

1 H.966

2 Introduced by Committee on Appropriations

3 Date:

4 Subject: COVID-19 public health emergency; broadband Internet access;
5 information technology; utility arrearages; housing

6 Statement of purpose of bill as introduced: This bill proposes to appropriate
7 State Coronavirus Relief Funds to various broadband, housing, and other
8 initiatives in response to the COVID-19 public health emergency.

9 An act relating to COVID-19 broadband connectivity and housing
10 initiatives

11 It is hereby enacted by the General Assembly of the State of Vermont:

12 * * * Purpose * * *

13 Sec. 1. PURPOSE

14 The purpose of this act is to appropriate \$95,068,500.00 from the State's
15 Coronavirus Relief Fund for necessary expenses incurred as a result of the
16 COVID-19 public health emergency. This appropriation shall be allocated as
17 follows: \$43,068,500.00 for broadband connectivity and other initiatives; and
18 \$52,000,000.00 for housing initiatives.

1 * * * Broadband Connectivity; Legislative Findings and Intent * * *

2 Sec. 2. BROADBAND CONNECTIVITY; FINDINGS AND INTENT

3 (a) Findings. The General Assembly finds that:

4 (1) Never has the need for reliable, affordable, high-speed broadband
5 connectivity been so critical. The COVID-19 public health emergency and the
6 required social distancing it has engendered have served as an accelerant to the
7 socioeconomic disparities between the connected and the unconnected in our
8 State.

9 (2) Vermonters who cannot access or cannot afford broadband
10 connectivity, many of whom are geographically isolated, face challenges with
11 respect to distance learning; remote working; accessing telehealth services;
12 accessing government programs and services, including our institutions of
13 democracy, such as the court system; and otherwise trying to maintain some
14 form of social connection and civic engagement in these trying times.

15 (3) The public health emergency has highlighted the extent to which
16 robust and resilient broadband networks are critical to our economic future as a
17 whole and provide a foundation for our educational, health care, public health
18 and safety, and democratic institutions.

19 (4) Data collected by the Department of Public Service underscore the
20 magnitude of the State's connectivity needs. Of the 308,082 addresses in our
21 State:

1 (A) 6.8 percent (20,978 addresses) do not have access to broadband
2 that meets a minimum speed of 4/1 Mbps.

3 (B) 23 percent (69,899 addresses) do not have access to broadband
4 that meets the FCC's benchmark of 25/3 Mbps.

5 (C) 82.5 percent (254,000 addresses) do not have access to
6 broadband that meets a minimum speed of 100/100 Mbps.

7 (5) Last year, the General Assembly took significant steps to close the
8 digital divide. Through Act 79, an act relating to broadband deployment
9 throughout Vermont, we not only provided financial incentives and
10 streamlined processes for broadband deployment, we also supported numerous
11 innovative approaches to shore up community efforts to design and implement
12 their own broadband solutions.

13 (6) Due to the COVID-19 public health emergency, we must accelerate
14 our efforts. With haste and precision, the State must redouble its efforts to go
15 where the market will not.

16 (7) The measures taken in this act complement and advance the State's
17 long-term goal of achieving the universal availability of 100 Mbps
18 symmetrical service by the year 2024.

19 (8) The faster and more thoroughly we react, the sooner and more
20 completely we will recover.

1 (b) Intent. In response to the COVID-19 public health emergency and the
2 critical need for access to broadband connectivity, it is the intent of the General
3 Assembly to support rapid response recovery planning and broadband
4 solutions that will significantly increase rural broadband capacity for distance
5 learning, remote working, telehealth, and other critical services during the
6 public health emergency and to do so in a manner that is consistent with the
7 criteria of the Coronavirus Relief Fund as established by section 601(d) of the
8 Social Security Act, as added by section 5001 of the Coronavirus Aid, Relief,
9 and Economic Security (CARES) Act, Pub. Law 116-136, as amended, and
10 any guidance and regulations issued pursuant thereto.

