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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-FIRST SESSION

H. F. No. **1507**

- 02/21/2019 Authored by Stephenson, Mahoney, Albright, Noor, Bernardy and others
The bill was read for the first time and referred to the Committee on Labor
- 03/11/2019 Adoption of Report: Amended and re-referred to the Committee on Ways and Means
- 05/04/2020 Adoption of Report: Placed on the General Register as Amended
Read for the Second Time

1.1 A bill for an act

1.2 relating to state government; establishing the COVID-19 Economic Security Act;

1.3 modifying loans during public health emergency; providing for small business

1.4 loans and grants; providing grants for expanding broadband and telemedicine;

1.5 providing housing assistance; expanding personal care assistance services;

1.6 increasing personal care assistant rates; providing penalties; appropriating money;

1.7 amending Minnesota Statutes 2018, section 48.512, subdivisions 2, 3; Minnesota

1.8 Statutes 2019 Supplement, sections 256B.0659, subdivision 11; 256B.85,

1.9 subdivision 16.

1.10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.11 **ARTICLE 1**

1.12 **COVID-19 ECONOMIC SECURITY ACT:**

1.13 **LOANS DURING PUBLIC EMERGENCY**

1.14 Section 1. Minnesota Statutes 2018, section 48.512, subdivision 2, is amended to read:

1.15 Subd. 2. **Required information.** Before opening or authorizing signatory power over

1.16 a transaction account, a financial intermediary shall require one applicant to provide the

1.17 following information on an application document signed by the applicant:

- 1.18 (a) full name;
- 1.19 (b) birth date;
- 1.20 (c) address of residence;
- 1.21 (d) address of current employment, if employed;
- 1.22 (e) telephone numbers of residence and place of employment, if any;
- 1.23 (f) Social Security number;

2.1 (g) driver's license or identification card number issued pursuant to section 171.07. If
2.2 the applicant does not have a driver's license or identification card, the applicant may provide
2.3 an identification document number issued for identification purposes by any state, federal,
2.4 or foreign government if the document includes the applicant's photograph, full name, birth
2.5 date, and signature. ~~A valid Wisconsin driver's license without a photograph may be accepted
2.6 in satisfaction of the requirement of this paragraph until January 1, 1985;~~

2.7 (h) whether the applicant has had a transaction account at the same or another financial
2.8 intermediary within 12 months immediately preceding the application, and if so, the name
2.9 of the financial intermediary;

2.10 (i) whether the applicant has had a transaction account closed by a financial intermediary
2.11 without the applicant's consent within 12 months immediately preceding the application,
2.12 and if so, the reason the account was closed; and

2.13 (j) whether the applicant has been convicted of a criminal offense because of the use of
2.14 a check or other similar item within 24 months immediately preceding the application.

2.15 A financial intermediary may require an applicant to disclose additional information.

2.16 An applicant who makes a false material statement that the applicant does not believe
2.17 to be true in an application document with respect to information required to be provided
2.18 by this subdivision is guilty of perjury. The financial intermediary shall notify the applicant
2.19 of the provisions of this paragraph.

2.20 **EFFECTIVE DATE.** This section is effective the day following final enactment.

2.21 Sec. 2. Minnesota Statutes 2018, section 48.512, subdivision 3, is amended to read:

2.22 Subd. 3. ~~Confirm no involuntary closing~~ **Confirmation.** Before opening or authorizing
2.23 signatory power over a transaction account, the financial intermediary shall attempt to verify
2.24 the information disclosed for subdivision 2, clause (i). Inquiries made to verify this
2.25 information through persons in the business of providing such information must include an
2.26 inquiry based on the applicant's identification number provided under subdivision 2, clause
2.27 (g). ~~The financial intermediary may not open or authorize signatory power over a transaction
2.28 account if (i) the applicant had a transaction account closed by a financial intermediary
2.29 without consent because of issuance by the applicant of dishonored checks within 12 months
2.30 immediately preceding the application, or (ii) the applicant has been convicted of a criminal
2.31 offense because of the use of a check or other similar item within 24 months immediately
2.32 preceding the application.~~

3.1 If the transaction account is refused ~~pursuant to this subdivision~~ due to information
3.2 obtained in subdivision 2, clauses (i) and (j), the reasons for the refusal shall be given to
3.3 the applicant in writing and the applicant shall be allowed to provide additional information.

3.4 **EFFECTIVE DATE.** This section is effective the day following final enactment.

3.5 Sec. 3. **REPAYMENT OF CONSUMER SMALL LOANS AND CONSUMER**
3.6 **SHORT-TERM LOANS DURING PUBLIC HEALTH EMERGENCY.**

3.7 **Subdivision 1. Definitions.** (a) For the purposes of this section, the terms defined in this
3.8 subdivision have the meanings given.

3.9 (b) "Borrower" means an individual who obtains a consumer small loan or a consumer
3.10 short-term loan and who resides in the jurisdiction covered by the public health emergency
3.11 at the time the loan is originated.

3.12 (c) "Consumer small loan lender" has the meaning given in Minnesota Statutes, section
3.13 47.60, subdivision 1, paragraph (b).

3.14 (d) "Consumer small loan" has the meaning given in Minnesota Statutes, section 47.60,
3.15 subdivision 1, paragraph (a).

3.16 (e) "Consumer short-term lender" has the meaning given in Minnesota Statutes, section
3.17 47.601, subdivision 1, paragraph (e).

3.18 (f) "Consumer short-term loan" has the meaning given in Minnesota Statutes, section
3.19 47.601, subdivision 1, paragraph (d).

