

1 S.351

2 Introduced by Committee on Agriculture

3 Date:

4 Subject: Agriculture; pandemic response; financial assistance

5 Statement of purpose of bill as introduced: This bill proposes to establish
6 assistance programs for agricultural producers and processors suffering
7 business interruptions, losses, or expenses due to the COVID-19 public health
8 emergency.

9 An act relating to providing financial relief assistance to the agricultural
10 community due to the COVID-19 public health emergency

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

12 * * * Dairy Assistance Program * * *

13 Sec. 1. DAIRY ASSISTANCE PROGRAM; COVID-19 PUBLIC HEALTH
14 EMERGENCY

15 (a) Definitions. As used in this section:

16 (1) "Animal feeding operation" (AFO) means a lot or facility where
17 livestock have been, are, or will be stabled or confined and fed or maintained
18 for a total of 45 days or more in any 12-month period and crops, vegetation, or
19 forage growth are not sustained in the normal growing season over any portion
20 of the lot or facility. Two or more individual farms qualifying as an AFO that
21 are under common ownership and that adjoin each other or use a common area

1 or system for the disposal of waste shall be considered to be a single AFO if
2 the combined number of livestock resulting qualifies as a medium farm as that
3 term is defined under this subsection.

4 (2) “Certified small farm” means a small farm with at least 50 mature
5 dairy cows required to certify compliance with the Required Agricultural
6 Practices under 6 V.S.A. § 4871 and so certified as of March 1, 2020.

7 (3) “Dairy processor” means a person, partnership, unincorporated
8 association, or corporation who owns or controls any place, premises, or
9 establishment where butter, cheese, cream, buttermilk, infant formula, ice
10 cream, yogurt, or other dairy products identified by rule by the Secretary are
11 processed for sale.

12 (4) “Economic harm” means a milk producer’s or dairy processor’s
13 expenses or lost revenue, or both, related to the 2020 COVID-19 public health
14 emergency.

15 (5) “Goat or sheep dairy farm” means any place or premises where one
16 or more dairy goats or dairy sheep, or both, are kept and where a part or all of
17 the milk from the animals is sold or offered for sale.

18 (6) “Good standing” means a participant in the Program administered
19 under this section:

20 (A) that does not have an active enforcement violation that has
21 reached a final order with the Agency of Agriculture, Food and Markets or the
22 Agency of Natural Resources; and

1 (B) that is in compliance with all terms of a current grant agreement
2 or contract with the Agency of Agriculture, Food and Markets or the Agency
3 of Natural Resources.

4 (7) “Large farm” means an AFO that houses 700 or more mature dairy
5 animals and where a part or all of the milk from the dairy animals is sold or
6 offered for sale.

7 (8) “Medium farm” means an AFO that houses 200 to 699 mature dairy
8 animals and where a part or all of the milk from the dairy animals is sold or
9 offered for sale.

10 (9) “Milk producer” or “producer” means a person, partnership,
11 unincorporated association, or corporation who owns or controls one or more
12 dairy cows, dairy goats, or dairy sheep and sells or offers for sale a part or all
13 of the milk produced by the animals.

14 (10) “Secretary” means the Secretary of Agriculture, Food and Markets
15 or designee.

16 (11) “Small farm” means:

17 (A) an AFO that houses not more than 199 mature dairy cows; or

18 (B) a goat or sheep dairy farm where a part or all of the milk from the
19 animals is sold or offered for sale.

20 (b) Program establishment; eligibility.

21 (1) There is established within the Agency of Agriculture, Food and
22 Markets a Dairy Farmer Assistance Program (Program) to provide financial

1 assistance to milk producers and dairy processors that have suffered economic
2 harm in Vermont caused by the COVID-19 public health emergency.

3 (2) In order to qualify for assistance under this section, a milk producer
4 or dairy processor shall:

5 (A) be currently producing milk or dairy products;

6 (B) be in good standing; and

7 (C) accurately demonstrate to the Secretary economic harm that
8 occurred or accrued on or after March 1, 2020 and before December 1, 2020
9 by providing evidence of losses or expenses related to the costs of business
10 disruption caused by the COVID-19 public health emergency.

