, (last updated Apr. 8, 2020), <https://sandiegolawlibrary.org/businesses-covid-19-issues/> .

Paycheck Protection Program (PPP)

The PPP aids small businesses, sole proprietors, and independent contractors. The following businesses are eligible for the PPP: (1) a “small business concern” as defined under the Small Business Act, (2) any tax-exempt nonprofit organization, (3) tax-exempt veterans’ organization, and (4) certain tribal businesses. Coronavirus Aid, Relief, and Economic Security Act (CARES), Pub. L. No. 116-136, §§ 1101-1114 (2020); *Paycheck Protection Program (PPP) Information Sheet: Borrowers*, U.S. DEP’T OF THE TREASURY (last visited Apr. 9, 2020), <https://home.treasury.gov/policy-issues/top-priorities/cares-act/assistance-for-small-businesses>; *Expansion of Eligibility and Additional Guidance on the Paycheck Protection Program (Title I of the CARES Act)*, SHEPPARD MULLIN (Apr. 8, 2020), <https://www.bankruptcylawblog.com/eligibility-guidance-paycheck-protection-cares-act.html>; *Paycheck Protection Program Opens with Updated Guidelines*, DUANE MORRIS LLP (Apr. 3, 2020), https://www.duanemorris.com/alerts/paycheck_protection_program_opens_updated_guidelines_0420.html;

Small businesses may obtain SBA loans up to \$10 million per business for payroll, rents, mortgages, and utilities incurred in the eight weeks following the loan date. Payroll costs are limited to \$100,000 annually per employee. The loan does not require collateral or a personal guarantee. Loan payments will be deferred for six months, but interest will accrue during that time. The interest rate will be a 1% fixed rate. Coronavirus Aid, Relief, and Economic Security Act (CARES), Pub. L. No. 116-136, §§ 1101-1114 (2020); *Paycheck Protection Program (PPP) Information Sheet: Borrowers*, U.S. DEP'T OF THE TREASURY (last visited Apr. 9, 2020), <https://home.treasury.gov/policy-issues/top-priorities/cares-act/assistance-for-small-businesses>.

The loan may be forgiven if the business keeps its employees employed through the end of June 2020 and the loan proceeds are used to cover payroll costs (salary, wages, commissions, tips, benefits, state and local taxes), interest on mortgage obligations incurred before February 15, 2020, rent under lease agreements in force before February 15, 2020, and utility costs for services that began before February 15, 2020. The business can submit a loan forgiveness request to the lender. The lender will make a decision within 60 days of the request. Coronavirus Aid, Relief, and Economic Security Act (CARES), Pub. L. No. 116-136, §§ 1101-1114 (2020); *Paycheck Protection Program (PPP) Information Sheet: Borrowers*, U.S. DEP'T OF THE TREASURY (last visited Apr. 9, 2020), <https://home.treasury.gov/policy-issues/top-priorities/cares-act/assistance-for-small-businesses>; *Overview of Benefits Provided by CARES Act*, SAN DIEGO L. LIBRARY (Mar. 26, 2020), <https://sandiegolawlibrary.org/overview-benefits-provided-cares-act/>.

A small business can apply through an SBA lender or federally insured institution or credit union or Farm Credit System. All business with 500 or less employees, including nonprofits, veterans' organizations, Tribal businesses, sole proprietorships, self-employed individuals, and independent contractors. Certain businesses with more than 500 employees may qualify for the PPP depending on the industry. The SBA affiliation standards are waived for certain small businesses. Coronavirus Aid, Relief, and Economic Security Act (CARES), Pub. L. No. 116-136, §§ 1101-1114 (2020); *Paycheck Protection Program (PPP) Information Sheet: Borrowers*, U.S. DEP'T OF THE TREASURY (last visited Apr. 9, 2020), <https://home.treasury.gov/policy-issues/top-priorities/cares-act/assistance-for-small-businesses>.

To apply, a business will need to complete the PPP loan application and submit payroll documentation by June 30, 2020. The applicant will need to certify that:

- The loan is necessary because of the current economic uncertainty.
- The proceeds will be used for payroll, mortgage, lease, and utility payments.
- The applicant has not and will not receive another loan under the PPP.
- The applicant will provide documentation verifying employee payroll information, payroll costs, mortgage interest payments, rent payments, and utilities.