3.20 (g) "Public health emergency" means a peacetime emergency declared under Minnesota
3.21 Statutes, section 12.31, subdivision 2, by the governor in an executive order that relates to
3.22 COVID-19.

3.23 **Subd. 2. Repayment terms during public health emergency.** (a) Notwithstanding any
3.24 other law to the contrary, a consumer small loan or consumer short-term loan made by a
3.25 consumer small loan lender or consumer short-term lender to a borrower executed while
3.26 this section is in effect must extend the repayment period for the loan, including applicable
3.27 interest, fees, penalties, and charges, to allow the borrower to repay the loan in equal
3.28 installments over a period of 12 months.

3.29 (b) The total dollar amount of interest, fees, penalties, and charges for a loan covered
3.30 by this section must not exceed the total dollar amount of interest, fees, penalties, and charges
3.31 that would be owed if the loan had been made pursuant to Minnesota Statutes, section 47.60
3.32 or 47.601, and outside of a public health emergency.

4.1 (c) A violation of this section is a violation of Minnesota Statutes, section 325F.69, and
4.2 enforceable by the attorney general under Minnesota Statutes, section 8.31. In addition, the
4.3 commissioner of commerce has all the authority provided under Minnesota Statutes, section
4.4 45.027, to ensure compliance with this section.

4.5 (d) A consumer small loan or consumer short-term loan that violates this section is void
4.6 and unenforceable against the borrower.

4.7 (e) A consumer small loan lender or consumer short-term lender who violates this
4.8 subdivision is liable to the borrower for all money collected or received in connection with
4.9 the loan, a civil penalty of \$500, and reasonable attorney fees and court costs.

4.10 **EFFECTIVE DATE.** This section is effective the day following final enactment and
4.11 applies to loans executed between that date and February 15, 2021.

4.12 **Sec. 4. SMALL BUSINESS EMERGENCY LOAN PROGRAM; TRANSFER.**

4.13 \$5,000,000 in fiscal year 2020 is transferred from the loan guarantee trust fund account
4.14 in the special revenue fund under Minnesota Statutes, section 116J.881, subdivision 4, to
4.15 the commissioner of employment and economic development for deposit in the small
4.16 business emergency loan account in the special revenue fund under Minnesota Statutes,
4.17 section 116M.18, subdivision 9, to make loans as set forth in Executive Order 20-15,
4.18 Providing Immediate Relief to Small Businesses During the COVID-19 Peacetime
4.19 Emergency.

4.20 **EFFECTIVE DATE.** This section is effective the day following final enactment.

4.21 **Sec. 5. SMALL BUSINESS EMERGENCY LOAN PROGRAM; APPROPRIATIONS.**

4.22 (a) \$50,000,000 in fiscal year 2020 is appropriated from the general fund to the
4.23 commissioner of employment and economic development for loans under paragraph (b).
4.24 Funds are available until December 31, 2020.

4.25 (b) Money appropriated under paragraph (a) shall be used to make loans as set forth in
4.26 Executive Order 20-15, Providing Immediate Relief to Small Businesses During the
4.27 COVID-19 Peacetime Emergency, except that these loans shall be available to any business
4.28 that can demonstrate a financial impact from the COVID-19 peacetime emergency, and not
4.29 just to those in industries specifically mentioned in the governor's executive orders. Of the
4.30 \$50,000,000 appropriated:

4.31 (1) \$11,000,000 is for making loans as specified in paragraph (c);

5.1 (2) \$8,000,000 is for making loans as specified in paragraph (d); and

5.2 (3) \$10,000,000 is for making loans as specified in paragraph (e).

5.3 (c) Loans under this paragraph are available only to businesses employing no more than
5.4 the equivalent of six full-time persons in Minnesota. The terms of these loans will be the
5.5 same as those under Executive Order 20-15, except that:

5.6 (1) the maximum loan amount is \$15,000;

5.7 (2) payments on loans are deferred for 12 months instead of six; and

5.8 (3) up to 100 percent of the loan may be forgiven if the commissioner approves and the
5.9 business continues operating in the community at substantially the same levels for two years
5.10 following loan disbursement.

5.11 (d) Loans under this paragraph are available only to businesses employing the equivalent
5.12 of at least seven but not more than 20 full-time persons in Minnesota. The terms of these
5.13 loans will be the same as those under Executive Order 20-15, except that:

5.14 (1) the maximum loan amount is \$20,000;

5.15 (2) payments on loans are deferred for 12 months instead of six; and

5.16 (3) up to an additional 25 percent of the loan may be forgiven if the commissioner
5.17 approves and the business continues operating in the community at substantially the same
5.18 levels for a third year following loan disbursement.

5.19 (e) Loans under this paragraph are available only to:

5.20 (1) minority business enterprises, as defined in Minnesota Statutes, section 116M.14,
5.21 subdivision 5; or

5.22 (2) operators of permanent indoor retail space that has a strong ethnic cultural orientation
5.23 and is leased primarily to very small businesses.

5.24 The terms of these loans will be the same as those under Executive Order 20-15, except
5.25 that for loans under clause (2):

5.26 (i) there is no maximum loan amount;

5.27 (ii) payments on loans are deferred for 12 months instead of six;

5.28 (iii) up to an additional 25 percent of the loan may be forgiven if the commissioner
5.29 approves and the business continues operating in the community at substantially the same
5.30 levels for a third year following loan disbursement, however, no part of the loan may be

6.1 forgiven unless the loan recipient has offered forgiveness of at least 50 percent of rent due
6.2 from existing vendors during the COVID-19 peacetime emergency; and

6.3 (iv) loan funds must be used primarily for maintaining existing vendors as tenants, such
6.4 as through full or partial forgiveness of rent during the COVID-19 peacetime emergency.