11 (3) A milk producer may elect to have its economic harm determined by
12 calculating the difference between what the producer was paid for milk
13 produced between March 1, 2020 and December 1, 2020 and the price that the
14 producer would have been paid if the price for milk remained at the statistical
15 uniform price of \$18.13 cwt for the Middlebury location in January of 2020, or
16 the milk producer may enter its own verifiable average price for March
17 through December 2020 and calculate the difference to its own verifiable
18 average price for January 2020 as well as added costs or expenses related to
19 the COVID-19 public health emergency.

20 (4) Economic harm is not compensable under this section if the same
21 economic harm has been or will be covered by insurance or another State or
22 federal grant.

1 (c) Administration; implementation.

2 (1) The Program shall be administered by the Agency of Agriculture,
3 Food and Markets, which shall award available funds to milk producers or
4 dairy processors that demonstrate economic harm.

5 (2) The Secretary shall create an application form that milk producers
6 and dairy processors shall utilize when applying for assistance. Applicants
7 shall certify that all information they provide is truthful and accurate to the best
8 of their knowledge, information, and belief.

9 (3) The Secretary shall, based on the amount of economic harm incurred
10 by the milk producer or dairy processor on the date the application is received,
11 provide up to the maximum award permitted for each type of qualified farm.
12 Applications shall be processed in the order received, but an application shall
13 not be ready for evaluation until the Secretary determines that the application
14 is administratively complete and includes all required proof of economic harm.

15 (d) Payment; maximum award.

16 (1) Until all funds appropriated to the Program for milk producers are
17 awarded, the Secretary shall award assistance as grants to reimburse qualified
18 milk producers for demonstrated economic harm up to the following maximum
19 amounts:

20 (A) Small farms shall receive up to \$14,500.00.

21 (B) Certified small farms shall receive up to \$29,000.00.

22 (C) Medium farms shall receive up to \$55,000.00.

1 (D) Large farms shall receive up to \$100,000.00.

2 (2) Until all funds appropriated to the Program for dairy processors are
3 awarded, the Secretary shall award payments as grants to reimburse qualified
4 dairy processors for demonstrated economic harm up to the following
5 maximum amounts:

6 (A) Dairy processors that process less than 500 pounds of milk per
7 day shall receive up to \$30,000.00.

8 (B) Dairy processors that process from 500 to 9,999 pounds of milk
9 per day shall receive up to \$40,000.00.

10 (C) Dairy processors that process from 10,000 to 49,999 pounds of
11 milk per day shall receive up to \$50,000.00.

12 (D) Dairy processors that process 50,000 pounds or more of milk per
13 day shall receive up to \$60,000.00.

14 (3) To determine maximum grant eligibility, each milk producer shall be
15 evaluated within the farm type known to the Secretary as of March 1, 2020,
16 and each dairy processor shall be evaluated within the milk processing size
17 known to the Secretary as of March 1, 2020.

18 (e) Application; processing.

19 (1) Once a milk producer or dairy processor submits a complete
20 application and demonstrates economic harm, the Secretary shall promptly
21 issue a grant payment, provided that the appropriated funds have not been

1 expended. The last grant payment may be a partial payment consisting of the
2 remaining available funds.

3 (2) Whenever a milk producer or dairy processor has not demonstrated
4 economic harm equal to or greater than the maximum allowed disbursement
5 for its category, the application shall remain pending for a potential future
6 showing of additional economic harm. Qualified milk producers or dairy
7 processors that incur additional economic harm after the date of their initial
8 application may file with the Secretary an addendum to demonstrate
9 subsequent economic harm. The Secretary shall create an addendum form that
10 milk producers and dairy processors shall utilize when applying for additional
11 relief. Milk producers and dairy processors shall certify that all information
12 they provide is truthful and accurate to the best of their knowledge,
13 information, and belief. Eligible milk producers and dairy processors may
14 submit an addendum to their initial application on or before October 1, 2020 to
15 show any additional economic harm eligible for compensatory payment. No
16 milk producer or dairy processor shall receive total grant payments that exceed
17 the maximum allowed grant payment.

18 (3) All initial applications shall be processed before considering
19 addenda demonstrating additional economic harm, and each addendum shall be
20 processed in the order received. An addendum shall not be ready for
21 evaluation until the Secretary receives all required proof of economic harm and
22 deems the application administratively complete. Once an eligible milk

1 producer or dairy processor submits a complete addendum and demonstrates
2 additional economic harm, the Secretary shall promptly issue a payment,
3 provided that the appropriated funds have not been expended. The last
4 payment may be a partial payment consisting of the remaining available funds.