11 * * * Appropriations * * *

12 Sec. 3. FISCAL YEAR 2021 ONE-TIME CORONAVIRUS RELIEF FUND
13 APPROPRIATIONS

14 (a) Of the coronavirus relief funds allocated to Vermont pursuant to section
15 601(d) of the Social Security Act, as added by section 5001 of the CARES Act,
16 the amount of \$43,068,500.00 shall be appropriated as follows:

17 (1) \$35,566,500.00 to the Department of Public Service to be allocated
18 as follows:

19 (A) \$800,000.00 to the COVID-Response Connected Community
20 Resilience Program established in Sec. 4 of this act.

1 (B) \$2,000,000.00 to the COVID-Response Line Extension Customer
2 Assistance Program established in Sec. 5 of this act.

3 (C) \$11,000,000.00 to the Get Vermonters Connected Now Initiative
4 established in Sec. 6 of this act.

5 (D) \$500,000.00 to support the COVID-Response
6 Telecommunications Recovery Plan established in Sec. 7 of this act.

7 (E) \$800,000.00 to support the COVID-Response Telehealth and
8 Connectivity Initiative established in Sec. 9 of this act.

9 (F) \$466,500.00 to be disbursed, in consultation with the Vermont
10 Access Network, among the State's access media organizations for staffing and
11 operational costs incurred due to unbudgeted and unplanned coverage of public
12 meetings and events in response to the COVID-19 public health emergency, as
13 well as for unplanned and unbudgeted expenditures related to increased
14 production and technical support for live-streaming government and
15 community-based organizations.

16 (G) \$20,000,000.00 to fund ratepayer arrearages as they pertain to
17 utilities affected by the Public Utility Commission's moratorium on utility
18 disconnections issued on March 18, 2020, as further amended and revised by
19 the Commission, and as established in Sec. 10 of this act.

1 (2) \$3,000,000.00 to the Agency of Digital Services to fund efforts to
2 mitigate cybersecurity risks posed by State employees working from home as a
3 result of the COVID-19 public health emergency.

4 (3) \$4,000,000.00 to the Agency of Digital Services to reimburse costs
5 incurred for unbudgeted and unplanned expenditures for the purpose of
6 unemployment insurance claims modernization. It is the intent of the General
7 Assembly to increase Vermonter's access to unemployment insurance claims
8 services in response to the COVID-19 public health emergency through a
9 modernization move to a technical solution that ensures seamless access for
10 citizens throughout Vermont.

11 (4) \$350,000.00 to the Agency of Digital of Services to support
12 municipal officials in addressing cybersecurity risks and mitigate
13 vulnerabilities posed by closed municipal offices, municipal employees and
14 elected officials working from home, and using teleconferencing platforms as a
15 result of the COVID-19 public health emergency.

16 (5) \$152,000.00 to the Enhanced 911 Fund for necessary expenses
17 incurred due to unbudgeted and unplanned critical public health and safety
18 activities and services directly caused by or provided in response to the
19 COVID-19 public health emergency.

20 (b) Of the appropriations made pursuant to this section, any unexpended
21 funds as of December 20, 2020 shall be transferred to the State's coronavirus

1 relief fund. Recipients of the appropriations under this section shall make
2 every effort to both obtain and retain documentation demonstrating that
3 expenses are eligible for reimbursement under section 601(d) of the Social
4 Security Act.

5 * * * COVID-Response Connected Community Resilience Program * * *

6 Sec. 4. COVID-RESPONSE CONNECTED COMMUNITY RESILIENCE
7 PROGRAM

8 (a) There is established the COVID-Response Connected Community
9 Resilience Program, a grant program to be administered by the Commissioner
10 of Public Service. The purpose of the Program is to fund recovery planning
11 efforts of communications union districts, particularly with regard to
12 accelerating their deployment schedules. Accelerated deployment is necessary
13 in direct response to the COVID-19 public health emergency, which has
14 caused communications union districts to rapidly reassess the connectivity
15 needs in their respective service areas and to reevaluate their deployment
16 objectives going forward, either independently or collaboratively. Conditions
17 of the Program shall include the following:

18 (1) Costs eligible for funding under this Program include consultant
19 fees, administrative expenses, and any other recovery planning costs deemed
20 appropriate by the Commissioner.