6.5 (f) The commissioner of management and budget must determine whether any of the
6.6 expenditures an appropriation is made for under this section is an eligible use of federal
6.7 funding received under the Coronavirus Aid, Relief, and Economic Security (CARES) Act,
6.8 Public Law 116-136, title V. If the commissioner of management and budget determines
6.9 an expenditure is eligible for funding under title V of the CARES Act, the amount for the
6.10 eligible expenditure is appropriated from the account where CARES Act money has been
6.11 deposited and the corresponding amount appropriated under this section cancels to the
6.12 general fund.

6.13 **EFFECTIVE DATE.** This section is effective the day following final enactment.

6.14 Sec. 6. **APPROPRIATIONS GIVEN EFFECT ONCE.**

6.15 If an appropriation in this act is enacted more than once in the 2020 regular legislative
6.16 session, the appropriation must be given effect only once.

6.17 **ARTICLE 2**

6.18 **COVID-19 ECONOMIC SECURITY ACT:** 6.19 **GRANTS FOR BROADBAND AND TELEMEDICINE EQUIPMENT**

6.20 Section 1. **DISTANCE LEARNING BROADBAND ACCESS FUNDING.**

6.21 Subdivision 1. **Definitions.** For the purposes of this section, "commissioner" means the
6.22 commissioner of education, and "school" means a school district, charter school, or
6.23 cooperative unit.

6.24 Subd. 2. **Establishment; purpose.** A distance learning broadband access funding program
6.25 is established in the Department of Education to provide wireless or wire-line broadband
6.26 access for a limited duration to students currently lacking Internet access so that the students
6.27 may participate in distance learning offered by school districts and charter schools during
6.28 the peacetime public health emergency period that relates to the infectious disease known
6.29 as COVID-19.

6.30 Subd. 3. **Aid amount.** Each school is eligible for onetime distance learning aid equal
6.31 to:

6.32 (1) the lesser of its actual expenditures under subdivision 4; or

7.1 (2) an allowance equal to the amount appropriated in section 3, paragraph (a), divided
7.2 by the statewide enrollment for fiscal year 2019 times the students enrolled in each school
7.3 during fiscal year 2019.

7.4 Subd. 4. **Eligible expenditures.** Aid received under this section must be used to:

7.5 (1) provide a student with the equipment necessary for the student to use a broadband
7.6 connection to access learning materials available on the Internet through a mobile wireless
7.7 or wire-line broadband connection;

7.8 (2) pay for actual costs incurred to provide emergency distance learning wireless or
7.9 wire-line broadband access during the 2019-2020 school year; and

7.10 (3) pay for the cost of wireless or wire-line broadband Internet access for households
7.11 with students that did not otherwise have Internet access before March 13, 2020, for the
7.12 2019-2020 school year.

7.13 Subd. 5. **Schools to report expenditures.** Every school that receives aid under this
7.14 section must submit a report to the commissioner of education by February 15, 2021,
7.15 documenting its expenditures and describing the onetime and permanent improvements
7.16 made to its distance learning access delivery system.

7.17 **EFFECTIVE DATE.** This section is effective the day following final enactment.

7.18 Sec. 2. **TELEMEDICINE EQUIPMENT REIMBURSEMENT GRANT PROGRAM.**

7.19 Subdivision 1. **Definitions.** (a) For the purposes of this section, the following terms have
7.20 the meanings given.

7.21 (b) "Commissioner" means the commissioner of employment and economic development.

7.22 (c) "Telemedicine" has the meaning given in Minnesota Statutes, section 62A.671,
7.23 subdivision 9.

7.24 (d) "Telemedicine equipment" means multimedia communications equipment and
7.25 software that facilitates the delivery of telemedicine by a licensed health care provider.

7.26 Subd. 2. **Establishment.** A grant program is established in the Department of
7.27 Employment and Economic Development to award grants to provide reimbursement to
7.28 grantees for the purchase and installation of telemedicine equipment in order to provide
7.29 health care services through telemedicine during the COVID-19 pandemic and to ensure
7.30 that necessary health care services continue to be accessible to patients during this pandemic.

7.31 Subd. 3. **Eligible applicants.** Eligible applicants include the following:

- 8.1 (1) community health clinics defined under Minnesota Statutes, section 145.9268, clause
8.2 (1);
- 8.3 (2) critical access hospitals described in Minnesota Statutes, section 144.1483, clause
8.4 (9);
- 8.5 (3) local public health departments as defined in Minnesota Statutes, chapter 145A;
- 8.6 (4) county boards as defined in Minnesota Statutes, chapter 375;
- 8.7 (5) individual or small group physician practices that are primarily focused on primary
8.8 care; and
- 8.9 (6) nursing facilities licensed under Minnesota Statutes, chapter 144A.

8.10 Subd. 4. **Eligible expenditures.** A grant may be used to reimburse the cost incurred by
8.11 a grantee for the purchase and installation of telemedicine equipment that enables the grantee
8.12 to provide health care services through telemedicine in response to the COVID-19 pandemic,
8.13 including the diagnosis and evaluation of patients for the COVID-19 disease during the
8.14 COVID-19 pandemic.

8.15 Subd. 5. **Application; review.** (a) An eligible applicant must submit a grant application
8.16 to the commissioner on a form prescribed by the commissioner. The application must
8.17 include, at a minimum:

- 8.18 (1) the amount of the grant requested and a description of the telemedicine equipment
8.19 for which the applicant is seeking reimbursement; and
- 8.20 (2) a description of the intended use of the telemedicine equipment.