- The loan may be forgiven for the amount of documented payroll costs, interest payments, rent payments, and utilities, but not more the 25% of the proceeds used for non-payroll costs will be forgiven.
- All information in the application and documents provided are true and correct and any false statement is punishable by law.
- The lender will use the tax documents to calculate the loan amount and the applicant certifies that those documents are identical to the documents submitted to the IRS. The lender can share the information with the SBA. Coronavirus Aid, Relief, and Economic Security Act (CARES), Pub. L. No. 116-136, §§ 1101-1114 (2020); *Paycheck Protection Program (PPP) Information Sheet: Borrowers*, U.S. DEP'T OF THE TREASURY (last visited Apr. 9, 2020), <https://home.treasury.gov/policy-issues/top-priorities/cares-act/assistance-for-small-businesses>.

Interim Final Rule: The Interim Final Rule provided clarification on certain aspects of PPP, including eligibility and application supporting documentation, the interest rate, maturity date, calculating payroll costs, limitations on the use of proceeds and enforcement for unauthorized use, loan forgiveness, loan payment deferral, lender responsibilities, and lender and agent fees. *Paycheck Protection Program (PPP) Information Sheet: Borrowers*, U.S. DEP'T OF THE TREASURY (last visited Apr. 9, 2020), <https://home.treasury.gov/policy-issues/top-priorities/cares-act/assistance-for-small-businesses>; *Updates on the Paycheck Protection Program under the CARES Act: The SBA's April 2, 2020 Interim Final Rule*, SHEPPARD MULLIN (Apr. 3, 2020), https://www.bankruptcylawblog.com/updates-ppp-paycheck-protection-program.html?utm_medium=email&utm_campaign=Finance%20and%20Bankruptcy%20Law%20Blog&utm_content=Finance%20and%20Bankruptcy%20Law%20Blog+CID_6b5b23ec7d4e52ac24af88bfd403b8af&utm_source=Create%20Send%20campaigns&utm_term=Updates%20on%20the%20Paycheck%20Protection%20Program%20under%20the%20CARES%20Act%20The%20SBAs%20April%20202020%20Interim%20Final%20Rule.

Affiliation Rules: To determine the number of employees for purposes of PPP, there are four tests for affiliation: (1) affiliation based on ownership, (2) affiliation arising under stock options, convertible securities, and agreements to merge, (3) affiliation based on management, and (4) affiliation based on identity of interest. There is a religious exemption for a relationship between faith-based organizations. There is also a waiver for certain industries, franchises, and businesses receiving “financial assistance from a company licensed under section 301 of the Small Business Investment Act of 1958 (15 U.S.C. 681).” *Paycheck Protection Program (PPP) Information Sheet: Borrowers*, U.S. DEP'T OF THE TREASURY (last visited Apr. 9, 2020), <https://home.treasury.gov/policy-issues/top-priorities/cares-act/assistance-for-small-businesses>; *Affiliation Rules*

Applicable to U.S. Small Business Administration Paycheck Protection Program, U.S. SMALL BUS. ADMIN. (Apr. 3, 2020), <https://www.sba.gov/document/support-affiliation-rules-paycheck-protection-program>; *Updates on the Affiliation Rules Applicable to the Paycheck Protection Program (Title I of the CARES Act)*, SHEPPARD MULLIN (Apr. 6, 2020), https://www.bankruptcylawblog.com/updates-affiliation-rules-sba.html?utm_medium=email&utm_campaign=Finance%20and%20Bankruptcy%20Law%20Blog&utm_content=Finance%20and%20Bankruptcy%20Law%20Blog+CID_d0d78c204bdccdaaac7456f55bcf1dc&utm_source=Create%20Send%20campaigns&utm_term=here.