21 (2) A grant award may not exceed \$100,000.00.

1 (b) The Commissioner shall develop policies and practices for Program
2 implementation consistent with the purposes of this section and also with
3 section 601(d) of the Social Security Act, including standards for expense
4 verification and records retention.

5 * * * COVID-Response Line Extension Customer Assistance Program * * *

6 Sec. 5. COVID-RESPONSE LINE EXTENSION CUSTOMER ASSITANCE
7 PROGRAM

8 (a) There is established the COVID-Response Line Extension Customer
9 Assistance Program to be administered by the Commissioner of Public Service.
10 The purpose of the Program is to provide financial assistance for the customer
11 costs associated with line extensions to unserved locations. The Commissioner
12 shall develop guidelines and procedures to implement this Program and may
13 incorporate relevant provisions of PUC Cable Rule 8.313, including the
14 formula for assessing contributions in aid of construction. Conditions of the
15 Program shall include the following:

16 (1) To be eligible, line extensions must be capable of delivering
17 broadband service that is capable of speeds of at least 25/3 Mbps.

18 (2) An unserved location means an area without access to 25/3 Mbps.

19 (3) Per customer financial assistance may not exceed \$3,000.00.

20 (4) If the line extension is in the service territory of a communications
21 union district, financial assistance under this Program shall not be awarded

1 unless notice of the proposed line extension is provided to the communications
2 union district and the Department receives a written letter of support for the
3 project from the governing board or board designee of the affected
4 communications union district or 30 days have elapsed since notice was
5 provided and no communication was delivered to the Department, whichever is
6 sooner.

7 (5) Locations eligible for financial assistance shall provide to the
8 Department data related to connectivity needs as they pertain to remote
9 learning, telehealth, and telework needs.

10 (6) A health care provider may apply for assistance on behalf of a
11 patient residing in Vermont for a line extension so that the patient can receive
12 telehealth or telemedicine services from the health care provider. Any K–12
13 educational institution, including a public or private school or school district,
14 may apply for a line extension on behalf of a student, provided the student’s
15 service location is in Vermont and the student needs the broadband service to
16 receive remote instruction from the educational institution.

17 (7) The Commissioner may retain any award of financial assistance
18 under this section until he or she determines that eligible expenses have been
19 incurred and properly documented by the grantee in a form and manner
20 prescribed by the Commissioner.

1 (b) On or before July 15, 2020, the Commissioner shall publish guidelines
2 and procedures for the administration of the Program. The guidelines shall
3 specify that funds shall be available for the most cost-effective and site-
4 appropriate line extension. Funds shall be disbursed on a rolling basis until
5 funds in the Program are expended or December 20, 2020, whichever occurs
6 first. The Program shall cease to exist on December 31, 2020.

7 (c) The Commissioner's guidelines and procedures shall be consistent with
8 section 601(d) of the Social Security Act and shall incorporate provisions for
9 ensuring that the Program will significantly increase broadband capacity for
10 distance learning, telehealth, and telework during the public health emergency.