8.21 (b) In developing the application, the commissioner shall consult with the commissioner
8.22 of health.

8.23 (c) The commissioner may award grants on a first-come, first-served basis, and, to the
8.24 extent practicable, priority must be given to applicants:

- 8.25 (1) serving uninsured, underinsured, and medically underserved individuals in either
8.26 rural or urban areas; or
- 8.27 (2) located in areas of the state where the commissioner of health has determined that
8.28 increasing telemedicine service capabilities would improve the quality of care, access,
8.29 patient safety, or community health during the COVID-19 pandemic.

9.1 Subd. 6. **Limitation.** The commissioner may establish a maximum amount for a grant
9.2 awarded under this section based on the number of applications received and the total
9.3 reimbursement amount requested.

9.4 Subd. 7. **Assistance from other federal coronavirus-related sources.** If a grantee
9.5 receives funds from a federal source related to coronavirus for telemedicine equipment
9.6 described in this section, the grantee must notify the commissioner of the amount received
9.7 from the federal source. If the commissioner determines that the total amount the grantee
9.8 received under this section and from the federal source exceeds the costs of the telemedicine
9.9 equipment, the commissioner must reduce the grant amount in this section so that the total
9.10 amount received does not exceed the cost of the equipment.

9.11 Sec. 3. **APPROPRIATION.**

9.12 (a) \$15,000,000 in fiscal year 2020 is appropriated from the general fund to the
9.13 commissioner of employment and economic development for transfer to the commissioner
9.14 of education for emergency distance learning wireless or wire-line broadband access for
9.15 student grants for school districts and charter schools under section 1. Up to five percent of
9.16 the appropriation under this paragraph may be used to reimburse reasonable costs incurred
9.17 by the Department of Education to administer section 1. This is a onetime appropriation.
9.18 Any funds that remain unexpended on September 30, 2020, are canceled. By December 1,
9.19 2020, the commissioner of education must report to the legislature regarding the districts
9.20 and charter schools that received grants under section 1, the per-pupil amount for each grant,
9.21 and the number of students that were provided Internet access. The report must also identify
9.22 the costs to administer the grant program and the amount canceled.

9.23 (b) \$2,000,000 in fiscal year 2020 is appropriated from the general fund to the
9.24 commissioner of employment and economic development to award grants for the purchase
9.25 of telemedicine equipment under section 2. Up to five percent of the appropriation under
9.26 this paragraph may be used to reimburse the reasonable costs incurred by the Department
9.27 of Employment and Economic Development to administer section 2. This is a onetime
9.28 appropriation. Any funds that remain unexpended on September 30, 2020, are canceled. By
9.29 December 31, 2020, the commissioner of employment and economic development must
9.30 report to the legislature regarding the number of applications received under section 2, the
9.31 number of grants awarded, the maximum and minimum grant amounts awarded, and the
9.32 mean and median grant amounts awarded. The report must also identify the costs to
9.33 administer the grant program and the amount canceled.

10.1 (c) \$10,000,000 in fiscal year 2021 is appropriated from the general fund to the
10.2 commissioner of employment and economic development for deposit in the border-to-border
10.3 broadband fund account established in Minnesota Statutes, section 116J.396. The
10.4 appropriation must be used only to provide broadband service in unserved areas, except
10.5 that broadband infrastructure, as defined in Minnesota Statutes, section 116J.394, for that
10.6 purpose may be placed in underserved areas. Notwithstanding the limitation in Minnesota
10.7 Statutes, section 116J.395, subdivision 7, paragraph (a), the grants are available for 55
10.8 percent of total project cost if the grant is matched by ten percent or more from a nonstate
10.9 entity. The nonstate entity providing the match may include but is not limited to organized
10.10 townships, cities, counties, foundations, nonprofits, school districts, or higher education
10.11 institutions. This is a onetime appropriation.

10.12 (d) The commissioner of management and budget must determine whether any of the
10.13 expenditures an appropriation is made for under this section is an eligible use of federal
10.14 funding received under the Coronavirus Aid, Relief, and Economic Security (CARES) Act,
10.15 Public Law 116-136, title V. If the commissioner of management and budget determines
10.16 an expenditure is eligible for funding under title V of the CARES Act, the amount for the
10.17 eligible expenditure is appropriated from the account where CARES Act money has been
10.18 deposited and the corresponding amount appropriated under this section cancels to the
10.19 general fund.

10.20 **EFFECTIVE DATE.** This section is effective the day following final enactment.

10.21 **ARTICLE 3**

10.22 **COVID-19 ECONOMIC SECURITY ACT:** 10.23 **HOUSING ASSISTANCE**

10.24 Section 1. **EVICITION NOTICE AND LATE FEES; STATE OF EMERGENCY.**

10.25 (a) In the event of a public health emergency, as defined in paragraph (d), the following
10.26 actions are prohibited for residential landlords during the declaration of the public health
10.27 emergency:

10.28 (1) charging of late fees for the late payment of rent for the 90 days after the declaration;
10.29 and

10.30 (2) the termination or nonrenewal of a rental agreement.

10.31 (b) Upon the end of a public health emergency, as defined in paragraph (d), a landlord
10.32 may not file an eviction against a tenant except on 30 days' written notice, which may not
10.33 be given until after the moratorium period has expired.

11.1 (c) Nothing in this section reduces the rent owed by the tenant to the landlord, prevents
11.2 the landlord from collecting rent owed, reduces arrears owed by a tenant for rent, or alters
11.3 the terms of the lease between the landlord and tenant.

