

No. 137. An act relating to COVID-19 funding and assistance for broadband connectivity, housing, and economic relief.

(H.966)

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

* * * Purpose * * *

Sec. 1. PURPOSE

(a) The purpose of this act is to appropriate \$213,200,000.00 from the Coronavirus Relief Fund to cover necessary broadband connectivity, information technology, housing, and economic relief expenses incurred due to, or as a result of, the COVID-19 public health emergency.

(b)(1) Costs are not compensable under this act if the same costs or expenses have been or will be covered by insurance or by another State or federal funding source; provided, however, that this restriction does not include loans or advance payments for which repayment is expected.

(2) Costs that are eligible for coverage by other federal funding sources are not compensable under this act unless authorized by the Secretary of Administration.

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

Sec. 2. CONSISTENCY WITH CARES ACT AND GUIDANCE

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

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

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

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

(b) Additional details regarding the consistency of each appropriation with the requirements of the CARES Act and related guidance are contained in a supplemental memorandum that accompanies this act.

Sec. 3. GRANT RECIPIENT REQUIREMENTS; REVERSION AND REALLOCATION SCHEDULE

All appropriations made from the State's Coronavirus Relief Fund (CRF) in this and other bills passed after March 1, 2020 as part of the 2020 legislative session are made with the knowledge that the statutory and regulatory context is constantly changing. Additional federal legislation may further change the potential for and appropriateness of CRF usage. As a result:

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

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

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

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

Sec. 4. CORONAVIRUS RELIEF FUND GRANTS; CONDITIONS

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

(b) Any person who expends monies from the Coronavirus Relief Fund for purposes not eligible under Sec. 5001 of the CARES Act, Pub. L. No. 116-136 and related guidance shall be liable for repayment of the funds to the State of Vermont; provided, however, that a person shall not be liable for such repayment if the person expended the monies in good faith reliance on authorization of the proposed expenditure by or specific guidance from the agency or department administering the grant program.

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

Sec. 5. CORONAVIRUS RELIEF FUND; RECORD KEEPING;

COMPLIANCE; REPORTS

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

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

(2) each grant recipient shall report on its use of the monies received pursuant to this act to the agency or department administering the grant as required by that agency or department and shall maintain records of its expenditures of the monies for three years, or for a longer period if so required by State or federal law, to enable verification as needed.

(b) On or before August 15, 2020 and October 1, 2020, each agency or department administering a grant program pursuant to this act shall provide information to the legislative committees of jurisdiction, including the House and Senate Committees on Appropriations, regarding its distribution of grant funds to date, the amount of grant funds that remains available for distribution, and its plans for awarding the available funds by December 20, 2020.

* * * Financial Assistance * * *

Sec. 6. COVID-19; ECONOMIC SUPPORT FOR BUSINESSES AND
INDIVIDUALS

(a) Appropriations; grants. The following amounts are appropriated from the Coronavirus Relief Fund to the named recipients to provide grants to businesses that have suffered economic harm due to the COVID-19 public health emergency and economic crisis.

(1) \$82,000,000.00 for additional emergency economic recovery grants pursuant to 2020 Acts and Resolves No. 115 (S.350), Secs. 2–3, as follows:

(A) \$56,000,000.00 to the Agency of Commerce and Community Development.

(B) \$26,000,000.00 to the Department of Taxes.

(2) \$2,500,000.00 to the Agency of Commerce and Community Development to grant to the Working Lands Enterprise Fund for grants to businesses within the agricultural, food and forest, and wood products industries:

(A) for economic loss; or

(B) to assist a business in adapting its products to changes in available markets or supply chains that are caused by the COVID-19 public health emergency and economic crisis, provided that such assistance is clearly necessary to ensure the continued viability of the business due to COVID-19.

(3)(A) \$5,000,000.00 to the Agency of Commerce and Community Development to grant to the Vermont Community Loan Fund, working in collaboration with the Vermont Commission on Women and other appropriate partners, for grants to businesses that have from zero to five employees and are at least 51 percent woman-owned or at least 51-percent minority-owned;

(B) The Fund shall reserve an allocation of \$2,500,000 for awards to businesses in each of the two groups until September 1, 2020, after which the Fund may re-allocate the funds if applications from either group are less than half.