11 * * * Get Vermonters Connected Now Initiative * * *

12 Sec. 6. GET VERMONTERS CONNECTED NOW INITIATIVE

13 (a) There is established the Get Vermonters Connected Now Initiative to be
14 administered by the Commissioner of Public Service. Notwithstanding any
15 provision of law to the contrary, funds shall be distributed through the
16 Connectivity Initiative established under 30 V.S.A. § 7515b. The purpose of
17 the Program is to provide financial assistance to Internet service providers to
18 offset the customer costs of fiber-to-the-premises installations, which include
19 underground conduit installations, where required, and service drops, and to
20 expand fixed wireless coverage to unserved or underserved areas of the State.
21 Up to \$50,000.00 may also be used to reimburse the Department of Public

1 Service and the Agency of Digital Services for any costs associated with the
2 deployment of Wi-Fi hotspots not covered by the Federal Emergency
3 Management Agency. Conditions of the Program shall include the following:

4 (1) Projects involving installation of underground conduit, where
5 required, that would result in broadband access to low-income households with
6 remote learning, telehealth, and telework needs shall be prioritized.

7 (2) Both FTTP and fixed wireless installations supported by this
8 Program shall reflect the Department's ongoing efforts with both the Agency
9 of Education and the Vermont Program for Quality in Health Care, Inc. to
10 identify addresses and clusters of students or vulnerable or high-risk
11 Vermonters, or both, who do not have access to broadband connectivity.

12 (3) If a project to be funded under this Program is in the service territory
13 of a communications union district, financial assistance under this Program
14 shall not be awarded unless notice of the proposed project is provided to the
15 communications union district and the Department receives a written letter of
16 support for the project from the governing board or board designee of the
17 affected communications union district or 30 days have elapsed since notice
18 was provided and no communication was delivered to the Department,
19 whichever is sooner.

20 (4) To the extent it is administratively feasible within the time
21 constraints of section 601(d) of the Social Security Act, the Department may

1 provide temporary subsidies for customer broadband monthly subscriptions to
2 increase broadband adoption rates where installations are performed pursuant
3 to this section.

4 (5) The Commissioner may retain any award of financial assistance
5 under this section until he or she determines that eligible expenses have been
6 incurred and properly documented by the intended recipient in a form and
7 manner prescribed by the Commissioner.

8 (6) Any new services funded in whole or in part by monies from this
9 Initiative shall be capable of speeds of at least 25 Mbps download and 3 Mbps
10 upload.

11 (b) The Commissioner shall establish guidelines and procedures consistent
12 with section 601(d) of the Social Security Act and shall incorporate provisions
13 for ensuring, to the greatest extent possible and based on the best available
14 data, that the Program will significantly increase broadband capacity for
15 distance learning, telehealth, and telework during the public health emergency.
16 The location and capacity of infrastructure funded through this Program shall
17 be part of a permanent, public database maintained by the Department.

1 * * * COVID-Response Telecommunications Recovery Plan * * *

2 Sec. 7. COVID-RESPONSE TELECOMMUNICATIONS RECOVERY
3 PLAN

4 The Commissioner of Public Service shall retain a consultant to assist with
5 preparation of a COVID-Response Telecommunications Recovery Plan. The
6 purpose of the Recovery Plan is to reassess the State's critical connectivity
7 needs in light of the COVID-19 public health emergency and to reevaluate
8 broadband deployment objectives going forward. On or before December 20,
9 2020, the Recovery Plan shall be submitted to the House Committee on Energy
10 and Technology and the Senate Committee on Finance.

11 Sec. 8. 2019 Acts and Resolves No. 79, Sec. 23, subsection (a) is amended to
12 read:

13 (a) It is the intent of the General Assembly that, regardless of when the
14 2017 Telecommunications Plan is adopted, a new Plan shall be adopted on or
15 before ~~December 1, 2020~~ June 30, 2021 in accordance with the procedures
16 established in 30 V.S.A. § 202d(e). The next Plan after that shall be adopted
17 on or before ~~December 1, 2023, and so on~~ June 30, 2024, and every three years
18 thereafter.

19 * * * COVID-Response Telehealth Connectivity Program * * *

20 Sec. 9. COVID-RESPONSE TELEHEALTH CONNECTIVITY PROGRAM

21 (a) The General Assembly finds that:

1 (1) Since the onset of COVID-19, telehealth utilization in Vermont has
2 increased exponentially. During this public health emergency, telehealth has
3 become an essential tool to minimize the spread of COVID-19 and provide
4 clinicians the tools they need to treat patients.