11.4 (d) For the purposes of this section, "public health emergency" means the peacetime
11.5 emergency declared by the governor on March 13, 2020, in Executive Order 20-01 in
11.6 response to COVID-19 or any other peacetime emergency declared by the governor by an
11.7 executive order that relates to COVID-19 issued before January 15, 2021.

11.8 (e) Upon a finding that the plaintiff has violated a provision of this section, the court
11.9 must dismiss the action and may not require the residential tenant as defined in section
11.10 504B.001, subdivision 12, to pay any filing fee.

11.11 **EFFECTIVE DATE.** This section is effective the day following final enactment.

11.12 **Sec. 2. FORECLOSURE; STATE OF EMERGENCY.**

11.13 No notice of a pendency for a foreclosure by advertisement may be recorded and no
11.14 action may commence under Minnesota Statutes, chapter 580 or 581, and no vendor may
11.15 terminate a contract for deed during a declared public health emergency as defined in section
11.16 1, paragraph (d), except for an action necessary to protect holders of bonds issued under
11.17 Minnesota Statutes, chapter 462A. Nothing in this section alters the payments owed; any
11.18 other obligations under the mortgage, common interest community bylaws, or contract for
11.19 deed; or the pledge made by the state to holders of bonds issued under Minnesota Statutes,
11.20 chapter 462A. For the purposes of this section, "public health emergency" has the meaning
11.21 given in section 1, paragraph (d). This section applies to actions taken the day following
11.22 final enactment.

11.23 **EFFECTIVE DATE.** This section is effective the day following final enactment.

11.24 **Sec. 3. ASSISTANCE FRAUD.**

11.25 Any person who, with the intent to defraud, presents a claim under section 4 or applies
11.26 for protection under section 1, 2, or 4, which is false in whole or in part, is guilty of an
11.27 attempt to commit theft of public or private funds and may be sentenced accordingly.

11.28 **EFFECTIVE DATE.** This section is effective the day following final enactment.

11.29 **Sec. 4. 2020 EMERGENCY HOUSING ASSISTANCE GRANTS.**

11.30 (a) \$100,000,000 in fiscal year 2020 is appropriated from the general fund to the
11.31 commissioner of the Minnesota Housing Finance Agency for transfer to the housing

12.1 development fund for the family homeless prevention and assistance program under
12.2 Minnesota Statutes, section 462A.204. The agency may use grantees of the family homeless
12.3 prevention and assistance program, under Minnesota Statutes, section 462A.204, and the
12.4 grantees are preapproved to distribute money under this section. Notwithstanding the
12.5 requirements of Minnesota Statutes, sections 16C.06 and 462A.204, the commissioner of
12.6 the Minnesota Housing Finance Agency shall allocate these resources to existing grantees
12.7 and contract with other entities that are not current grantees based on homelessness prevention
12.8 needs. Entities may include counties, cities, nonprofit organizations, tribes, or other entities
12.9 the agency identifies. For purposes of this emergency appropriation, nonprofits do not need
12.10 to obtain sponsoring resolutions from counties as required under Minnesota Statutes, section
12.11 462A.204, subdivision 3. This appropriation is onetime and available until December 30,
12.12 2020. Funds not committed or expended by December 30, 2020, shall cancel to the general
12.13 fund.

12.14 (b) Funding under this section shall be for individuals, families, and homeowners in
12.15 Minnesota to prevent homelessness and the cost of expenses associated with the provision
12.16 of economic support in connection with the COVID-19 public health emergency consistent
12.17 with the requirements of this section. The commissioner may contract with county agencies,
12.18 local governments, tribes, or nonprofit organizations to provide funding and support services
12.19 to process applications for funding under this program. To be eligible for funding, applicants
12.20 must:

12.21 (1) have a rent payment, mortgage payment, homeowner association dues, lot rent due
12.22 to a manufactured home park, contract for deed payment, homeowner insurance payment,
12.23 property tax payment, or utility payment with a due date of March 1, 2020, or later, that is
12.24 past due or coming due within 15 days of the application for funding;

12.25 (2) be unable to pay the money owed as a direct or indirect result of the public health
12.26 emergency; and

12.27 (3) be a household with a current gross income at or below 300 percent of the federal
12.28 poverty guidelines at the time of application or as averaged over the previous 12 months,
12.29 whichever is lower.

12.30 (c) If an applicant applies for relief from sources other than the 2020 emergency housing
12.31 assistance grants and receives aid for the purposes of paying for housing, the applicant must
12.32 immediately notify the granting agency. Applicants may receive funding for rent, a mortgage,
12.33 homeowner association dues, contract for deed payment owed to a seller, homeowner
12.34 insurance or property tax payment owed for their home, rent due for a manufactured home,

13.1 or utility payment owed with a due date of March 1, 2020, or later, that is due within 14
13.2 days of the application or which are up to 45 days past due at the time of application.

13.3 (d) Once an application is approved, the assistance file may remain open to allow for
13.4 consideration of additional future assistance needs under this funding program resulting
13.5 from the public health emergency. The financial assistance provided for any individual or
13.6 family must not exceed the minimum payments owed.

13.7 (e) Funding under this section must be paid directly to:

13.8 (1) the landlord or leasing agent for a rental unit;

13.9 (2) the financial service for a mortgage or the entity who owns the mortgage for a
13.10 homeowner;

13.11 (3) the contract for deed vendor or seller;

13.12 (4) the purchase-money mortgagor;

13.13 (5) the manufactured home park cooperative, manufactured home owner, or park owner;

13.14 (6) the utility company; or

13.15 (7) any other identified entity to whom payment is owed.