(4) \$1,500,000.00 to the Agency of Natural Resources for grants to outdoor recreation businesses for costs or expenses necessary to comply with or implement COVID-19 public health precautions, including:

(A) cleaning, disinfection, and personal protection services and equipment;

(B) symptom monitoring or diagnosis for customers or participants;

(C) signage or informational material concerning public health precautions;

(D) temporary staff housing necessary to maintain public health precautions; and

(E) maintenance or repair of trails where damage is caused by increased usage during the declared COVID-19 public health emergency.

(5) \$5,000,000.00 to the Agency of Commerce and Community Development to grant to the Vermont Arts Council for grants to nonprofit arts and cultural organizations. For purposes of calculating reduction in revenue under this subdivision, “revenue” does not include tax-deductible charitable contributions.

(b) Appropriations; other assistance. The following amounts are appropriated from the Coronavirus Relief Fund to the named recipients to provide assistance to businesses and individuals that have suffered economic harm due to the COVID-19 public health emergency and economic crisis.

(1)(A) \$2,500,000.00 to the Department of Tourism and Marketing to create a Restart Vermont marketing program to encourage visitation and consumer spending in Vermont to support businesses that have suffered economic harm due to the COVID-19 public health emergency.

(B) Eligible uses for the funds appropriated in subdivision (A) of this subdivision (1) include:

(i) marketing activities to promote travel to and within Vermont to increase consumer spending at tourism, hospitality, retail, and related businesses; and

(ii) statewide or regional consumer stimulus programs or consumer purchasing incentives that maximize the effect of local consumer spending, including at restaurants, lodging establishments, retail stores, and tourism attractions.

(C)(i) The Department shall investigate:

(I) the feasibility of establishing a consumer incentive program to provide to front-line workers who receive hazard pay through the Front-Line Employees Hazard Pay Grant Program with meaningful discounts or other incentives by and at participating Vermont restaurants and to promote restaurants participating in the program through distinctive signage and other means;

(II) the potential of:

(aa) issuing a simple identification card for use at participating restaurants; or

(bb) working with a third-party vendor to offer employers the option to allow eligible employees to elect to receive hazard pay on a distinctive payroll card that will entitle the employees to a discount with participating restaurants.

(ii) If the Agency determines that such a program is feasible, it is authorized, in its discretion, to implement the program in conjunction with the Front-Line Employees Hazard Pay Grant Program, provided that:

(I) participation in the program by employers, eligible employees, and restaurants shall be voluntary; and

(II) administrative costs associated with the program shall be paid by any combination of the following:

(aa) participating restaurants;

(bb) participating employees; or

(cc) to the extent permitted pursuant to Sec. 5001 of the CARES Act, as may be amended, and any guidance issued pursuant to that section, from the amount allocated in subdivision (A) of this subdivision

(b)(1).

(2) \$2,500,000.00 to the Agency of Commerce and Community Development to create a Restart Vermont business assistance program, through which the Agency shall make available to businesses professional and technical assistance through qualified Recovery Navigators, including:

(A) business operations, financial management, and grant writing;

(B) digital strategies;

(C) architecture and physical space design;

(D) reconfiguring manufacturing equipment and processes and incorporating safety measures;

(E) technology and software consulting; and

(F) legal and other professional services.

(3) \$5,000,000.00 to the Agency of Commerce and Community Development to grant to Southeastern Vermont Community Action to act as fiscal agent for a statewide program, Restaurants and Farmers Feeding the Hungry, the purpose of which is to provide assistance to Vermonters who are food insecure due to the COVID-19 public health emergency by engaging Vermont restaurants that have suffered economic harm due to the COVID-19

public health emergency to prepare meals using foodstuffs purchased from Vermont farms and food producers.

(A) SEVCA shall collaborate with State and nonprofit partners throughout Vermont, including the Agency of Commerce and Community Development; the Agency of Agriculture, Food and Markets; the Agency of Human Services; the Department of Public Safety; the Community Action Agencies; the Vermont Food Bank; Hunger Free Vermont; the Vermont Hunger Council; the Sustainable Jobs Fund/Farm to Plate; the Vermont Community Foundation; the Downtown Brattleboro Alliance; Shiftmeals; Mama Sezz; the Vermont Hospitality Coalition; and others.

(B) Under the Program, SEVCA and partners shall:

(i) establish multiple community-scale hubs across Vermont to coordinate restaurant engagement and distribution of not fewer than 15,000 meals per week;

(ii) engage a broad range of restaurants of various sizes to produce meals;

(iii) on average, purchase not less than 10 percent of ingredients from local farms and producers; and

(iv) augment the existing food distribution network to meet the increased food insecurity of residents.

