



# The Tax Man

If You Want to Pay Too Much in Taxes,  
That's Your Business.  
If you Don't, That's Our Business

**Randy and Cathy Warshawsky**

*Enrolled to practice before the Internal Revenue Service*  
Income Taxes – Audits – Payroll – Bookkeeping  
**(408) 445-1151**

[www.4Taxman.com](http://www.4Taxman.com)



## Coronavirus Aid, Relief and Economic Security Act of 2020

### Individual Provisions

In response to the economic harm that the COVID19 virus has caused, Congress passed the Coronavirus Aid, Relief and Economic Security (CARES) Act of 2020. The Act provides an estimated \$2 trillion in assistance, including almost \$500 billion in individual rebate checks, another \$500 billion to support businesses and industries that have seen their operations affected, \$400 billion in tax credits to businesses for wages and payroll tax relief, \$300 billion to support various state and local governments and \$150 billion to support the health care system.

Recovery Rebates are payments being made directly to individuals and families below certain income thresholds. The rebate is an advance refund of a newly created 2020 tax credit. The rebate amounts of \$1,200 for an individual; \$2,400 for a married couple and \$500 for children under the age of 17 will be available to single filers whose adjusted gross income (AGI) is less than \$75,000, to joint filers with AGI less than \$150,000 and for head of household filers with AGI less than \$115,500.

What about taxpayers with AGI above the threshold amounts? Based on a phase out formula, the rebates will be completely phased out for single filers with AGI of \$99,000, joint filers with AGI of \$198,000 and \$136,500 for heads of households. Taxpayers with children will be subject to higher AGI limits before the rebate is completely phased out.

What if the taxpayer's income drops below the AGI threshold in 2020, even if your income was too high for the cash flow assistance provided by the immediate cash

payment? While people in this situation will not receive the immediate help, the provision is designed to provide, a credit will be available later, nonetheless.

Conversely, if your income was low enough to qualify in 2018 or 2019 but your income was above the threshold in 2020, the tax credit will NOT be called back when your

related" distributions of up to \$100,000 made to a qualified individual for pre-59 1/2 distributions from retirement accounts.

These distributions may be repaid over three years by redepositing any or all the distribution back into their retirement account. The funds can be returned as a single contribution or as a series of

expanded the availability of these types of loans to the lesser of 100% of the account balance or \$100,000.

Loan repayment can be delayed for up to one year on loans made through December 31, 2020.

### ✓ Required Minimum Distributions (RMDs) Waived in 2020

RMDs on all retirement plans are suspended for 2020. This includes Traditional, SEP, and SIMPLE IRAs, and employer plans such as 401(k)s, 403(b)s and governmental 457(b)s.

If you already took your RMD for 2020 and wish to return those funds to the account to avoid paying tax, there are two options. If the initial distribution was taken within the last 60 days, you may return the funds to the account as a 60-day rollover. You are only allowed one rollover per 365-day period, so you must not have done a rollover in the prior 365 days and you will not be

allowed to do one for the next 365 days.

If you are already outside of your 60-day window and you are able to meet the definition for a coronavirus-related distribution, as described earlier, you would have three years to return the amount you initially distributed as an RMD. While the definition of this distribution type is very broad, it is not unlimited and not everyone will be able to qualify for it.



2020 return is filed.

The Treasury Department indicates that the "as soon as possible" guidance provided by the Act probably means payments will start to get into taxpayer's hands in May. The Act indicates that the IRS will send a confirmation letter within 15 days of having made the payment, which will provide a phone number to report any payment issues.

### ✓ Elimination of 10% Additional Tax for Coronavirus-Related Retirement Plan Distributions

An exception to the 10% distribution penalty is provided by the CARES Act for "coronavirus-

contributions made over the three-year time frame starting the day after the distribution is taken.

A taxpayer can elect to have all the income reported in 2020 or may split it evenly between the 2020, 2021 and 2022 tax years.

### ✓ Loans from Employer-Sponsored Retirement Plans

Employer-sponsored plans, such as 401(k)s and 403(b)s, may contain loan provisions. If you participate in a plan that includes a loan provision, the CARES Act

**Coronavirus Aid, Relief and Economic Security (CARES) Act Provides An Estimated \$2 Trillion In Assistance**



# Tax News & TIPS

**Enhanced Tax Benefits for Charitable Contributions**

The CARES Act allows a charitable contributions deduction of up to \$300 for taxpayers that do not itemize.

**Student Loan Relief**

Student loan payments are deferred until September 30, 2020 under the CARES Act and no interest will accrue during this time.