5 (4) Each grant award shall be a direct payment from the State of
6 Vermont to a milk producer or dairy processor. Milk producers or dairy
7 processors shall not submit more than one application, provided that a person
8 who is both a milk producer and a dairy processor may submit one application
9 as a milk producer and one as a dairy processor when each business is
10 organized as a separate business entity. A person that is both a milk producer
11 and a dairy processor but is not organized as separate business entities shall
12 submit one application for assistance under this section, but will be eligible for
13 assistance as a milk producer and a dairy processor, provided that the total
14 assistance awarded under this section shall not exceed the total economic harm
15 incurred by the applicant. A milk producer or dairy processor that does not
16 initially qualify for the maximum allowed payment may submit an addendum
17 to demonstrate additional economic harm not later than October 1, 2020.

18 (f) Program terms and limitations.

19 (1) The Secretary of Agriculture, Food and Markets shall issue grant
20 payments under this section on a first-come, first-served basis until all funds
21 are expended or December 20, 2020, whichever is sooner.

1 (2)(A) Except as provided for under subdivision (B) of this
2 subdivision (2), the Attorney General is authorized to recover funds awarded
3 under this section due to fraud, error, crime, or violation of this section, and the
4 Attorney General or the Secretary of Agriculture, Food and Markets may seek
5 appropriate criminal or civil penalties as authorized by law.

6 (B) In the event the U.S. Department of the Treasury determines that
7 an expenditure of funds made available from the CARES Act, P.L. 116-136,
8 was not necessary or otherwise impermissible under the CARES Act, the
9 Attorney General and the Secretary shall hold harmless any grant recipient that
10 accepted grant funds in good faith reliance on the State concerning the milk
11 producer or dairy processor's eligibility for, or use of, the grant award.

12 (3) The name of a milk producer or dairy processor that receives an
13 award under this section and the amount of the award are public records
14 subject to inspection and copying under the Public Records Act.

15 (4) Any application documents of a milk producer or dairy processor
16 containing federal identification numbers and sales amounts are subject to the
17 confidentiality provisions of 32 V.S.A. § 3102 and are return information
18 under that section.

19 (5) Data submitted to the Secretary by a milk producer or dairy
20 processor under this section to demonstrate economic harm shall be a trade
21 secret exempt from public inspection and copying under 1 V.S.A. § 317(c)(9),
22 provided that the Secretary may use and disclose submitted information in

1 summary or aggregated form that does not directly or indirectly identify an
2 individual milk producer or dairy processor.

3 Sec. 2. APPROPRIATIONS

4 (a) The amount of \$22,800,000.00 is appropriated from the Coronavirus
5 Relief Fund to the Agency of Agriculture, Food and Markets for use in fiscal
6 years 2020 and 2021 to process payments under the Dairy Assistance Program
7 established under Sec. 1 of this act. From the appropriated funds,
8 \$19,000,000.00 shall be available for assistance under Sec. 1 of this act to milk
9 producers, and \$3,800,000.00 shall be available for assistance under Sec. 1 of
10 this act to dairy processors.

11 (b) Any funds appropriated under subsection (a) of this section that are not
12 expended by November 1, 2020 shall revert to the Agency of Agriculture,
13 Food and Markets for reallocation of assistance under the programs established
14 under Secs. 1 and 3 of this act for applicants who can demonstrate economic
15 harm incurred from March 1, 2020 through December 1, 2020 consistent with
16 the requirements of P.L. 116-136.

17 * * * Agricultural Producer or Processor Assistance Program * * *

18 Sec. 3. AGRICULTURAL PRODUCER OR PROCESSOR ASSISTANCE
19 PROGRAM

20 (a) Definitions. As used in this section:

21 (1) "Agricultural producer" means a farmer who is not eligible for
22 assistance under Sec. 1 of this act and who has produced a gross annual income

1 of \$10,000.00 from the sale of agricultural products in one of the two, or three
2 of the five, calendar years preceding submission of an application under this
3 section.