(c) Eligibility. To be eligible for a grant under subsection (a) or (b) of this section, a business must meet the eligibility criteria and comply with the

guidelines adopted pursuant to 2020 Acts and Resolves No. 115 (S.350) unless otherwise provided in this section, except that a business must demonstrate that it suffered a 50 percent or greater reduction in revenue due to the COVID-19 public health emergency and economic crisis in a monthly or quarterly period from March 1, 2020 to September 1, 2020 as compared to the same period in 2019.

(d) Administration of funds. A recipient or subrecipient authorized to administer funds appropriated in this section to provide grants or assistance to eligible businesses:

(1) shall coordinate directly with, and is subject to the guidelines and procedures adopted by, the Agency of Commerce and Community Development to ensure consistency and to avoid duplication of efforts and awards among Coronavirus Relief Fund-related programs;

(2) may use funds for administrative expenses, provided that the expenses represent an increase over previously budgeted amounts and are limited to what is necessary; and

(3) shall transfer any grant funds appropriated under subsection (a) of this section that remain unencumbered as of November 15, 2020 to the Agency of Commerce and Community Development, which the Agency shall use to make additional emergency economic recovery grants pursuant to this section.

(e) Prohibition on multiple sources of funding.

(1) A business may not receive a grant of Coronavirus Relief Fund monies from more than one source, except that a business in the dairy sector may apply for a grant under subdivision (a)(2)(B) of this section, provided that the award is not for the same purpose covered under other assistance from the Fund.

(2) The Agency of Commerce and Community Development, the Department of Taxes, and entities that administer funds appropriated pursuant to this section shall provide businesses with guidance and support to help identify the appropriate programs for which the business may be eligible for a grant and other assistance.

(f) Public records; confidentiality.

(1) The name of a business that receives an award under this section and the amount of the award are public records subject to inspection and copying under the Public Records Act.

(2) Any application documents of a business containing federal identification numbers and sales amounts are subject to the confidentiality provisions of 32 V.S.A. § 3102 and are return information under that section.

(3) Data submitted by a business under this section to demonstrate costs or expenses shall be a trade secret exempt from public inspection and copying under 1 V.S.A. § 317(c)(9), provided that submitted information may be used and disclosed in summary or aggregated form that does not directly or indirectly identify a business.

(g) Emergency economic recovery grant funds; transfer. If any funds appropriated to Agency of Commerce and Community Development and the Department of Taxes in 2020 Acts and Resolves No. 115 (S.350) remain both unencumbered and unspent as of August 1, 2020, the Agency and Department shall combine and administer those funds with the amounts made available to them in this section, subject to the standards and criteria established in this section.

* * * Local Government Expense Reimbursement * * *

Sec. 7. COVID-19 EXPENSE REIMBURSEMENT; LOCAL

GOVERNMENT

(a) The amount of \$13,000,000.00 is appropriated from the Coronavirus Relief Fund to the Agency of Administration for the purpose of issuing grants to units of local government to reimburse eligible COVID-19 expenses incurred on or before December 30, 2020, including hazard pay, supplies and equipment, sanitation, facility alterations, overtime compensation, redirection of staff for first-response needs, and any other eligible COVID-19 expenses not covered by other funding sources, including funding provided by the Federal Emergency Management Agency.

(b) The Secretary of Administration or designee shall develop grant guidelines for determining eligibility of COVID-19 expenses and requirements for reimbursement for units of local government. In determining the allocation of reimbursements under this section, the Secretary may prioritize need,

including the local unemployment rate and the percent of eligible COVID-19 expenses relative to the total budget.

(c) From the amount appropriated to the Agency of Administration under this section, the Secretary or designee shall allocate:

(1) \$12,650,000.00 in grants that shall not exceed \$750,000.00 per recipient for reimbursement of eligible COVID-19 expenses to the following:

(A) Vermont counties in amounts that shall not exceed \$1.00 per person as determined from the 2019 town census data published by the U.S. Census Bureau; and

(B) Vermont cities, towns, unorganized towns or gores, and any of the unified towns and gores of Essex County, including those incurred by incorporated villages, fire districts, consolidated water districts created under 24 V.S.A. chapter 91, and consolidated sewer districts created under 24 V.S.A. chapter 105 therein. Grants allocated under this subdivision (c)(1)(B) shall not exceed \$25.00 per person as determined from the 2019 town census data published by the U.S. Census Bureau, provided that any recipient under this subdivision with expenses that exceed \$25.00 per person and \$25,000.00 in total shall receive a minimum payment of \$25,000.00.

