**PANDEMIC UNEMPLOYMENT ASSISTANCE (PUA)**

*Updated on April 3, 2020*

​

Questions updated on April 3:

* Should you submit your PUA claim now?
* Can you get PUA if you’re receiving social security benefits?

​

The CARES Act includes a new Pandemic Unemployment Assistance (PUA) program expanding unemployment benefits eligibility to business owners, self-employed workers and independent contractors, including most REALTORS®. This means if you’re unable to work as a direct result of the pandemic and you aren’t eligible for ordinary unemployment insurance benefits, you may be entitled to PUA benefits.

​

There are broad categories of eligibility such that most agents whose work is adversely impacted by COVID-19 may be eligible for some benefits. However, you still must meet the criteria. We will provide additional details as soon as they become available. Stay tuned!

**Is PUA available to REALTORS®?**

**​**

Yes, REALTORS® acting as salespersons may be eligible if they meet the criteria.

**What are some of the criteria an agent needs to meet to qualify for PUA?**

* Agent isn’t traditionally eligible for unemployment compensation because he/she is an independent contractor or is self-employed.
* Agent has exhausted any other unemployment benefits, if applicable.
* Agent isn’t receiving paid sick leave or other paid leave benefits.
* Agent doesn’t have the ability to work remotely with pay.
* Agent is unable to work because of COVID-19.

**What does it mean to be unable to work because of COVID-19?**

Here are some circumstances that constitute inability to work due to COVID-19:

* You can’t reach your place of work because of a quarantine imposed as a direct result of the COVID-19 public health emergency.
* You or a household member have been diagnosed with COVID-19.
* You’re providing care for a family member who has been diagnosed with COVID–19.
* You’ve been advised by a health care provider to self-quarantine.
* You had to quit your job as a direct result of COVID–19.
* Your place of employment is closed as a direct result of the COVID–19 public health emergency.
* You have a child who’s unable to attend school that’s closed as a direct result of COVID-19.
* You have become the head of household or breadwinner.
* The Secretary of Labor has discretion to establish additional criteria, meaning, these listed reasons may be further limited or possibly expanded.

​

**Since real estate has been deemed “essential”, does this mean REALTORS® are outright not eligible for PUA?**

​

We don’t know how this will be interpreted, but, even if real estate is deemed an essential service, it doesn’t necessarily mean that REALTORS® are “working” and receiving compensation, especially in this harsh economic environment. REALTORS® may not be able to do the critical functions of their job, such as showing properties and closing deals.

**Do I have to be completely unemployed to qualify?**

No. You may receive PUA benefits based on being unemployed, partially unemployed or unable or unavailable to work. The California Employment Development Department (“EDD”) defines partial unemployment as a period when a worker was employed by a regular employer, worked less than his or her normal customary full-time hours because of lack of full-time work, and there was no severance of the employer-employee relationship. We expect the EDD will provide additional guidance applying these criteria to independent contractors and other self-employed persons and business owners, and will update this question when more information is available.

**How much will I get?**

It depends. The base unemployment compensation amount will be calculated based on previous income, and will probably be between $166.50 and $450 per week. The good news is that the CARES Act provides a temporary emergency increase of $600 per week for up to four months, so REALTORS® could expect to receive $766.50 to $1,050 per week through this program.

**How long will assistance be provided?**

Up to 39 weeks (between January 27, 2020 and December 31, 2020). However, the $600 additional per week benefit will only be available through July 31, 2020.

​

There could be an additional 13 weeks of unemployment benefits through December 31, 2020, to help those who remain unemployed after weeks of state unemployment benefits are no longer available.

**How are the criteria checked?**

The PUA requires you to self-certify.

**How do you file a claim?**

Clear guidance has yet to be released. It appears the administration of PUA funds will be administered through the existing state agencies as soon as the federal government unlocks the funds. In California, claim filing and administration of PUA funds will probably be through the California EDD. C.A.R. will provide step-by-step guidance on how to apply for PUA funds as soon as the application process is announced.

**Will there be a waiting period to apply?**

No. California will waive the one-week waiting period, but it isn’t clear as to how long it’ll take for payments to be approved and processed.

​

**Should you submit your PUA claim now?**

​

You can create an EDD online login account, but don’t submit your claim yet. We advise you to wait for additional guidance before submitting your claim for PUI benefits because the California EDD is working on implementation procedures, and submitting a claim now may result in significant delays in receiving benefits. EDD has indicated that it’s currently working with the California Department of Technology/Office of Digital Innovation to develop the application needed for this new program to serve unemployed Californians who don’t usually qualify for regular unemployment benefits, including the self-employed. EDD is urging applicants to watch for updates on EDD’s website that will include instructions for workers who may have already applied for benefits and were not found eligible for the regular state-administered unemployment insurance program. We continue to monitor EDD activity and we will provide you with guidance as soon as we get more information.

​

Even though you should wait to submit your EDD application, the good news is, you may still register and create an online login account through the EDD website to initiate the process. For guidance on how to get started with this, see EDD instructions at  <https://www.edd.ca.gov/about_edd/coronavirus-2019.htm> and <https://www.edd.ca.gov/pdf_pub_ctr/de2338h.pdf>

**Can you apply for both PUA and SBA loans?**

**​**

We don’t know yet.  We will provide you with guidance as soon as we have an answer.

**Can you get PUA if you’re receiving social security benefits?**

**​**

At this time, we don’t have information or clarity on this. We will provide you with guidance as soon as we have an answer.

2020 Copyright © CALIFORNIA A