5 (2) According to recent survey data, a significant majority of health care
6 providers indicated that lack of patient access to a smartphone or video
7 capability was a barrier to accessing telehealth services, and similarly indicated
8 that a patient's inability to operate digital equipment was a barrier.

9 (b) There is established a temporary COVID-Response Telehealth
10 Connectivity Program to be administered by the Vermont Program for Quality
11 in Health Care, Inc. (VPQHC) consistent with its mission under 18 V.S.A.
12 § 9416 and with its Connectivity Care Packages pilot proposal. The purpose of
13 the Program is to support equitable access to telehealth services by providing
14 outreach and educational opportunities that improve digital literacy skills of
15 patients and providers and also by providing the equipment needed to support
16 telehealth needs during the COVID-19 public health emergency, particularly in
17 areas that are digitally and medically underserved, and distributed
18 geographically across the State. Conditions of the Program shall include:

19 (1) To the extent feasible under the timing and funding constraints of
20 this Program, VPQHC shall make every effort to identify and prioritize
21 assistance to vulnerable and high-risk patients in all regions of the State.

1 (2) VPQHC shall ensure that all expenditures made pursuant to this
2 Program are properly documented and retained, consistent with the
3 requirements of section 601(d) of the Social Security Act.

4 (c) Funds shall be disbursed on a rolling basis until all funds are fully
5 expended or on December 20, 2020, whichever occurs first. Any unexpended
6 funds shall be transferred to the State on or before December 20, 2020. This
7 Program shall sunset on December 31, 2020.

8 (d) On or before January 15, 2021, VPQHC shall report to the House
9 Committees on Health Care and on Energy and Technology and the Senate
10 Committees on Health and Welfare and on Finance an evaluation of the
11 Program's effectiveness to date.

12 * * * Utility Ratepayer Arrearages * * *

13 Sec. 10. FINANCIAL ASSISTANCE FOR RATEPAYER ARREARAGES

14 For the purpose of simultaneously minimizing financial hardship caused by
15 the COVID-19 public health emergency and also mitigating utility rate
16 increases ultimately shared by all ratepayers, the Commissioner of Public
17 Service shall develop policies and practices for providing financial support to
18 utility ratepayers to cover account arrearages of ratepayers likely to face
19 disconnection when the moratorium ends. As used in this section, a "utility"
20 means a utility affected by the Public Utility Commission's moratorium on
21 utility disconnections issued on March 18, 2020, as further amended and

1 revised by the Commission. Funds shall be disbursed on a rolling basis until
2 all funds are fully expended or December 20, 2020, whichever occurs first.
3 The Commissioner may contract with an independent third party to assist with
4 program administration. Customer information submitted pursuant to this
5 program shall be exempt from disclosure under the Vermont Public Records
6 Act; such data may only be disclosed on an anonymized and aggregated basis.

7 * * * COVID-19 Response; Housing * * *

8 Sec. 11. COVID-19 RESPONSE; HOUSING

9 (a) The following amounts are appropriated from the Coronavirus Relief
10 Fund to the named recipients for the purposes specified:

11 (1) Legal and counseling services.

12 (A) \$550,000.00 to Vermont Legal Aid to provide legal and
13 counseling services to persons who are, or are at risk of, experiencing
14 homelessness, or who have suffered economic harm due to the COVID-19
15 crisis.

16 (B) \$250,000.00 to the Department of Housing and Community
17 Development for grants to organizations that provide counseling and assistance
18 to landlords concerning tenancy, rental assistance, and related issues arising
19 due to the COVID-19 crisis.

20 (2) Housing and facilities. \$9,000,000.00 to the Vermont Housing and
21 Conservation Board, which the Board shall use, in part through grants to

1 nonprofit housing partners and service organizations, for housing and facilities
2 necessary to provide safe shelter and assistance for persons who are, or are at
3 risk of, experiencing homelessness, or who have suffered economic harm due
4 to the COVID-19 crisis, in order to mitigate COVID-19 effects and enable
5 compliance with COVID-19 public health precautions.