(2) \$200,000.00 to solid waste management districts organized under 24 V.S.A. chapter 121 in grants for reimbursement of eligible COVID-19 expenses. The Secretary or designee may determine any limitations to the amount of the grants allocated under this subdivision.

(3) An amount not to exceed \$150,000.00 may be used to contract with one or more regional planning commissions for technical assistance to be provided to units of local government in identifying and documenting eligible COVID-19 expenses. Notwithstanding any other contrary provision of law, the contract may be a sole source contract.

(4) In the event that applications for reimbursements exceed the amounts allocated, grants may be prorated. If funds are available after November 15, 2020, the Secretary may award grants to towns on a prorated basis above the level capped under subdivision (1) of this subsection.

(d) On or before September 15, 2020, the Secretary of Administration shall report to the Joint Fiscal Committee on program development and eligible COVID-19 expenses reimbursed pursuant to this section. The Secretary shall provide recommendations for any legislative action, including reallocation of funds for reimbursement of eligible local government COVID-19 expenses.

Sec. 8. DIGITIZATION GRANT PROGRAM; DEFINITIONS

(1) “CARES Act” means the Coronavirus Aid, Relief, and Economic Security Act, Pub. L. No. 116–136, as amended, and any guidance and regulations issued under that act.

(2) “Municipality” means a city, town, or incorporated village.

(3) “Eligible use” means a use of grant funds permitted under the CARES Act to assist a municipality in digitizing land records for online public

access during municipal office closures due to the COVID-19 public health emergency.

Sec. 9. CORONAVIRUS MUNICIPAL RECORDS DIGITIZATION
GRANTS; AGENCY OF ADMINISTRATION

(a) Authorization; appropriation. Of the funds available in the Coronavirus Relief Fund, the amount of \$2,000,000.00 is appropriated to the Agency of Administration to provide grants to eligible municipalities pursuant to this section.

(b) Requirements for grant applicants. A municipality may apply for a grant for an eligible use, provided that:

(1) The municipality was compelled to close its municipal offices or limit access to land records due to the COVID-19 public health emergency response.

(2) The municipality has established and maintained a Restoration and Preservation Reserve Fund pursuant to 32 V.S.A. § 1671.

(c) Grant amount; terms.

(1) The Agency shall establish a formula for determining the amount of grant awards, which shall include a maximum grant amount.

(2) The Agency shall consider whether and by how much grant awards should be adjusted based on:

(A) whether a municipality has received financial assistance from other sources;

(B) the funds available for digitization in a municipality's

Restoration and Preservation Reserve Fund;

(C) the number of property transactions within a municipality based on property transfer tax data reported by the Department of Taxes; and

(D) whether a municipality closed or limited access to the municipal clerk's offices during the COVID-19 public health emergency.

Sec. 10. DIGITIZATION GRANT PROGRAM; GUIDELINES;

REPORTING

(a) Guidelines. Not later than 10 days after the effective date of this act, the Agency of Administration shall publish guidelines governing the implementation of the grant program, which at minimum shall establish:

(1) application and award procedures;

(2) standards for eligible uses of grant funds;

(3) standards governing the amount of grant awards to ensure:

(A) the equitable distribution of funds among regions of the State;

and

(B) that grants are based on need and will have a meaningful impact on the ability of the public to access digitized land records online;

(4) procedures to ensure that grant awards comply with the requirements of the CARES Act and that the State maintains adequate records to demonstrate compliance with the Act; and

(5) procedures to prevent, detect, and mitigate fraud, waste, error, and abuse.

(b) Consultation. Before publishing guidelines pursuant to subsection (a) of this section, the Agency shall consult with representatives of the Vermont League of Cities and Towns, the Vermont Municipal Clerks and Treasurers Association, and the Vermont Bar Association.

(c) Reporting. The Agency shall:

(1) provide monthly updates and information concerning grant guidelines, awards, and implementation to the committees of jurisdiction of the General Assembly; and

(2) submit a report to the General Assembly on or before August 15, 2020 detailing the implementation of this section, including specific information concerning the amount and identity of grant recipients, the amount of grant funds expended for eligible uses, and the progress made to expend the grant program funds by December 20, 2020, which shall be publicly available.