Exception for Certain Gambling Business: The CARES Act provides loans to many small businesses, nonprofit organizations, veterans' organizations, and tribal businesses that have less than 500 people. The American Gambling Association's Chief Executive Officer requested a clarification for casinos because the CARES Act reference 13 CFR 120.110 precludes PPP loan to businesses that received over one-third of their annual gross revenue from gambling or a business whose business is gambling, including a parimutual betting racetrack and gambling casino, are ineligible to SBA loans. See *Interim Regulatory Guidelines Preclude Gaming Businesses from Receiving Support Under the CARES Act Paycheck Protection Program*, DUANE MORRIS LLP (Apr. 3, 2020), https://www.duanemorris.com/alerts/interim_regulatory_guidelines_preclude_gaming_businesses_receiving_support_cares_act_ppp_0420.html; AGA CEO *Statement on the SBA's Interim Guidelines for the Paycheck Protection Program*, AM. GAMING ASS'N (Apr. 3, 2020), <https://www.americangaming.org/new/aga-ceo-statement-on-small-business-administration-interim-guidelines-for-the-paycheck-protection-program/>.

U.S. Treasury Frequently Asked Questions: The U.S. Department of Treasury released a Frequently Asked Questions Sheet that provided the following additional information regarding the PPP: (1) businesses with a net worth of \$15 million or less and the average net income for the two fiscal years before the application is not more than \$5 million after Federal income taxes; (2) the applicant is responsible to determine affiliation under the affiliation rules and must certify that it has eligible after evaluating affiliation; (3) to avoid affiliation, a minority shareholder may waive its rights to prevent a quorum or block other actions; (4) the \$100,000 per employee cap does not apply to non-cash benefits; (5) to determine the number of employees and payroll costs, a business may calculate those figures from either the 12 month period before the application or the 2019 calendar year. *Paycheck Protection Program Loans Frequently Asked Questions (FAQS)*, U.S. DEP'T OF THE TREASURY (last visited Apr. 9, 2020), <https://home.treasury.gov/policy-issues/top-priorities/cares-act/assistance-for->

[small-businesses](https://www.bankruptcylawblog.com/eligibility-guidance-paycheck-protection-cares-act.html); *Expansion of Eligibility and Additional Guidance on the Paycheck Protection Program (Title I of the CARES Act)*, SHEPPARD MULLIN (Apr. 8, 2020), <https://www.bankruptcylawblog.com/eligibility-guidance-paycheck-protection-cares-act.html>

Existing Loans

Small businesses with SBA loans may “receive coverage of six months of payments.” *Overview of Benefits Provided by CARES Act*, SAN DIEGO L. LIBRARY (Mar. 26, 2020), <https://sandiegolawlibrary.org/overview-benefits-provided-cares-act/>.

Resources for Other Businesses/Organizations

Coronavirus Economic Stabilization Act

CESA makes loans available to businesses, states, and municipalities. Eligible businesses include air carriers or a U.S. business that has not received adequate economic relief in loan or loan guarantees under the CARES Act. *Coronavirus Aid, Relief, and Economic Security Act (CARES)*, Pub. L. No. 116-136, § 4001-4120 (2020); *Loans for Businesses Not Otherwise Receiving Relief Under the CARES Act*, DUANE MORRIS LLP (Apr. 3, 2020), https://www.duanemorris.com/alerts/loans_businesses_not_otherwise_receiving_relief_under_cares_act_0420.html; *Funds Available to Businesses under the Coronavirus Economic Stabilization Act (CARES ACT Title IV)*, SHEPPARD MULLIN (Mar. 30, 2020), <https://www.corporatesecuritieslawblog.com/2020/03/funds-available-to-businesses-under-the-coronavirus-economic-stabilization-act-cares-act-title-iv/>.

Loan or loan guarantees will be provided to passenger or cargo carriers and national security business that:

- Cannot reasonably obtain credit otherwise
- The loan or loan guarantee is “prudently incurred”
- Operations must be jeopardized by COVID-19
- The loan must be fully secured or the interest rate must reflect the risk of the loan.
- The term is less than five years.
- The business cannot make public stock buybacks, unless contractually obligated, within one year after the loan or loan guarantee.
- The business must be U.S. based (significant operations in the U.S., U.S. domiciled, and most of the employees are in the U.S.)
- If the business is publicly traded, it must issue a warrant or equity interest to the U.S. If it is not publicly traded, then it must issue a warrant or equity interest or senior debt instrument to the U.S. determined by the Treasury Secretary.