**Unemployment Compensation Benefits Expanded**

Pandemic Unemployment Assistance. Self-employed individuals and others who are typically ineligible for unemployment or have run out of such insurance will be eligible for up to 39 weeks of benefits due to this provision.

The Federal Government has offered to pay states to provide unemployment compensation immediately, foregoing the one-week waiting period.

Regular unemployment compensation is increased by \$600 per week. States can increase the unemployment benefits they pay by up to \$600 per week for up to four months using Federally provided dollars.

Unemployment compensation is extended by 13 weeks.

**2019 & 2020 Federal Tax Deadlines**

The deadlines to FILE and PAY federal income taxes are extended to July 15, 2020. Taxpayers can defer federal income tax payments due on April 15, 2020, to July 15, 2020, without penalties and interest, regardless of the amount owed. This deferment applies to all taxpayers, including individuals, trusts and estates, corporations and other non-corporate tax filers as well as those who pay self-employment tax. Penalties and interest will begin to accrue on any remaining unpaid balances as of July 16, 2020. You will automatically

## PREVENTION

SOCIAL DISTANCING      WASH HANDS FREQUENTLY      SAFER AT HOME

avoid interest and penalties on the taxes paid by July 15.

This relief also includes estimated tax payments for tax year 2020 that are due on April 15, 2020. The first estimate installment originally due April 15, 2020 has been extended to July 15, 2020. This extension does not currently apply to the other installments. The second installment due June 15, 2020 remains as does the third installment due September 15, 2020 and the final installment due January 15, 2021.

Individual taxpayers who need additional time to file beyond the July 15 deadline can request a filing extension by filing Form 4868. Businesses who need additional time must file Form 7004.

**Current Installment Agreements**

For taxpayers under an existing Installment Agreement, payments due between April 1 and July 15, 2020 are suspended. Further, the IRS will not default any Installment Agreements during this period. By law, interest will continue to accrue on any unpaid balances.

### Business Provisions

**Paycheck Protection Program and Forgivable Loans**

The Paycheck Protection Program is a loan program that allows lenders to issue Small Business Administration (SBA) 7(a) small business loans up to a maximum of \$10 million or 2.5 times the

average monthly payroll costs over the previous year to businesses that have fewer than 500 employees.

These "businesses" include sole proprietorships and food service business that employ fewer than 500 people per physical location.

The loan proceeds may be used for payroll costs, group health insurance premiums or other healthcare costs, salaries and/or commissions, rent, mortgage interest and utilities.

Borrowers are required to make a good-faith certification that the loan is necessary due to the uncertainty of current economic conditions caused by COVID-19.

**Loan Forgiveness**

The amount of the loan eligible to be forgiven is the amount spent during the first 8 weeks after the loan is made on the following items:

Payroll costs, excluding amounts for individuals with compensation greater than \$100,000; rent due to a lease in force prior to February 15, 2020; electricity, gas, water, transportation, phone and/or internet access for services which began before February 15, 2020 and group health insurance premiums and other healthcare costs.

To be eligible for forgiveness, the business must keep the same number of employees from February 15, 2020 through June 30, 2020 that it had from January 1, 2020 through February 14, 2020.

Any debt forgiven is not included

**Employee Retention Credit**

The CARES Act provides a payroll tax credit as an incentive to encourage businesses from making layoffs.

To be eligible for the credit the operations of the company need to have been fully or partially suspended due to governmental intervention because of the coronavirus OR revenue in 2020 is less than 50% of the revenue from the same quarter in 2019.

**Payment of Payroll Taxes Deferred**

Employers are eligible to defer payroll taxes due from March 27, 2020 through December 31, 2020. 50% of the payroll tax liability is due December 31, 2021 and 50% is due on December 31, 2022. This relief also applies to the employer portion of self-employment taxes.

This provision is not available to businesses who participate in the SBA loan forgiveness program.

**Net Operating Loss Carrybacks**

Net operating losses (NOL) that were accrued in 2018, 2019 or 2020 can now be carried back up to five years. Unused losses can still be carried forward indefinitely. NOLs are also able to offset up to 100% of taxable income in 2018, 2019 and 2020 (up from 80%).

These changes allow companies with NOLs to amend their prior years' returns to claim refunds of amounts previously paid to further enhance their current cash flow picture.

**Minimum Tax Credit is Accelerated**

The CARES Act allows businesses to claim outstanding Minimum Tax Credits (MTCs) starting in 2019 (originally 2021). The CARES Act allows corporations to claim 100% of AMT credits in 2019. The option also exists to make an election to take the entire refundable credit amount in 2018. The application for a tentative refund must be filed before December 31, 2020.