13.16 (f) The commissioner may develop applications for the program and a process to oversee
13.17 grantees.

13.18 (g) Data submitted from benefits by an applicant to establish eligibility under this section
13.19 is subject to Minnesota Statutes, section 13.462.

13.20 (h) By October 15, 2021, the Minnesota Housing Finance Agency must submit a report
13.21 to the chairs and ranking minority members of the legislative committees with jurisdiction
13.22 over housing finance with a summary of the performance of this program. To the extent
13.23 practicable, the report must contain the following information:

13.24 (1) the total number of applications received by grantees and the number of individuals
13.25 who would be assisted under this program;

13.26 (2) the total number of grants awarded to grantees and the number of individuals assisted
13.27 under this program;

13.28 (3) the total amount of grant funding awarded to grantees and individuals assisted under
13.29 this program;

13.30 (4) the mean and median grant amounts awarded to grantees and individuals assisted
13.31 under this program;

14.1 (5) a summary of the geographic distribution of grants awarded under this program; and

14.2 (6) a list of all entities contracted with to process applications under this program.

14.3 (i) For the purposes of this section, "public-health-related emergency" means:

14.4 (1) an illness, either of an individual or an individual's relative or household member,
14.5 related to COVID-19 that prevents the individual from maintaining employment temporarily
14.6 or permanently;

14.7 (2) the household is at or below 200 percent of the federal poverty guidelines and has
14.8 experienced a reduction in income or temporary or permanent unemployment as a direct or
14.9 indirect result of local, state, or federal actions related to COVID-19; or

14.10 (3) the household is at or below 300 percent of the federal poverty guidelines and has
14.11 experienced a reduction in income by 25 percent or more, or temporary or permanent
14.12 unemployment as a direct or indirect result of local, state, or federal actions related to
14.13 COVID-19.

14.14 **EFFECTIVE DATE.** This section is effective the day following final enactment.

14.15 Sec. 5. **ALTERNATE APPROPRIATION.**

14.16 The commissioner of management and budget must determine whether any of the
14.17 expenditures an appropriation is made for under section 4 is an eligible use of federal funding
14.18 received under the Coronavirus Aid, Relief, and Economic Security (CARES) Act, Public
14.19 Law 116-136, title V. If the commissioner of management and budget determines an
14.20 expenditure is eligible for funding under title V of the CARES Act, the amount for the
14.21 eligible expenditure is appropriated from the account where CARES Act money has been
14.22 deposited and the corresponding amount appropriated under section 4 cancels to the general
14.23 fund.

14.24 **EFFECTIVE DATE.** This section is effective the day following final enactment.

14.25 **ARTICLE 4**

14.26 **COVID-19 ECONOMIC SECURITY ACT:** 14.27 **PERSONAL CARE ASSISTANTS**

14.28 Section 1. Minnesota Statutes 2019 Supplement, section 256B.0659, subdivision 11, is
14.29 amended to read:

14.30 Subd. 11. **Personal care assistant; requirements.** (a) A personal care assistant must
14.31 meet the following requirements:

15.1 (1) be at least 18 years of age with the exception of persons who are 16 or 17 years of
15.2 age with these additional requirements:

15.3 (i) supervision by a qualified professional every 60 days; and

15.4 (ii) employment by only one personal care assistance provider agency responsible for
15.5 compliance with current labor laws;

15.6 (2) be employed by a personal care assistance provider agency;

15.7 (3) enroll with the department as a personal care assistant after clearing a background
15.8 study. Except as provided in subdivision 11a, before a personal care assistant provides
15.9 services, the personal care assistance provider agency must initiate a background study on
15.10 the personal care assistant under chapter 245C, and the personal care assistance provider
15.11 agency must have received a notice from the commissioner that the personal care assistant
15.12 is:

15.13 (i) not disqualified under section 245C.14; or

15.14 (ii) disqualified, but the personal care assistant has received a set aside of the
15.15 disqualification under section 245C.22;

15.16 (4) be able to effectively communicate with the recipient and personal care assistance
15.17 provider agency;

15.18 (5) be able to provide covered personal care assistance services according to the recipient's
15.19 personal care assistance care plan, respond appropriately to recipient needs, and report
15.20 changes in the recipient's condition to the supervising qualified professional or physician;

15.21 (6) not be a consumer of personal care assistance services;

15.22 (7) maintain daily written records including, but not limited to, time sheets under
15.23 subdivision 12;

15.24 (8) effective January 1, 2010, complete standardized training as determined by the
15.25 commissioner before completing enrollment. The training must be available in languages
15.26 other than English and to those who need accommodations due to disabilities. Personal care
15.27 assistant training must include successful completion of the following training components:
15.28 basic first aid, vulnerable adult, child maltreatment, OSHA universal precautions, basic
15.29 roles and responsibilities of personal care assistants including information about assistance
15.30 with lifting and transfers for recipients, emergency preparedness, orientation to positive
15.31 behavioral practices, fraud issues, and completion of time sheets. Upon completion of the

16.1 training components, the personal care assistant must demonstrate the competency to provide
16.2 assistance to recipients;

16.3 (9) complete training and orientation on the needs of the recipient; and

16.4 (10) be limited to providing and being paid for up to ~~275~~ 310 hours per month of personal
16.5 care assistance services regardless of the number of recipients being served or the number
16.6 of personal care assistance provider agencies enrolled with. The number of hours worked
16.7 per day shall not be disallowed by the department unless in violation of the law.

16.8 (b) A legal guardian may be a personal care assistant if the guardian is not being paid
16.9 for the guardian services and meets the criteria for personal care assistants in paragraph (a).

