

1 S.351

2 Introduced by Committee on Agriculture

3 Date: June 11, 2020

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

1 are under common ownership and that adjoin each other or use a common area
2 or system for the disposal of waste shall be considered to be a single AFO if
3 the combined number of livestock resulting qualifies as a medium farm as that
4 term is defined under this subsection.

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

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

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

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

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

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

1 Agency of Natural Resources; and

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

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

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

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

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

17 (11) “Small farm” means:

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

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

21 (b) Program establishment; eligibility.

22 (1) There is established within the Agency of Agriculture, Food and

1 Markets a Dairy Farmer Assistance Program (Program) to provide financial
2 assistance to milk producers and dairy processors that have suffered economic
3 harm in Vermont caused by the COVID-19 public health emergency.

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

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

7 (B) be in good standing; and

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

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

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

4 (c) Administration; implementation.

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

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

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

18 (d) Payment; maximum award.

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

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

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

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

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

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

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

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

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

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

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

21 (e) Application; processing.

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

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

21 (3) All initial applications shall be processed before considering
22 addenda demonstrating additional economic harm, and each addendum shall

1 be processed in the order received. An addendum shall not be ready for
2 evaluation until the Secretary receives all required proof of economic harm
3 and deems the application administratively complete. Once an eligible milk
4 producer or dairy processor submits a complete addendum and demonstrates
5 additional economic harm, the Secretary shall promptly issue a payment,
6 provided that the appropriated funds have not been expended. The last
7 payment may be a partial payment consisting of the remaining available funds.

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

21 (f) Program terms and limitations.

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

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

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

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

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

1 (5) Data submitted to the Secretary by a milk producer or dairy
2 processor under this section to demonstrate economic harm shall be a trade
3 secret exempt from public inspection and copying under 1 V.S.A. § 317(c)(9),
4 provided that the Secretary may use and disclose submitted information in
5 summary or aggregated form that does not directly or indirectly identify an
6 individual milk producer or dairy processor.

7 Sec. 2. APPROPRIATIONS

8 (a) The amount of \$22,800,000.00 is appropriated from the Coronavirus
9 Relief Fund to the Agency of Agriculture, Food and Markets for use in fiscal
10 years 2020 and 2021 to process payments under the Dairy Assistance Program
11 established under Sec. 1 of this act. From the appropriated funds,
12 \$19,000,000.00 shall be available for assistance under Sec. 1 of this act to milk
13 producers, and \$3,800,000.00 shall be available for assistance under Sec. 1 of
14 this act to dairy processors.

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

1 * * * Agricultural Producer or Processor Assistance Program * * *

2 Sec. 3. AGRICULTURAL PRODUCER OR PROCESSOR ASSISTANCE
3 PROGRAM

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

5 (1) "Agricultural producer" means a farmer who is not eligible for
6 assistance under Sec. 1 of this act and who has produced a gross annual
7 income of \$10,000.00 from the sale of agricultural products in one of the two,
8 or three of the five, calendar years preceding submission of an application
9 under this section.

10 (2) "Agricultural product" means any raw agricultural commodity, as
11 defined in 6 V.S.A. § 21(6), that is principally produced on a farm and
12 includes products prepared from the raw agricultural commodities principally
13 produced on the farm.

14 (3) "Commercial processor" means any person who maintains an
15 establishment regulated under 6 V.S.A. chapter 204 for the purpose of
16 processing livestock, meat, meat food product, poultry, or poultry product
17 other than for the exclusive use in the household of the owner of the
18 commodity, by him or her and members of his or her household and his or her
19 nonpaying guests and employees.

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

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

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

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

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

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

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

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

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

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

21 (b) Establishment of Program; eligibility.

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

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

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

9 (B) be in good standing; and

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

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

17 (4) An eligible applicant shall not receive an award under this section if
18 the applicant had a net business profit between March 1, 2020 and August 1,
19 2020.

20 (c) Administration; implementation.

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

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

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

14 (d) Payment; maximum award.

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

18 (A) Eligible applicants with annual gross sales of \$10,000.00 to
19 \$24,999.00 shall receive up to \$2,500.00.

20 (B) Eligible applicants with annual gross sales of \$25,000.00 to
21 \$49,999.00 shall receive up to \$5,000.00.

1 (C) Eligible applicants with annual gross sales of \$50,000.00 to
2 \$99,999.00 shall receive up to \$10,000.00.

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

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

7 (e) Application; processing.

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

13 (2) Whenever an eligible applicant has not demonstrated economic harm
14 equal to or greater than the maximum allowed disbursement, the application
15 shall remain pending for a potential future showing of additional economic
16 harm. Eligible applicants that incur additional economic harm after the date of
17 their initial application may file with the Secretary an addendum to
18 demonstrate subsequent economic harm. The Secretary shall create an
19 addendum form that eligible applicants shall utilize when applying for
20 additional relief. Eligible applicants shall certify that all information they
21 provide is truthful and accurate to the best of their knowledge, information,
22 and belief. Eligible applicants may submit an addendum to their initial

1 application not later than October 1, 2020 to show any additional economic
2 harm eligible for compensatory payment. No eligible applicant shall receive
3 total payments that exceed the maximum allowed payment.