4 (2) “Agricultural product” means any raw agricultural commodity, as
5 defined in 6 V.S.A. § 21(6), that is principally produced on a farm and includes
6 products prepared from the raw agricultural commodities principally produced
7 on the farm.

8 (3) “Commercial processor” means any person who maintains an
9 establishment regulated under 6 V.S.A. chapter 204 for the purpose of
10 processing livestock, meat, meat food product, poultry, or poultry product
11 other than for the exclusive use in the household of the owner of the
12 commodity, by him or her and members of his or her household and his or her
13 nonpaying guests and employees.

14 (4) “Commercial slaughterhouse” means any person engaged in the
15 business of slaughtering livestock or poultry other than as a custom slaughterer
16 or a person conducting slaughter under 6 V.S.A. § 3312(b), (c), or (d).

17 (5) “Economic harm” means an eligible applicant’s expenses or lost
18 revenue, or both, related to the 2020 COVID-19 public health emergency.

19 (6) “Eligible applicant” means any agricultural producer, commercial
20 processor, commercial slaughterhouse, or farmers’ market that suffered
21 qualifying economic harm under this section.

1 (7) “Farmer” means a person who is engaged in farming and subject to
2 the Required Agricultural Practices.

3 (8) “Farmers’ market” means an event or series of events at which two
4 or more vendors of agricultural products, as defined in 11 V.S.A. § 991, gather
5 for purposes of offering for sale to the public their agricultural products.

6 (9) “Farming” has the same meaning as in 10 V.S.A. § 6001.

7 (10) “Good standing” means a participant in the Program administered
8 under this section:

9 (A) that does not have an active enforcement violation that has
10 reached a final order with the Agency of Agriculture, Food and Markets or the
11 Agency of Natural Resources; and

12 (B) that is in compliance with all terms of a current grant agreement
13 or contract with the Agency of Agriculture, Food and Markets or the Agency
14 of Natural Resources.

15 (11) “Secretary” means the Secretary of Agriculture, Food and Markets.

16 (b) Establishment of Program; eligibility.

17 (1) There is established an Agricultural Producer and Processor
18 Assistance Program (Program) within the Agency of Agriculture, Food and
19 Markets to provide eligible applicants a direct relief grant payment to offset the
20 economic harm incurred due to the COVID-19 public health emergency.

21 (2) In order to qualify for assistance under this section, an eligible
22 applicant shall:

1 (A) be currently operating a farm, a commercial processor, a
2 commercial slaughterhouse, or a farmers' market;

3 (B) be in good standing; and

4 (C) accurately demonstrate to the Secretary economic harm that
5 occurred or accrued on or after March 1, 2020 and before December 1, 2020
6 by providing evidence of losses related to the costs of business disruption
7 caused by the COVID-19 public health emergency.

8 (3) Economic harm is not compensable under this section if the same
9 economic harm has been or will be covered by insurance or another State or
10 federal grant.

11 (4) An eligible applicant shall not receive an award under this section if
12 the applicant had a net business profit between March 1, 2020 and August 1,
13 2020.

14 (c) Administration; implementation.

15 (1) The Program shall be administered by the Agency of Agriculture,
16 Food and Markets, which shall award available funds to eligible applicants that
17 demonstrate economic harm.

18 (2) The Secretary shall create an application form that eligible
19 applicants shall utilize when applying for relief. Eligible applicants shall
20 certify that all information they provide is truthful and accurate to the best of
21 their knowledge, information, and belief.

1 (3) The Secretary shall, based on the amount of economic harm incurred
2 by the eligible applicant on the date the application is received, provide up to
3 the maximum award. Applications shall be processed in the order received,
4 but an application shall not be ready for evaluation until the Secretary
5 determines that the application is administratively complete and includes all
6 required proof of economic harm.

7 (d) Payment; maximum award.

8 (1) Until all funds appropriated to the Program are awarded, the
9 Secretary shall award grant payments to reimburse eligible applicant for
10 demonstrated economic harm as follows based on annual gross sales:

11 (A) Eligible applicants with annual gross sales of \$10,000.00 to
12 \$24,999.00 shall receive up to \$2,500.00.

13 (B) Eligible applicants with annual gross sales of \$25,000.00 to
14 \$49,999.00 shall receive up to \$5,000.00.

15 (C) Eligible applicants with annual gross sales of \$50,000.00 to
16 \$99,999.00 shall receive up to \$10,000.00.