6 (3) Foreclosure protection. \$6,000,000.00 to the Vermont Housing
7 Finance Agency to provide financial and technical assistance to stabilize low-
8 and moderate-income homeowners and prevent home foreclosures for
9 Vermont families.

10 (A)(i) The Agency shall develop a standard application form for
11 homeowners that describes the application process and includes clear
12 instructions and examples to help homeowners apply.

13 (ii) The Agency shall implement a selection process that ensures
14 equitable approval of applications and a distribution system that ensures
15 accountability for homeowners receiving the funds.

16 (B) The Agency shall develop eligibility requirements to ensure the
17 funds are applied towards homeowners equitably, including:

18 (i) limitations for eligibility regarding the earned income of the
19 homeowners in comparison to the area median income;

20 (ii) forms and guidelines for homeowners to certify or otherwise
21 prove a demonstrable need for assistance;

1 (iii) limitations on actual cash benefits, which shall not exceed the
2 actual mortgage liability or six times the monthly mortgage liability, whichever
3 is less; and

4 (iv) a reapplication process that provides that if program funds
5 remain at the end of the six-month period, the homeowner may apply for
6 additional assistance.

7 (4) Rental assistance; eviction protection. \$30,000,000.00 to the
8 Vermont State Housing Authority, which shall administer the distribution of
9 funds to landlords on behalf of tenants in need of rental arrearage assistance.

10 (A) In developing the Program, the Authority shall coordinate with
11 the Agency of Human Services and statewide and regional housing and
12 homelessness authorities to provide additional support services and better
13 promote upstream homelessness prevention and housing stability.

14 (B) The Authority shall develop a standard application form for
15 landlords and tenants, including mobile home lot tenants and homeless
16 households, that describes the application process and includes clear
17 instructions and examples to help tenants or landlords apply.

18 (C)(i) The Authority shall implement a selection process that ensures
19 equitable approval of applications, notice of grant decisions within 10 days,
20 and decisions on appeals within in 10 days, and a distribution system that
21 ensures accountability for the tenants and landlords that receive funds.

1 (ii) The Authority shall ensure decisions are made according to the
2 rules of the program and without regard to any previous information or
3 decisions known concerning tenants, and no tenant or landlord may benefit or
4 suffer harm due to previous knowledge or decisions.

5 (D)(i) The Authority shall develop eligibility requirements to ensure
6 that funds are applied equitably towards tenants, currently homeless
7 households, and landlords and to those in the most need, including:

8 (I) certification of rent arrears;

9 (II) waiver of termination of tenancy or eviction for a period of
10 time;

11 (III) waiver of late fees and rent in excess of Authority
12 payment standards;

13 (IV) compliance with Rental Housing Health Code within 30
14 days; and

15 (V) agreement not to increase rent for a period of time.

16 (ii) Other requirements.

17 (I) The Authority shall ensure that assistance is provided
18 directly to the landlords on the tenants' behalf.

19 (II) The Authority shall ensure a streamlined application
20 process limited to a tenant certification of household members and a landlord
21 certification of past due rent to show that tenants have missed rental payments

1 and are at risk of eviction, or otherwise show proof of a demonstrable need for
2 rental assistance.

3 (III) The Authority shall require that landlords delay or cease
4 eviction proceedings, or both, for a period of time as a condition of receiving
5 assistance, provided that an exception may be made if a landlord applies and
6 the tenant has not paid rent nor certified need, in which case the landlord may
7 receive partial payment of arrears and retain right to evict.

8 (IV) The Authority shall adopt limitations on assistance granted
9 that shall not exceed the actual liability or those number of months due
10 calculated at Vermont State Housing Payment level, whichever is less. This
11 restriction shall include a reapplication process that provides that if there are
12 remaining Program funds if the tenant is in arrears at a later date, the tenant
13 may reapply for assistance.