16.10 (c) Persons who do not qualify as a personal care assistant include parents, stepparents,
16.11 and legal guardians of minors; spouses; paid legal guardians of adults; family foster care
16.12 providers, except as otherwise allowed in section 256B.0625, subdivision 19a; and staff of
16.13 a residential setting.

16.14 (d) Personal care assistance services qualify for the enhanced rate described in subdivision
16.15 17a if the personal care assistant providing the services:

16.16 (1) provides covered services to a recipient who qualifies for 12 or more hours per day
16.17 of personal care assistance services; and

16.18 (2) satisfies the current requirements of Medicare for training and competency or
16.19 competency evaluation of home health aides or nursing assistants, as provided in the Code
16.20 of Federal Regulations, title 42, section 483.151 or 484.36, or alternative state-approved
16.21 training or competency requirements.

16.22 **EFFECTIVE DATE.** This section is effective the day following final enactment.

16.23 Sec. 2. Minnesota Statutes 2019 Supplement, section 256B.85, subdivision 16, is amended
16.24 to read:

16.25 Subd. 16. **Support workers requirements.** (a) Support workers shall:

16.26 (1) enroll with the department as a support worker after a background study under chapter
16.27 245C has been completed and the support worker has received a notice from the
16.28 commissioner that the support worker:

16.29 (i) is not disqualified under section 245C.14; or

16.30 (ii) is disqualified, but has received a set-aside of the disqualification under section
16.31 245C.22;

17.1 (2) have the ability to effectively communicate with the participant or the participant's
17.2 representative;

17.3 (3) have the skills and ability to provide the services and supports according to the
17.4 participant's CFSS service delivery plan and respond appropriately to the participant's needs;

17.5 (4) complete the basic standardized CFSS training as determined by the commissioner
17.6 before completing enrollment. The training must be available in languages other than English
17.7 and to those who need accommodations due to disabilities. CFSS support worker training
17.8 must include successful completion of the following training components: basic first aid,
17.9 vulnerable adult, child maltreatment, OSHA universal precautions, basic roles and
17.10 responsibilities of support workers including information about basic body mechanics,
17.11 emergency preparedness, orientation to positive behavioral practices, orientation to
17.12 responding to a mental health crisis, fraud issues, time cards and documentation, and an
17.13 overview of person-centered planning and self-direction. Upon completion of the training
17.14 components, the support worker must pass the certification test to provide assistance to
17.15 participants;

17.16 (5) complete employer-directed training and orientation on the participant's individual
17.17 needs;

17.18 (6) maintain the privacy and confidentiality of the participant; and

17.19 (7) not independently determine the medication dose or time for medications for the
17.20 participant.

17.21 (b) The commissioner may deny or terminate a support worker's provider enrollment
17.22 and provider number if the support worker:

17.23 (1) does not meet the requirements in paragraph (a);

17.24 (2) fails to provide the authorized services required by the employer;

17.25 (3) has been intoxicated by alcohol or drugs while providing authorized services to the
17.26 participant or while in the participant's home;

17.27 (4) has manufactured or distributed drugs while providing authorized services to the
17.28 participant or while in the participant's home; or

17.29 (5) has been excluded as a provider by the commissioner of human services, or by the
17.30 United States Department of Health and Human Services, Office of Inspector General, from
17.31 participation in Medicaid, Medicare, or any other federal health care program.

18.1 (c) A support worker may appeal in writing to the commissioner to contest the decision
18.2 to terminate the support worker's provider enrollment and provider number.

18.3 (d) A support worker must not provide or be paid for more than ~~275~~ 310 hours of CFSS
18.4 per month, regardless of the number of participants the support worker serves or the number
18.5 of agency-providers or participant employers by which the support worker is employed.
18.6 The department shall not disallow the number of hours per day a support worker works
18.7 unless it violates other law.

18.8 (e) CFSS qualify for an enhanced rate if the support worker providing the services:

18.9 (1) provides services, within the scope of CFSS described in subdivision 7, to a participant
18.10 who qualifies for 12 or more hours per day of CFSS; and

18.11 (2) satisfies the current requirements of Medicare for training and competency or
18.12 competency evaluation of home health aides or nursing assistants, as provided in the Code
18.13 of Federal Regulations, title 42, section 483.151 or 484.36, or alternative state-approved
18.14 training or competency requirements.

18.15 **EFFECTIVE DATE.** This section is effective the day following final enactment.

18.16 **Sec. 3. TEMPORARY ALLOWANCE OF PERSONAL CARE ASSISTANCE**
18.17 **COMPENSATION FOR SERVICES PROVIDED BY A PARENT OR SPOUSE.**

18.18 Notwithstanding Minnesota Statutes, section 256B.0659, subdivisions 3, paragraph (a),
18.19 clause (1); 11, paragraph (c); and 19, paragraph (b), clause (3), during a peacetime emergency
18.20 declared by the governor under Minnesota Statutes, section 12.31, subdivision 2, for an
18.21 outbreak of COVID-19, a parent, stepparent, or legal guardian of a minor who is a personal
18.22 care assistance recipient or a spouse of a personal care assistance recipient may provide and
18.23 be paid for providing personal care assistance services. This section expires January 31,
18.24 2021, or 60 days after the peacetime emergency declared by the governor under Minnesota
18.25 Statutes, section 12.31, subdivision 2, for an outbreak of COVID-19, is terminated or
18.26 rescinded by proper authority, whichever is earlier.

18.27 **EFFECTIVE DATE.** This section is effective the day following final enactment or
18.28 upon federal approval, whichever is later. The commissioner of human services shall notify
18.29 the revisor of statutes when federal approval is obtained.