17 (D) Eligible applicants with annual gross sales of \$100,000.00 or
18 more shall receive up to \$20,000.00.

19 (2) An eligible applicant shall be evaluated according to the information
20 regarding the applicant known to the Secretary as of March 1, 2020.

21 (e) Application; processing.

1 (1) Once an eligible applicant submits a complete application and
2 demonstrates economic harm, the Secretary shall promptly issue a grant
3 payment, provided that the appropriated funds have not been expended. The
4 last payment may be a partial payment consisting of the remaining available
5 funds.

6 (2) Whenever an eligible applicant has not demonstrated economic harm
7 equal to or greater than the maximum allowed disbursement, the application
8 shall remain pending for a potential future showing of additional economic
9 harm. Eligible applicants that incur additional economic harm after the date of
10 their initial application may file with the Secretary an addendum to
11 demonstrate subsequent economic harm. The Secretary shall create an
12 addendum form that eligible applicants shall utilize when applying for
13 additional relief. Eligible applicants shall certify that all information they
14 provide is truthful and accurate to the best of their knowledge, information,
15 and belief. Eligible applicants may submit an addendum to their initial
16 application not later than October 1, 2020 to show any additional economic
17 harm eligible for compensatory payment. No eligible applicant shall receive
18 total payments that exceed the maximum allowed payment.

19 (3) All initial applications shall be processed before considering
20 addenda demonstrating additional economic harm, and each addendum shall be
21 processed in the order received. An addendum shall not be ready for
22 evaluation until the Secretary receives all required proof of economic harm and

1 deems the application administratively complete. Once an eligible applicant
2 submits a complete addendum and demonstrates additional economic harm, the
3 Secretary shall promptly issue a payment, provided that the appropriated funds
4 have not been expended. The last payment may be a partial payment
5 consisting of the remaining available funds.

6 (4) Each assistance payment shall be a direct grant payment from the
7 State of Vermont to an eligible applicant. Eligible applicants shall not submit
8 more than one application, but those that do not initially qualify for the
9 maximum allowed payment may submit an addendum to demonstrate
10 additional economic harm not later than October 1, 2020.

11 (f) Program terms and limitations.

12 (1) The Secretary of Agriculture, Food and Markets shall issue
13 assistance payments under this section on a first-come, first-served basis until
14 funds are expended or December 20, 2020, whichever is sooner.

15 (2)(A) The Attorney General is authorized to recover funds awarded
16 under this section due to fraud, error, crime, or violation of this section, and the
17 Attorney General or the Secretary of Agriculture, Food and Markets may seek
18 appropriate criminal or civil penalty as authorized by law.

19 (B) In the event the U.S. Department of the Treasury determines that
20 an expenditure of funds made available from the CARES Act, P.L. 116-136,
21 was not necessary or otherwise impermissible under the CARES Act, the
22 Attorney General and the Secretary shall hold harmless any grant recipient that

1 accepted grant funds in good faith reliance on the State concerning the eligible
2 applicant's eligibility for, or use of, the grant award.

3 (3) The name of an eligible applicant that receives an award under this
4 section and the amount of the award are public records subject to inspection
5 and copying under the Public Records Act.

6 (4) Any application documents of an eligible applicant containing
7 federal identification numbers and sales amounts are subject to the
8 confidentiality provisions of 32 V.S.A. § 3102 and are return information
9 under that section.

10 (5) Data submitted to the Secretary by an eligible applicant under this
11 section to demonstrate economic harm shall be a trade secret exempt from
12 public inspection and copying under 1 V.S.A. § 317(c)(9), provided that the
13 Secretary may use and disclose such information in summary or aggregated
14 form that does not directly or indirectly identify an individual eligible
15 applicant.

16 Sec. 4. APPROPRIATIONS

17 (a) There is appropriated from the Coronavirus Relief Fund the amount of
18 \$7,000,000.00 to the Agency of Agriculture, Food and Markets for use in fiscal
19 years 2020 and 2021 to process payments under the Agricultural Producer and
20 Processor Assistance Program established under Sec. 3 of this act.