* * * Housing Assistance * * *

Sec. 11. COVID-19 RESPONSE; HOUSING

(a) Appropriations. The following amounts are appropriated from the Coronavirus Relief Fund to the named recipients to provide grants and other assistance to individuals and businesses that have suffered economic harm due to the COVID-19 public health emergency and economic crisis.

(1) Legal and counseling services.

(A) \$550,000.00 to the Agency of Human Services for a grant to Vermont Legal Aid to provide legal and counseling services to persons who are, or are at risk of, experiencing homelessness, or who have suffered economic harm due to the COVID-19 crisis.

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

(2) Housing and facilities. \$9,000,000.00 to the Vermont Housing and Conservation Board, which the Board shall use, in part through grants to nonprofit housing partners and service organizations, for housing and facilities necessary to provide safe shelter and assistance for persons who are, or are at risk of, experiencing homelessness, or who have suffered economic harm due to the COVID-19 crisis, in order to mitigate COVID-19 effects and enable compliance with COVID-19 public health precautions.

(3) Foreclosure protection. \$5,000,000.00 to the Department of Housing and Community Development for a grant to the Vermont Housing Finance Agency to provide financial and technical assistance to stabilize low- and moderate-income homeowners and prevent home foreclosures for Vermont families.

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

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

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

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

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

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

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

(4) Rental assistance; eviction protection. \$25,000,000.00 to the Department of Housing and Community Development for a grant to the Vermont State Housing Authority, which shall administer the distribution of funds to landlords on behalf of tenants in need of rental arrearage assistance.

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

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

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

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

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

(I) certification of rent arrears;

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

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

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

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

(ii) Other requirements.

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

(II) The Authority shall ensure a streamlined application process limited to a tenant certification of household members and a landlord certification of past due rent to show that tenants have missed rental payments and are at risk of eviction, or otherwise show proof of a demonstrable need for rental assistance.

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

(IV) The Authority shall adopt limitations on assistance granted that shall not exceed the actual liability or those number of months due

calculated at Vermont State Housing Payment level, whichever is less. This restriction shall include a reapplication process that provides that if there are remaining program funds if the tenant is in arrears at a later date, the tenant may reapply for assistance.

(V) For tenants in unsustainable tenancies and households that received emergency housing benefits from Department for Children and Families' General Assistance Program since March 1, 2020, funds may be used for first and last months' rent and security deposit, and, where necessary, rent payments through December 30, 2020. To obtain these benefits, a landlord must certify that the individual or family will be accepted as a tenant; that the landlord will not evict the tenant for nonpayment of rent before January 1, 2021; and, if the tenant leaves the unit prior to January 1, 2021, the landlord will refund to the Authority the rental amount previously received for any rental period after which the tenant left and for the security deposit if reimbursement is appropriate.

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

(5) Rehousing investments.

(A) Creation of Program. The amount of \$6,200,000.00 is appropriated to the Department of Housing and Community Development to

design and implement a Re-housing Recovery Program to provide funding to statewide and regional housing partner organizations for grants to eligible applicants.

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

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

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

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

(C) Grant requirements.

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

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

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

(ii) A property owner shall:

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

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

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

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

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

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

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

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

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

(E) Definitions. As used in this section:

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

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

(b) On or after September 15, 2020, the Department of Housing and Community Development, in consultation with the funding recipients named in this section, shall assess the allocation and expenditure of funds made in this section and may re-allocate funds as the Department determines is necessary to most effectively provide necessary housing-related assistance to Vermonters affected by the COVID-19 crisis.

Sec. 12. DEPARTMENT FOR CHILDREN AND FAMILIES; HOUSING
FOR HOUSEHOLDS EXPERIENCING HOMELESSNESS

(a) The sum of \$16,000,000.00 is appropriated from the Coronavirus Relief Fund to the Department for Children and Families in fiscal year 2021 to fund programs and services that support safe, stable housing opportunities for Vermont households experiencing homelessness as a result of the COVID-19 public health emergency and related administrative costs. The programs and services funded by this appropriation may include:

(1) expanding the Vermont Rental Subsidy program to provide homeless households with temporary rental assistance through December 30, 2020 as a bridge to public housing vouchers;