- The business must agree to executive compensation limitations

The Treasury is authorized to participate in loans, loan guarantees, and other investments to other businesses. Direct lending to small and mid-sized businesses will be available. One of the programs is called the Main Street Lending Program. The Treasury is also instructed to create a program for mid-sized businesses with 500 to 10,000 employees. *Funds Available to Businesses under the Coronavirus Economic Stabilization Act (CARES ACT Title IV)*, SHEPPARD MULLIN (Mar. 30, 2020), <https://www.corporatesecuritieslawblog.com/2020/03/funds-available-to-businesses-under-the-coronavirus-economic-stabilization-act-cares-act-title-iv/>.

For the mid-sized business program, the following is required:

- “The Eligible Business must certify that it needs the loan to support ongoing operations which are affected by uncertainty or economic conditions at the time of the loan application.
- The funds will be used to retain at least 90% of its workforce (presumably measured as of March 24, 2020) at full compensation and benefits until September 30, 2020.
- The Eligible Business intends to restore not less than 90% of its workforce as of February 1, 2020 at full compensation and benefits within 4 months after the HHS Secretary terminates the emergency declaration.
- The Eligible Business must be domiciled in the U.S. and have “significant operations and employees located in the U.S.”
- Until one year after the date of the loan or loan guarantee, the Eligible Business and its affiliates cannot engage in public company stock buybacks, unless contractually obligated as of the enactment date of the CARES Act, or pay dividends on its common stock. [our emphasis]
- The Eligible Business must agree to the executive compensation limitations.
- The Eligible Business cannot be the subject of a bankruptcy proceeding.
- It cannot outsource or offshore jobs during the loan and for 2 years after loan repayment.
- The recipient will not abrogate existing collective bargaining agreements for the term of the loan plus an additional two years.
- The recipient must remain neutral in any union organizing effort for the term of the loan.” *Funds Available to Businesses under the Coronavirus Economic Stabilization Act (CARES ACT Title IV)*, SHEPPARD MULLIN (Mar. 30, 2020), <https://www.corporatesecuritieslawblog.com/2020/03/funds-available-to-businesses-under-the-coronavirus-economic-stabilization-act-cares-act-title-iv/>.

Health Care Providers

CARES Funding: The CARES Act provides funding to “eligible health care providers”. Eligible health care providers is defined as “eligible health care

providers” broadly, to include (i) Medicare or Medicaid enrolled suppliers and providers, (ii) with a valid Tax Identification Number, and (iii) who provide diagnoses, testing, or care for individuals with possible or actual cases of COVID-19.” Further guidance, qualifications, and applications for funding is pending. Coronavirus Aid, Relief, and Economic Security Act (CARES), Pub. L. No. 116-136, Title VIII (2020); *Increased Expenses and Lost Revenues? CARES Act Funding Opportunities for Health Care Providers and Suppliers*, SHEPPARD MULLIN (Apr. 9, 2020), <https://www.sheppardhealthlaw.com/2020/04/articles/coronavirus/updates-phssef-funding-opportunities/>.

Other Programs: The CARES Act includes a Hospital Preparedness Program that provides funds to certain local and state health departments. There is no application process to obtain funds. The CARES Act also includes a Medicare Accelerated Payments Program that allowed providers and supplier to request accelerated payments from Medicare. Coronavirus Aid, Relief, and Economic Security Act (CARES), Pub. L. No. 116-136, Title VIII (2020); *Increased Expenses and Lost Revenues? CARES Act Funding Opportunities for Health Care Providers and Suppliers*, SHEPPARD MULLIN (Apr. 9, 2020), <https://www.sheppardhealthlaw.com/2020/04/articles/coronavirus/updates-phssef-funding-opportunities/>.

Nonprofit Organizations

Nonprofit organizations may qualify for a variety of resources under the CARES Act. *CARES Act: How to Apply for Nonprofit Relief Funds*, INDEPENDENT SECTOR (Apr. 1, 2020), <https://independentsector.org/resource/caresact/>.