21 (b) Any funds appropriated under subsection (a) of this section that are not
22 expended by November 1, 2020 shall revert to the Agency of Agriculture,

1 Food and Markets for reallocation of financial assistance under the programs
2 established under Secs. 1 and 3 of this act for applicants who can demonstrate
3 economic harm incurred from March 1, 2020 through December 1, 2020
4 consistent with the requirements of P.L. 116-136.

5 * * * Assistance Outreach * * *

6 Sec. 5. EDUCATION AND OUTREACH; AGRICULTURAL ASSISTANCE
7 PROGRAMS; REPORTING

8 (a) The Secretary of Agriculture, Food and Markets, in consultation with
9 interested parties and partner organization, shall conduct outreach and
10 education regarding the availability of financial assistance to farmers and
11 agricultural processors under Secs. 1 and 3 of this act.

12 (b) The Secretary of Agriculture, Food and Markets shall prepare a short
13 survey that applicants under Secs. 1 and 3 of this act shall complete to help
14 identify farmers and agricultural processors that are interested in technical
15 assistance, succession planning, or similar services provided by the State and
16 its agricultural partners.

17 (c) The Secretary of Agriculture, Food and Markets, beginning on July 1,
18 2020 and ending on January 1, 2021, shall report to the Senate Committees on
19 Agriculture and on Appropriations and the House Committees on Agriculture
20 and Forestry and on Appropriations on the first day of each month regarding
21 the status of the assistance programs established under Secs. 1 and 3 of this act.

22 The report shall include:

1 (1) the number of applicants for assistance in each month and overall;

2 and

3 (2) the amount of grant funds awarded under each program.

4 * * * Farm Worker Safety * * *

5 Sec. 6. FARM WORKER HEALTH AND SAFETY; CORONAVIRUS;

6 AVAILABILITY

7 The Secretary of Agriculture, Food and Markets, after consultation with the
8 Department of Labor and the Vermont Occupational Safety and Health
9 Administration (VOSHA), shall post on the Agency of Agriculture, Food and
10 Markets' website educational material available from VOSHA related to farm
11 worker health and safety, including VOSHA's recommended best practices or
12 preventative measures farm workers should implement to address the threat to
13 health and safety posed by the COVID-19 coronavirus and other similar threats
14 to health and safety. The Secretary of Agriculture, Food and Markets shall
15 post the English and Spanish language versions of the VOSHA educational
16 material required under this section and shall provide links or references on
17 how to obtain the material from VOSHA in other languages.

18 * * * VHCB; COVID-19 Business Consulting for Farms * * *

19 Sec. 7. APPROPRIATIONS; VHCB; COVID-19 CONSULTING SERVICES

20 FOR FARM AND FOOD BUSINESSES

21 In addition to funds appropriated in fiscal year 2021 to the Vermont
22 Housing and Conservation Board (VHCB), \$192,000.00 is appropriated to

1 VHCB from the Coronavirus Relief Fund to provide business, financial, and
2 mental health assistance to farm and food businesses that suffered losses or
3 expenses due to business interruptions caused by the COVID-19 public health
4 emergency. Consulting services shall include information and assistance with
5 accessing federal and State COVID-19 relief funds, access to additional
6 markets, diversification of income streams, access to mental health services,
7 and other assistance farm and food businesses may require to address or
8 recover from business interruption caused by the COVID-19 public health
9 emergency.

10 * * * VHCB; Authority * * *

11 Sec. 8. 10 V.S.A. § 321 is amended to read:

12 § 321. GENERAL POWERS AND DUTIES

13 (a) The Board shall have all the powers necessary and convenient to carry
14 out and effectuate the purposes and provisions of this chapter, including those
15 general powers provided to a business corporation by Title 11A and those
16 general powers provided to a nonprofit corporation by Title 11B and including,
17 without limitation of the general powers under Titles 11A and 11B, the power
18 to:

19 (1) upon application from an eligible applicant in a form prescribed by
20 the Board, provide funding in the form of grants or loans for eligible activities;

1 (2) enter into cooperative agreements with private organizations or
2 individuals or with any agency or instrumentality of the United States or of this
3 State to carry out the purposes of this chapter;

4 (3) issue rules in accordance with 3 V.S.A. chapter 25 for the purpose of
5 administering the provisions of this chapter; ~~and~~

6 (4) transfer funds to the Department of Housing and Community
7 Development to carry out the purposes of this chapter;