(2) providing or arranging for housing navigation and case management services, such as identifying housing barriers, needs, and preferences; developing and implementing plans to find and secure housing; conducting outreach to potential landlords; assisting with relocation logistics; developing permanent housing support crisis plans; and identifying other services necessary for households to maintain permanent housing;

(3) providing financial assistance to Vermont households who are living in motels to help them rapidly resolve their homelessness and enter into safe housing arrangements;

(4) supplementing the General Assistance motel voucher program to address the immediate housing needs of households who are currently living in motels or hotels around the State and whose motel or hotel lodging is related to a disruption to their previous housing situation as a result of the COVID-19 public health emergency; and

(5) capitalizing a housing risk pool for landlords to encourage rentals to individuals experiencing homelessness or housing insecurity, which would help landlords lessen their risk of exposure to financial loss through December 20, 2020, while renting to households that have poor or no rental housing

history as result of financial hardship due to the COVID-19 public health emergency.

(b) The provision of housing programs and services is not compensable under this section to the extent that the same costs or expenses have been or will be covered by other federal funds.

* * * Broadband Connectivity Grants and Planning * * *

Sec. 13. COVID-RESPONSE ACCELERATED BROADBAND
CONNECTIVITY PROGRAM

(a) The sum of \$17,433,500.00 is appropriated to the COVID-Response Accelerated Broadband Connectivity Program, a newly established program administered by the Commissioner of Public Service, consistent with the requirements of this section. The purpose of the Program is to rapidly and significantly increase broadband connectivity consistent with the federal parameters applicable to expenditures under the Coronavirus Relief Fund in a manner that best serves the State's goal of achieving universal 100 Mbps symmetrical service by 2024 as specified in 30 V.S.A. § 202c. To achieve this purpose, the Commissioner is given broad discretion to allocate funding, as he or she deems appropriate, subject to legislative oversight as required under subsection (m) of this section, to support the following programs and initiatives:

(1) Up to \$2,000,000.00 for the COVID-Response Line Extension Customer Assistance Program established in subsection (b) of this section.

(2) The Get Vermonters Connected Now Initiative established in subsection (c) of this section.

(3) The COVID-Response Temporary Broadband Lifeline Program established in subsection (d) of this section.

(4) The Connectivity Initiative established under 30 V.S.A. § 7515b for projects that can be completed consistent with the parameters of Coronavirus Relief Fund eligible expenditures, including fixed wireless projects.

(5) Wi-Fi deployment as specified in subsection (e) of this section.

(b) There is established the COVID-Response Line Extension Customer Assistance Program, the purpose of which is to provide financial assistance for the customer costs associated with line extensions to unserved locations. The Commissioner shall develop guidelines and procedures to implement this Program and may incorporate relevant provisions of PUC Cable Rule 8.313, including the formula for assessing contributions in aid of construction.

Conditions of the Program shall include the following:

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

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

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

(4) A health care provider may apply for assistance on behalf of a patient residing in Vermont for a line extension so that the patient can receive

telehealth or telemedicine services from the health care provider. Any K–12 educational institution, including a public or private school or school district, may apply for a line extension on behalf of a student, provided the student’s service location is in Vermont and the student needs the broadband service to receive remote instruction from the educational institution.

(5) Funds under this Program shall be available for the most cost-effective and site-appropriate line extension. Funds shall be disbursed on a rolling basis until funds in the Program are expended or December 20, 2020, whichever occurs first.

(c) There is established the Get Vermonters Connected Now Initiative. Notwithstanding any provision of law to the contrary, funds shall be distributed through the Connectivity Initiative established under 30 V.S.A. § 7515b, and are available for projects in areas otherwise considered served under the Connectivity Initiative. The purpose of the Program is to provide financial assistance to Internet service providers to offset the customer costs of fiber-to-the-premises installations, which include underground conduit installations, where required, and service drops. The Commissioner shall prioritize projects involving installation of underground conduit, where required, that would result in broadband access to low-income households with remote learning, telehealth, and telework needs.

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

COVID-Response Temporary Broadband Lifeline Program to provide subsidies for customer broadband monthly subscriptions to increase broadband adoption rates in response to the COVID-19 public health emergency.

(e) Up to \$50,000.00 of funds appropriated under this section may be used to reimburse the Department of Public Service and the Agency of Digital Services for any costs associated with the deployment of Wi-Fi hotspots not covered by the Federal Emergency Management Agency.