Resources for Federal Entities

The CARES Act provides emergency supplemental funding for some federal entities, including the Judiciary. The CARES Act designates \$7.5 million in funds to the Judiciary that includes \$5 million for probation and pretrial services for increased drug and mental health treatment costs and drug testing costs and \$2.5 million to enhance network capacity and telework capabilities. Coronavirus Aid, Relief, and Economic Security Act (CARES), Pub. L. No. 116-136, § 15001 (2020); *Supplemental Funding and Legislative Provisions in the CARES Act*, Administrative Office of the United States Courts (Apr. 1, 2020).

The CARES Act authorizes criminal proceedings to be conducted via videoconference or telephone. It also authorizes the Attorney General to declare that COVID-19 is materially affecting the Bureau of Prisons operations and allows the Director of the Bureau to increase pre-release home confinement in certain instances. Coronavirus Aid, Relief, and Economic Security Act (CARES), Pub. L. No. 116-136, § 15001 (2020); *Supplemental Funding*

and Legislative Provisions in the CARES Act, Administrative Office of the United States Courts (Apr. 1, 2020).

Changes to the Bankruptcy Code

The CARES Act amends Chapter 11 of the Bankruptcy Code to temporarily increase the debt limit in Sub V cases to \$7,500,000. It also excludes coronavirus related payments from the definition of income in chapters 7 and 13. It also allows chapter 13 debtors to extend payments under a confirmed plan for up to seven years if the debtor experiences financial hardship due to COVID-19. Coronavirus Aid, Relief, and Economic Security Act (CARES), Pub. L. No. 116-136, § 1113 (2020); *Supplemental Funding and Legislative Provisions in the CARES Act*, Administrative Office of the United States Courts (Apr. 1, 2020).

Changes to the Food, Drug, and Cosmetic Act

The amendments to the Federal Food, Drug, and Cosmetic Act authorize administrative orders regarding the sale of over-the-counter drugs and allows judicial review of final administrative orders by the “appropriate district court of the United States in lieu of the appellate courts specific to such section.” Coronavirus Aid, Relief, and Economic Security Act (CARES), Pub. L. No. 116-136, §§ 3851-3862 (2020); *Supplemental Funding and Legislative Provisions in the CARES Act*, Administrative Office of the United States Courts (Apr. 1, 2020).

Southern District Bankruptcy Court Administrative Orders and Procedures

Administrative Order No. 20-1

The order requires telephonic hearings, unless otherwise ordered by the assigned judge. The order references the Mandatory Telephonic Hearing Guidelines. *General Orders*, U.S. BANKR. CT. S.D. OF CAL. (last visited Apr. 9, 2020), <https://www.casb.uscourts.gov/general-orders>.

Administrative Order No. 20-2-A

The order temporarily suspends certain requirements for signatures and provides procedures for submitting or filing signed documents. *General Orders*, U.S. BANKR. CT. S.D. OF CAL. (last visited Apr. 9, 2020), <https://www.casb.uscourts.gov/general-orders>.

Administrative Order No. 20-3

The order temporarily extends the deadlines in Federal Bankruptcy Rules 1007, 2003(a), 2015.3(b), 4008(a), and 11 U.S.C. § 1308(a) and alters procedure for requesting extensions of the deadlines under Federal Bankruptcy Rules 1017(e),

4004(a), and 4007(c). *General Orders*, U.S. BANKR. CT. S.D. OF CAL. (last visited Apr. 9, 2020), <https://www.casb.uscourts.gov/general-orders>.

Guidelines for Mandatory Telephonic Hearings

The guidelines provide the dial-in procedures with the call-in information for each judge. *Guidelines for Mandatory Telephonic Hearings*, U.S. BANKR. CT. S.D. OF CAL. (last visited Apr. 9, 2020), <https://www.casb.uscourts.gov/information-regarding-coronavirus-disease-covid-19-and-court-operations>.