14 (V) For tenants in unsustainable tenancies and households that
15 received emergency housing benefits from Department for Children and
16 Families' General Assistance Program since March 1, 2020, funds may be used
17 for first and last months' rent and security deposit, and, where necessary, rent
18 payments through December 30, 2020. To obtain these benefits, a landlord
19 must certify that the individual or family will be accepted as a tenant; that the
20 landlord will not evict the tenant for nonpayment of rent before January 1,
21 2021; and, if the tenant leaves the unit prior to January 1, 2021, the landlord

1 will refund to the Authority the rental amount previously received for any
2 rental period after which the tenant left and for the security deposit if
3 reimbursement is appropriate.

4 (E) Not later than August 10, 2020 and thereafter upon request from
5 a legislative committee, the Authority shall issue a report to the General
6 Assembly detailing the number and amount of grants awarded in each category
7 by county.

8 (5) Rehousing investments.

9 (A) Creation of program. The amount of \$6,200,000.00 is
10 appropriated to the Department of Housing and Community Development to
11 design and implement a Re-housing Recovery Program to provide funding to
12 statewide and regional housing partner organizations for grants to eligible
13 applicants.

14 (B) Administration. The Department shall require any statewide or
15 regional housing partner organization that receives funding under the Program
16 to develop:

17 (i) a standard application form that describes the application
18 process and includes clear instructions and examples to help property owners
19 apply;

20 (ii) a selection process that ensures equitable selection of property
21 owners; and

1 (iii) a grants management system that ensures accountability for
2 funds awarded to property owners.

3 (C) Grant requirements.

4 (i) The Department shall ensure each grant complies with the
5 following requirements:

6 (I) A property owner may apply for a grant of up to \$30,000.00
7 per unit.

8 (II) To be eligible a unit must be blighted, vacant, or otherwise
9 not comply with applicable rental housing health and safety laws.

10 (ii) A property owner shall:

11 (I) match at least 10 percent of the value of the grant; and

12 (II) comply with applicable permit requirements and rental
13 housing health and safety laws.

14 (iii) The Department shall use one or more legally binding
15 mechanisms to ensure that:

16 (I) renovated units are made available to persons who require
17 economic assistance due to the COVID-19 crisis;

18 (II) the rent charged remains at or below annually published
19 HUD Fair Market Rent for the County or Metropolitan Statistical Area for at
20 least five years; and

1 (III) if a property owner sells or transfers a property improved
2 with grant funds within five years of receiving the funds, the property
3 continues to remain affordable for the remainder of the five-year period.

4 (D) The Department shall develop requirements regarding the
5 following:

6 (i) encouraging and incentivizing statewide and regional housing
7 partner organizations and property owners to work with local continua of care
8 organizations; and

9 (ii) limitations on the number of units for which an individual
10 owner may receive grant funds.

11 (E) Definitions. As used in this section:

12 (i) “Blighted” means that a rental unit is not fit for human
13 habitation and does not comply with the requirements of applicable building,
14 housing, and health regulations.

15 (ii) “Vacant” means that a rental unit has not been leased or
16 occupied for at least 90 days prior to the date on which a property owner
17 submits an application and the unit remains unoccupied at the time of the
18 award.

19 (b) On or after September 1, 2020, the Department of Housing and
20 Community Development, in consultation with the funding recipients named in
21 this section, shall assess the allocation and expenditure of funds made in this

1 section and may re-allocate funds as the Department determines is necessary to
2 most effectively provide necessary housing-related assistance to Vermonters
3 affected by the COVID-19 crisis.