8 (5) make and execute all legal documents necessary or convenient for
9 the exercise of its powers and functions under this chapter, including legal
10 documents that may be made and executed with the State or any of its agencies
11 or instrumentalities, with the United States or any of its agencies or
12 instrumentalities, or with private corporations or individuals;

13 (6) receive and accept grants from any source to be held, used, or
14 applied or awarded to carry out the purposes of this chapter subject to the
15 conditions upon which the grants, aid, or contributions may be made;

16 (7) make and publish rules and regulations respecting its housing
17 programs and such other rules and regulations as are necessary to effectuate its
18 corporate purposes; and

19 (8) do any and all things necessary or convenient to effectuate the
20 purposes and provisions of this chapter and to carry out its purposes and
21 exercise the powers given and granted in this chapter.

1 (b)(1) The Board shall seek out and fund nonprofit organizations and
2 municipalities that can assist any region of the State that has high housing
3 prices, high unemployment, ~~and~~ or low per capita incomes in obtaining grants
4 and loans under this chapter for perpetually affordable housing.

5 (2) The Board shall administer the “HOME” affordable housing
6 program ~~which~~ that was enacted under Title II of the Cranston-Gonzalez
7 National Affordable Housing Act (Title II, P.L. 101-625, 42 U.S.C. 12701-
8 12839). The State of Vermont, as a participating jurisdiction designated by
9 Department of Housing and Urban Development, shall enter into a written
10 memorandum of understanding with the Board, as subrecipient, authorizing the
11 use of HOME funds for eligible activities in accordance with applicable federal
12 law and regulations. HOME funds shall be used to implement and effectuate
13 the policies and purposes of this chapter related to affordable housing. The
14 memorandum of understanding shall include performance measures and results
15 that the Board will annually report on to the Vermont Department of Housing
16 and Community Development.

17 (c) On behalf of the State of Vermont, the Board shall be the exclusive
18 designated entity to seek and administer federal affordable housing funds
19 available from the Department of Housing and Urban Development under the
20 national Housing Trust Fund ~~which~~ that was enacted under HR 3221, Division
21 A, Title 1, Subtitle B, Section 1131 of the Housing and Economic Reform Act
22 of 2008 (P.L. 110-289) to increase perpetually affordable rental housing and

1 home ownership for low and very low income families. The Board is also
2 authorized to receive and administer federal funds or enter into cooperative
3 agreements for a shared appreciation and/or community land trust
4 demonstration program that increases perpetually affordable homeownership
5 options for lower income Vermonters and promotes such options both within
6 and outside Vermont.

7 (d) On behalf of the State of Vermont, the Board shall seek and administer
8 federal farmland protection and forestland conservation funds to facilitate the
9 acquisition of interests in land to protect and preserve in perpetuity important
10 farmland for future agricultural use and forestland for future forestry use. Such
11 funds shall be used to implement and effectuate the policies and purposes of
12 this chapter. In seeking federal farmland protection and forestland
13 conservation funds under this subsection, the Board shall seek to maximize
14 State participation in the federal Wetlands Reserve Program and ~~such~~ other
15 programs as is appropriate to allow for increased or additional implementation
16 of conservation practices on farmland and forestland protected or preserved
17 under this chapter.

18 (e) The Board shall inform all grant applicants and recipients of funds
19 derived from the annual capital appropriations and State bonding act of the
20 following: “The Vermont Housing and Conservation Trust Fund is funded by
21 the taxpayers of the State of Vermont, at the direction of the General
22 Assembly, through the annual Capital Appropriation and State Bonding Act.”

1 An appropriate placard shall, if feasible, be displayed at the location of the
2 proposed grant activity.

3 Sec. 9. 2017 Acts and Resolves No. 77, Sec. 12 is amended to read:

4 Sec. 12. ~~REPEALS~~ REPEAL

5 ~~(a) 10 V.S.A. chapter 15, subchapter 4 (Rural Economic Development~~
6 ~~Initiative) shall be repealed on July 1, 2021; and~~

7 ~~(b) 6 V.S.A. § 4828(d) (phosphorus removal grant criteria) shall be~~
8 ~~repealed on July 1, 2023.~~

9 * * * Effective Date * * *

10 Sec. 10. EFFECTIVE DATE

11 This act shall take effect on passage.