California State Court Orders and Rules

Judicial Council of California Statewide Order

The Statewide Order temporarily alters California state court operations. Jury trial are suspended and continued for 60 days. The time period for criminal trial is extended for 60 days. The time period for civil trials is extended for 60 days. All superior courts may make rule changes without the 45 day public comment period. *Judicial Council of California, Statewide Order by Hon. Tani G. Cantil-Sakauye, Chief Justice of California and Chair of Judicial Council*, CALIFORNIA COURTS THE JUDICIAL BRANCH OF CALIFORNIA (Mar. 23, 2020), <https://newsroom.courts.ca.gov/news/chief-justice-issues-statewide-order-suspending-jury-trials>.

California Rules of Court

The Judicial Council issued emergency rules amending the California Rules of Court.

Emergency rule 1: The rule limits issuing of summons and entering defaults in unlawful detainer actions. The rule also limits the timing for trial dates and makes rule 1 effective until 90 days after the state of emergency is lifted or otherwise amended or repealed. Cal. Rules of Court, emergency rule 1; *Amendments to the California Rules of Court*, CALIFORNIA COURTS (effective Apr. 6, 2020), <https://www.courts.ca.gov/3025.htm>.

Emergency rule 2: The rule suspends judicial foreclosure actions. Statute of limitations are also tolled. Cal. Rules of Court, emergency rule 2; *Amendments to the California Rules of Court*, CALIFORNIA COURTS (effective Apr. 6, 2020), <https://www.courts.ca.gov/3025.htm>.

Emergency rule 3: The rule allows court to require remote appearances, requires a criminal defendant's consent in certain matters, and provides means of remote appearances. Cal. Rules of Court, emergency rule 3; *Amendments to the California Rules of Court*, CALIFORNIA COURTS (effective Apr. 6, 2020), <https://www.courts.ca.gov/3025.htm>.

Emergency rules 4 – 8: These rules set an emergency bail schedule, emergency orders in juvenile dependency proceedings, and extends temporary restraining and protective orders. Cal. Rules of Court, emergency rules 4-8; *Amendments to the California Rules of Court*, CALIFORNIA COURTS (effective Apr. 6, 2020), <https://www.courts.ca.gov/3025.htm>.

Emergency rules 9 and 10: These rules extend the statute of limitations for civil causes of action, extends the five year deadline to bring a civil case to trial, and extends the three year deadline under California Code of Civil Procedure section 583.320 to bring a new trial. Cal. Rules of Court, emergency rule 9-10; *Amendments to the California Rules of Court*, CALIFORNIA COURTS (effective Apr. 6, 2020), <https://www.courts.ca.gov/3025.htm>.

Emergency rule 11: The rule allows a deponent to appear remotely. Cal. Rules of Court, emergency rule 11; *Amendments to the California Rules of Court*, CALIFORNIA COURTS (effective Apr. 6, 2020), <https://www.courts.ca.gov/3025.htm>.

The Judicial Council also amended Rule 8.66 to toll and extend time because of a public emergency. Cal. Rules of Court, rule 8.66; *Amendments to the California Rules of Court*, CALIFORNIA COURTS (effective Apr. 6, 2020), <https://www.courts.ca.gov/3025.htm>.

Other Resources

- California Coronavirus (COVID-19) Response, Financial Information for Individuals: <https://covid19.ca.gov/get-financial-help/#top>
- California Coronavirus (COVID-19) Response, Financial Help for Business: <https://covid19.ca.gov/business-and-employers/#top> and California Governor's Office of Business and Economic Development, Coronavirus 2019 (COVID-19), <https://business.ca.gov/coronavirus-2019/>
- San Diego Law Library, COVID-19 Legal Issues, <https://sandiegolawlibrary.org/covid-19-legal-issues/>.
- U.S. Department of Labor, COVID-19 Fact Sheets, <https://www.dol.gov/agencies/whd/pandemic>
- U.S. Bankruptcy Court Southern District of California, Information Regarding Coronavirus Disease (COVID-19) and Court Operations, <https://www.casb.uscourts.gov/information-regarding-coronavirus-disease-covid-19-and-court-operations>
- Lundin on Chapter 13, CARES About Chapter 13, <https://lundinonchapter13.com/CARES>