4 * * * Coronavirus Relief Fund; Administrative Provisions * * *

5 Sec. 12. CONSISTENCY WITH CARES ACT AND GUIDANCE

6 The General Assembly determines that the expenditure of monies from the
7 Coronavirus Relief Fund as set forth in this act complies with the requirements
8 of Sec. 5001 of the CARES Act, Pub. L. No. 116-136 and related guidance
9 because the costs to be covered:

10 (1) are necessary expenditures incurred due to the public health
11 emergency with respect to Coronavirus Disease 2019 (COVID-19);

12 (2) were not accounted for in Vermont's fiscal year 2020 budget; and

13 (3) were, or will be, incurred during the period beginning on March 1,
14 2020 and ending on December 30, 2020.

15 Sec. 13. GRANT RECIPIENT REQUIREMENTS; REVERSION AND

16 REALLOCATION SCHEDULE

17 All appropriations made from the State's Coronavirus Relief Fund (CRF)
18 in this and other bills passed after March 1, 2020 as part of the 2020
19 legislative session are made with the knowledge that the statutory and
20 regulatory context is constantly changing. Additional federal legislation may

1 further change the potential for and appropriateness of CRF usage. As a
2 result:

3 (1) Appropriations from the CRF are subject to changes in source of
4 funds that may occur as the result of subsequent legislation or through
5 administrative actions, where permissible by law.

6 (2) Specific CRF uses may need to change based on changes to federal
7 laws or on revised or updated federal guidance.

8 (3) It is the responsibility of all entities receiving CRF monies to ensure
9 compliance with all federal guidelines as to CRF spending and use.

10 (4) Unless otherwise authorized by the Commissioner of Finance and
11 Management, any monies appropriated from the CRF shall revert to the CRF to
12 the extent that they have not been expended by December 20, 2020 to enable
13 reallocation.

14 Sec. 14. CORONAVIRUS RELIEF FUND GRANTS; CONDITIONS

15 (a) Any person receiving a grant comprising monies from the Coronavirus
16 Relief Fund shall use the monies only for purposes that comply with the
17 requirements of Sec. 5001 of the CARES Act, Pub. L. No. 116-136 and related
18 guidance.

19 (b) Any person who expends monies from the Coronavirus Relief Fund for
20 purposes not eligible under Sec. 5001 of the CARES Act, Pub. L. No. 116-136
21 and related guidance shall be liable for repayment of the funds to the State of

1 Vermont; provided, however, that a person shall not be liable for such
2 repayment if the person expended the monies in good faith reliance on
3 authorization of the proposed expenditure by or specific guidance from the
4 agency or department administering the grant program.

5 (c) The Attorney General or a State agency or department administering a
6 grant program established or authorized under this act may seek appropriate
7 criminal or civil penalties as authorized by law for a violation of the terms or
8 conditions of the applicable program, grant, or award.

9 Sec. 15. CORONAVIRUS RELIEF FUND; RECORD KEEPING;

10 COMPLIANCE

11 (a) In order to ensure compliance with the requirements of Sec. 5001 of the
12 CARES Act, Pub. L. No. 116-136, and related guidance, and to assist the State
13 in demonstrating such compliance:

14 (1) any agency or department, and any subrecipient of a grant, that is
15 authorized to disburse grant funds appropriated by this act shall include
16 standard audit provisions, as required by Agency of Administration Bulletins
17 3.5 and 5, in all contracts, loans, and grant agreements; and

18 (2) each grant recipient shall report on its use of the monies received
19 pursuant to this act to the agency or department administering the grant as
20 required by that agency or department and shall maintain records of its

1 expenditures of the monies for three years, or for a longer period if so required
2 by State or federal law, to enable verification as needed.

3 (b) On or before July 31, 2020 and September 1, 2020, each agency or
4 department administering a grant program pursuant to this act shall provide
5 information to the legislative committees of jurisdiction, including the House
6 and Senate Committees on Appropriations, regarding its distribution of grant
7 funds to date, the amount of grant funds that remains available for distribution,
8 and its plans for awarding the available funds by December 20, 2020.

9 * * * Effective Date * * *

10 Sec. 16. EFFECTIVE DATE

11 This act shall take effect on passage.