

Dealer Advisory

November 9, 2020



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CDC Revises Guidelines for Home Isolation

Dealers should review their COVID-19 preparedness plan, following revised CDC guidelines for home isolation. Many dealers may need to make updates and notify employees of the dealership's revised plan.

- **Current CDC guidelines:** in following the revised home isolation guidelines, employers can no longer bring someone back to work sooner than 10 days of that person testing positive for COVID-19.
- **Previously:** the CDC had said that if the employee tested positive and remained asymptomatic and later tested negative twice in a row at least 24 hours apart, the employee could shorten the 10-day period. *This is no longer the case.*

Colombo & Colombo, P.C. has updated its preparedness plan template to incorporate these new guidelines. A section was also added on the new Michigan law that went into effect codifying the information previously contained in Governor Whitmer's orders regarding retaliation against employees relating to COVID-19. References to the old executive orders were removed throughout.

- [COVID-19 Exposure Prevention, Preparedness and Response Plan](#) (Rev. Nov. 6, Word doc).

Please remember that this is a template only and must be modified to the operations of your specific dealership. Also review and incorporate any local health department rules that may apply.

MIOSHA's Very In-depth Interim Enforcement Plan

Last week, MIOSHA released a new operational memo with significant detail on how it plans to enforce the current COVID-19 Michigan rules and orders. From scope of inspections, to COVID-19 fatalities, referrals from hospitals and local governments, and complaint processing. This 45 page document covers *a lot* of information. Dealers may want to review the plan to get some inside details on how MIOSHA is going about business enforcement.

- [MIOSHA's Nov. 4 Interim Enforcement Plan](#)

New SBA Questionnaire Raises Stakes for Businesses That Borrowed Over \$2 Million in PPP Loans

Nov. 5 Legal Alert from Fisher Phillips

The Small Business Administration (SBA) has released loan necessity questionnaires that lenders must issue to over 50,000 borrowers that received \$2 million or more in funds from the Paycheck Protection Program (PPP) – and the questions indicate that borrowers may face a higher hurdle than originally anticipated when it comes to forgiveness. Businesses may need to demonstrate that they suffered **actual** economic harm as a result of the pandemic in order to be eligible for full forgiveness, which is a change from what many initially believed at the time the applications were submitted.

Borrowers only have 10 days from the time they receive the questionnaire to complete it and submit supporting documentation, so those who received \$2 million or more from the PPP



should begin preparing to respond to the questionnaire now.

Why Now?

Many PPP borrowers are familiar with the [infamous FAQ #31](#), released by the SBA in May, which stated a borrower must carefully review the needs certification required when applying for PPP funds. It also established a safe harbor deadline for borrowers to return PPP funds with no questions asked. The SBA later clarified that it would deem any borrower, together with its affiliates, that received PPP loans of less than \$2 million to have made the needs certification “in good faith.” But the government failed to provide any further guidance for borrowers with loans over \$2 million on how they may satisfy the needs certification.

Now, as many borrowers are preparing their loan forgiveness applications, the SBA has apparently determined the criteria for determining whether borrowers with loans in excess of \$2 million satisfied the needs certification. The questionnaire forms appear to be the SBA’s attempt at gathering the information it believes is necessary for determining whether the needs certification was made in good faith.

Why Should You Take Note of the Questionnaire?

When applicants applied for a PPP loan, they only needed to certify that “the uncertainty of current economic conditions makes necessary the loan request to support the ongoing operations of the eligible recipient.” **However, the information requested through the questionnaire suggests that the SBA will require that borrowers show actual economic harm caused by the pandemic...**

Please keep reading this [article from Fisher Phillips](#) for more about information requested and who it affects.

Please contact DADA at (248) 643-0250 or MADA at (800) 292-1923 if you have further questions about this issue.

This advisory has been prepared in conjunction with Colombo & Colombo, P.C., and Abbott Nicholson, P.C.

Dealers are invited to attend a DADA “Q’d Up Live” virtual legislative presentation. Please take this opportunity to get up close and personal with our leadership in Lansing.



After Election 2020

Biden wins Michigan / Senator Gary Peters narrowly wins re-election / Michigan House remains in Republican control / Supreme Court tilts in the Democrats favor...

What does it all mean?

Thursday, November 12 / 9:00 a.m. - 9:30 a.m.
via Zoom

Join publisher and *MIRS* co-owner, John T. Reurink and News Editor and *MIRS* co-owner, Kyle Melinn as they talk to Kurt Berryman about the 2020 election and what it means here in Michigan.

Q'd Up will begin with "The Berryman Top 5" from the Capitol, an update of 5 things you must know from Lansing, followed by an interview and Q&A with John T. Reurink and Kurt Berryman.

[Register Now](#)

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