(f) The Commissioner shall establish guidelines and procedures consistent with Section 601(d) of the Social Security Act and shall incorporate provisions for ensuring, to the greatest extent possible and based on the best available data, that the Program will significantly increase broadband capacity for distance learning, telehealth, and telework during the public health emergency. To that end, projects funded under this Program shall reflect the Department's ongoing efforts with both the Agency of Education and the Vermont Program for Quality in Health Care, Inc. to identify addresses and clusters of students or vulnerable or high-risk Vermonters, or both, who do not have access to broadband connectivity. In addition, the guidelines shall attempt to direct funds under the Program to projects designed to serve economically-challenged households or communities.

(g) Any new services funded in whole or in part by monies from this Program shall be capable of speeds of at least 25 Mbps download and 3 Mbps

upload; however, when the technology is feasible, priority shall be given to services that are capable of 100 Mbps symmetrical service.

(h) The location and capacity of infrastructure funded through this Program shall be part of a permanent, public database maintained by the Department.

(i) If a proposed project under the Program is in the service territory of a communications union district, immediately upon receipt of the application for the proposed project, the Commissioner shall notify the affected communications union district of the proposed project and provide seven business days for the district to raise an objection to the proposed project. The Commissioner may award funding to the proposed project over the objection of a communications union district, provided he or she documents in writing the reasons for overriding the objection.

(j) The Commissioner may disburse an award for advance payment of capital costs provided the Commissioner determines such funding is necessary for project commencement. The Commissioner may retain an award of financial assistance, or a portion thereof, under this section until he or she determines that eligible expenses have been incurred and properly documented by the intended recipient in a form and manner prescribed by the Commissioner.

(k) Funds under the Program shall not be used to support a provider's costs associated with line extensions otherwise required to be constructed pursuant to a certificate of public good granted under 30 V.S.A. chapter 13.

(l) The Commissioner shall consider and coordinate with existing stakeholders and initiatives, including VELCO and FirstNet, to leverage private and public assets to the greatest extent possible in furtherance of the objectives of this Program.

(m) On or before July 31, 2020 and every month thereafter until December 1, 2020, the Commissioner shall provide to the Joint Information Technology Oversight Committee, the Senate Committee on Finance, and the House Committee on Energy and Technology a status report on the Program that identifies funding distributions to date, the amount of funds that remain available for distribution, and plans for awarding available funds on or before December 20, 2020.

(n) Any unexpended funds under the Program as of December 20, 2020 shall be returned to the State Coronavirus Relief Fund.

(o) Personal information submitted under the Program is confidential and exempt from disclosure under the Public Records Act. Such information may only be disclosed publicly in an anonymized and aggregated format.

(p) The Program shall sunset on January 1, 2021. The Department shall be the successor in interest to any remaining rights, liabilities, and obligations.

(q) The Commissioner shall notify the Telecommunications and Connectivity Advisory Board of pending grant awards. The Telecommunications and Connectivity Advisory Board is authorized to meet up to 12 times in calendar year 2020.

Sec. 14. COVID-RESPONSE CONNECTED COMMUNITY RESILIENCE
PROGRAM

(a) The sum of \$800,000.00 is appropriated to the COVID-Response Connected Community Resilience Program, a grant program to be administered by the Commissioner of Public Service. The purpose of the Program is to fund recovery planning efforts of communications union districts, particularly with regard to accelerating their deployment schedules. Accelerated deployment is necessary in direct response to the COVID-19 public health emergency, which has caused communications union districts to rapidly reassess the connectivity needs in their respective service areas and to reevaluate their deployment objectives going forward, either independently or collaboratively. Conditions of the Program shall include the following:

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

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

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

Sec. 15. COVID-RESPONSE TELECOMMUNICATIONS RECOVERY
PLAN

The sum of \$500,000.00 is appropriated to the Commissioner of Public Service to retain a consultant to assist with preparation of a COVID-Response Telecommunications Recovery Plan. The purpose of the Recovery Plan is to reassess the State's critical connectivity needs in light of the COVID-19 public health emergency and to reevaluate broadband deployment objectives going forward. On or before December 20, 2020, the Recovery Plan shall be submitted to the House Committee on Energy and Technology and the Senate Committee on Finance.