19.1 Sec. 4. **APPROPRIATION; PERSONAL CARE ASSISTANCE TEMPORARY**
19.2 **RATE INCREASE.**

19.3 Subdivision 1. Definitions. (a) For the purposes of this section, the following terms have
19.4 the meanings given.

19.5 (b) "Commissioner" means the commissioner of human services.

19.6 (c) "Covered program" has the meaning given in Minnesota Statutes, section 256B.0711,
19.7 subdivision 1, paragraph (b).

19.8 (d) "Direct support professional" means an individual employed to personally provide
19.9 personal care assistance services covered by medical assistance under Minnesota Statutes,
19.10 section 256B.0625, subdivisions 19a and 19c; or to personally provide medical assistance
19.11 services covered under Minnesota Statutes, sections 256B.0913, 256B.092, 256B.49, or
19.12 chapter 256S. Direct support professional does not include managerial or administrative
19.13 staff who do not personally provide the services described in this paragraph.

19.14 (e) "Direct support services" has the meaning given in Minnesota Statutes, section
19.15 256B.0711, subdivision 1, paragraph (c).

19.16 Subd. 2. Temporary rates for direct support services. (a) To respond to the infectious
19.17 disease known as COVID-19, the commissioner must temporarily increase rates and enhanced
19.18 rates by 15 percent for direct support services provided under a covered program or under
19.19 Minnesota Statutes, section 256B.0659, while this section is effective.

19.20 (b) Providers that receive a rate increase under this section must use at least 80 percent
19.21 of the additional revenue to increase wages, salaries, and benefits for personal care assistants,
19.22 and any corresponding increase in the employer's share of FICA taxes, Medicare taxes, state
19.23 and federal unemployment taxes, and workers' compensation premiums; and any remainder
19.24 of the additional revenue for activities and items necessary to support compliance with
19.25 Centers for Disease Control and Prevention guidance on sanitation and personal protective
19.26 equipment.

19.27 Subd. 3. Capitation rates and directed payments. (a) To implement the temporary
19.28 rate increase under this section, managed care plans and county-based purchasing plans
19.29 shall increase rates and enhanced rates by 15 percent for the direct support services.

19.30 (b) In combination with contract amendments instructing plans to increase reimbursement
19.31 rates for direct support services, the commissioner shall adjust capitation rates paid to
19.32 managed care plans and county-based purchasing plans as needed to maintain managed
19.33 care plans' expected medical loss ratios.

20.1 (c) Contracts between managed care plans and providers and between county-based
20.2 purchasing plans and providers must allow recovery of payments from providers if federal
20.3 approval for the provisions of this subdivision is not received and the commissioner reduces
20.4 capitation payments as a result. Payment recoveries must not exceed the amount equal to
20.5 any decrease in rates that results from this paragraph.

20.6 Subd. 4. **Consumer-directed community supports budgets.** Lead agencies shall
20.7 temporarily increase the budget for each recipient of consumer-directed community supports
20.8 to reflect a 15 percent rate increase for direct support services.

20.9 Subd. 5. **Consumer support grants; increased maximum allowable grant.** The
20.10 commissioner shall temporarily increase the maximum allowable monthly grant level for
20.11 each recipient of consumer support grants to reflect a 15 percent rate increase for direct
20.12 support services.

20.13 Subd. 6. **Distribution plans.** (a) A provider agency or individual provider that receives
20.14 a rate increase under subdivision 2 shall prepare, and upon request submit to the
20.15 commissioner, a distribution plan that specifies the anticipated amount and proposed uses
20.16 of the additional revenue the provider will receive under subdivision 2.

20.17 (b) By August 15, 2020, the provider must post the distribution plan for a period of at
20.18 least six weeks in an area of the provider's operation to which all direct support professionals
20.19 have access. The provider must post with the distribution plan instructions on how to file
20.20 an appeal with the commissioner if direct support professionals do not believe they have
20.21 received the wage increase or benefits specified in the distribution plan. The instructions
20.22 must include a mailing address, electronic address, and telephone number that the direct
20.23 support professional may use to contact the commissioner or the commissioner's
20.24 representative.

20.25 Subd. 7. **Expiration.** This section expires January 31, 2021, or 60 days after the peacetime
20.26 emergency declared by the governor in an executive order that relates to the infectious
20.27 disease known as COVID-19 is terminated or rescinded by proper authority, whichever is
20.28 earlier.

20.29 **EFFECTIVE DATE.** This section is effective the day following final enactment or
20.30 upon federal approval, whichever is later. The commissioner of human services shall notify
20.31 the revisor of statutes when federal approval is obtained.

21.1 Sec. 5. APPROPRIATION; PERSONAL CARE ASSISTANCE.

21.2 (a) \$43,000 in fiscal year 2020 and \$26,170,000 in fiscal year 2021 are appropriated
21.3 from the general fund to the commissioner of human services to implement the personal
21.4 care assistance provisions in this act. This is a onetime appropriation.

21.5 (b) The commissioner of management and budget must determine whether any
21.6 expenditure for which an appropriation is made under this section is an eligible use of federal
21.7 funding received under the Coronavirus Aid, Relief, and Economic Security (CARES) Act,
21.8 Public Law 116-136, Title V. If the commissioner of management and budget determines
21.9 an expenditure is eligible for funding under Title V of the CARES Act, the amount for the
21.10 eligible expenditure is appropriated from the account where CARES Act money has been
21.11 deposited and the corresponding amount appropriated under this section cancels to the
21.12 general fund.