Sec. 16. 2019 Acts and Resolves No. 79, Sec. 23, subsection (a) is amended to read:

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

Sec. 17. COVID-RESPONSE TELEHEALTH CONNECTIVITY PROGRAM

(a) The sum of \$800,000.00 is appropriated to the Department of Health for the COVID-Response Telehealth Connectivity Program to be administered by the Vermont Program for Quality in Health Care, Inc. (VPQHC) consistent

with its mission under 18 V.S.A. § 9416 and with its Connectivity Care Packages pilot proposal. The purpose of the Program is to support equitable access to telehealth services by providing outreach and educational opportunities that improve digital literacy skills of patients and providers and also by providing the equipment needed to support telehealth needs during the COVID-19 public health emergency, particularly in areas that are digitally and medically underserved and distributed geographically across the State.

Conditions of the Program shall include:

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

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

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

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

* * * PEG Access Funding and Study * * *

Sec. 18. PEG ACCESS FUNDING

The sum of \$466,500.00 is appropriated to the Department of Public Service to be disbursed by the Commissioner, in consultation with the Vermont Access Network, among the State's access media organizations for staffing and operational costs incurred due to unbudgeted and unplanned coverage of public meetings and events in response to the COVID-19 public health emergency, as well as for unplanned and unbudgeted expenditures related to increased production and technical support for live-streaming government and community-based organizations.

Sec. 19. STUDY; PUBLIC, EDUCATIONAL, AND GOVERNMENTAL
ACCESS TELEVISION

(a) The Agency of Commerce and Community Development shall retain a consultant to review the current business model for Vermont Public, Educational, and Governmental Access (PEG) television channels and provide recommendations concerning how to ensure the future financial stability and viability of PEG channels.

(b) The consultant shall prepare a written report that:

(1) provides a range of estimates of the projected decline in revenues from cable franchise fees;

(2) reviews the budgets of entities that provide PEG services, including salaries, operations, and equipment, and other substantial categories of outlays and expenditures;

(3) sets forth and analyzes alternative sources of revenue, including fees levied against voice and broadband providers;

(4) sets forth and analyzes ways to contain costs without losing effectiveness, including encouraging or requiring entities that provide PEG services to consolidate administrative functions or share resources and exploring partnership opportunities with other public entities, such as schools;

(5) reviews PEG television channel business models from other states; and

(6) provides recommendations concerning how to ensure the future financial stability and viability of Vermont PEG television channels.

(c) On or before January 15, 2021, the consultant shall submit the written report prepared pursuant to subsection (b) of this section to the House Committees on Appropriations and on Energy and Technology and to the Senate Committees on Appropriations and on Finance.

(d) The Agency is directed to identify available funding sources to support the study required by this section, including Coronavirus Relief Fund monies for distance learning, public health and safety communications, and online State and local governmental activities during the COVID-19 public health emergency.

* * * Utility Ratepayer Arrearages * * *

Sec. 20. DEPARTMENT OF PUBLIC SERVICE; UTILITY RATEPAYER
ARREARAGES

The sum of \$8,000,000.00 is appropriated to the Department of Public Service for the purpose of simultaneously minimizing financial hardship caused by the COVID-19 public health emergency and also mitigating utility rate increases ultimately shared by all ratepayers, the Commissioner of Public Service shall develop policies and practices for providing financial support to utility ratepayers to cover account arrearages of ratepayers likely to face disconnection when the moratorium ends. As used in this section, a “utility” means a utility affected by the Public Utility Commission’s moratorium on utility disconnections issued on March 18, 2020, as further amended and revised by the Commission. Funds shall be disbursed on a rolling basis until all funds are fully expended or December 20, 2020, whichever occurs first. The Commissioner may contract with an independent third party to assist with program administration. Customer information submitted pursuant to this program shall be exempt from disclosure under the Vermont Public Records Act; such data may only be disclosed on an anonymized and aggregated basis.

* * * Information Technology * * *

Sec. 21. AGENCY OF DIGITAL SERVICES; CYBERSECURITY

The sum of \$2,000,000.00 is appropriated to the Agency of Digital Services to fund efforts to mitigate cybersecurity risks posed by State employees working from home as a result of the COVID-19 pandemic.

Sec. 21a. E-911 FUNDING

The sum of \$200,000.00 is appropriated to the Enhanced 911 Fund for necessary expenses incurred due to unbudgeted and unplanned critical public health and safety activities and services directly caused by or provided in response to the COVID-19 public health emergency.

Sec. 22. EFFECTIVE DATE

This act shall take effect on passage.

Date Governor signed bill: July 2, 2020