4 (3) All initial applications shall be processed before considering
5 addenda demonstrating additional economic harm, and each addendum shall
6 be processed in the order received. An addendum shall not be ready for
7 evaluation until the Secretary receives all required proof of economic harm
8 and deems the application administratively complete. Once an eligible
9 applicant submits a complete addendum and demonstrates additional economic
10 harm, the Secretary shall promptly issue a payment, provided that the
11 appropriated funds have not been expended. The last payment may be a partial
12 payment consisting of the remaining available funds.

13 (4) Each assistance payment shall be a direct grant payment from the
14 State of Vermont to an eligible applicant. Eligible applicants shall not submit
15 more than one application, but those that do not initially qualify for the
16 maximum allowed payment may submit an addendum to demonstrate
17 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
20 assistance payments under this section on a first-come, first-served basis until
21 funds are expended or December 20, 2020, whichever is sooner.

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

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

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

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

18 (5) Data submitted to the Secretary by an eligible applicant under this
19 section to demonstrate economic harm shall be a trade secret exempt from
20 public inspection and copying under 1 V.S.A. § 317(c)(9), provided that the
21 Secretary may use and disclose such information in summary or aggregated

1 form that does not directly or indirectly identify an individual eligible
2 applicant.

3 Sec. 4. APPROPRIATIONS

4 (a) There is appropriated from the Coronavirus Relief Fund the amount of
5 \$7,000,000.00 to the Agency of Agriculture, Food and Markets for use in
6 fiscal years 2020 and 2021 to process payments under the Agricultural
7 Producer and Processor Assistance Program established under Sec. 3 of this
8 act.

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

15 * * * Assistance Outreach * * *

16 Sec. 5. EDUCATION AND OUTREACH; AGRICULTURAL ASSISTANCE
17 PROGRAMS; REPORTING

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

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

6 (c) The Secretary of Agriculture, Food and Markets, beginning on July 1,
7 2020 and ending on January 1, 2021, shall report to the Senate Committees on
8 Agriculture and on Appropriations and the House Committees on Agriculture
9 and Forestry and on Appropriations on the first day of each month regarding
10 the status of the assistance programs established under Secs. 1 and 3 of this
11 act. The report shall include:

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

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

15 * * * Farm Worker Safety * * *

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

17 AVAILABILITY

18 The Secretary of Agriculture, Food and Markets, after consultation with the
19 Department of Labor and the Vermont Occupational Safety and Health
20 Administration (VOSHA), shall post on the Agency of Agriculture, Food and
21 Markets' website educational material available from VOSHA related to farm
22 worker health and safety, including VOSHA's recommended best practices or

1 preventative measures farm workers should implement to address the threat to
2 health and safety posed by the COVID-19 coronavirus and other similar threats
3 to health and safety. The Secretary of Agriculture, Food and Markets shall
4 post the English and Spanish language versions of the VOSHA educational
5 material required under this section and shall provide links or references on
6 how to obtain the material from VOSHA in other languages.

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

8 Sec. 7. APPROPRIATIONS; VHCB; COVID-19 CONSULTING SERVICES
9 FOR FARM AND FOOD BUSINESSES

10 In addition to funds appropriated in fiscal year 2021 to the Vermont
11 Housing and Conservation Board (VHCB), \$192,000.00 is appropriated to
12 VHCB from the Coronavirus Relief Fund to provide business, financial, and
13 mental health assistance to farm and food businesses that suffered losses or
14 expenses due to business interruptions caused by the COVID-19 public health
15 emergency. Consulting services shall include information and assistance with
16 accessing federal and State COVID-19 relief funds, access to additional
17 markets, diversification of income streams, access to mental health services,
18 and other assistance farm and food businesses may require to address or
19 recover from business interruption caused by the COVID-19 public health
20 emergency.

1 * * * VHCB; Authority * * *

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

3 § 321. GENERAL POWERS AND DUTIES

4 (a) The Board shall have all the powers necessary and convenient to carry
5 out and effectuate the purposes and provisions of this chapter, including those
6 general powers provided to a business corporation by Title 11A and those
7 general powers provided to a nonprofit corporation by Title 11B and including,
8 without limitation of the general powers under Titles 11A and 11B, the power
9 to:

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

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

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

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

19 (5) make and execute all legal documents necessary or convenient for
20 the exercise of its powers and functions under this chapter, including legal
21 documents that may be made and executed with the State or any of its agencies

1 or instrumentalities, with the United States or any of its agencies or
2 instrumentalities, or with private corporations or individuals;

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

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

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

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

16 (2) The Board shall administer the “HOME” affordable housing
17 program ~~which~~ that was enacted under Title II of the Cranston-Gonzalez
18 National Affordable Housing Act (Title II, P.L. 101-625, 42 U.S.C. 12701-
19 12839). The State of Vermont, as a participating jurisdiction designated by
20 Department of Housing and Urban Development, shall enter into a written
21 memorandum of understanding with the Board, as subrecipient, authorizing
22 the use of HOME funds for eligible activities in accordance with applicable

1 federal law and regulations. HOME funds shall be used to implement and
2 effectuate the policies and purposes of this chapter related to affordable
3 housing. The memorandum of understanding shall include performance
4 measures and results that the Board will annually report on to the Vermont
5 Department of Housing and Community Development.

6 (c) On behalf of the State of Vermont, the Board shall be the exclusive
7 designated entity to seek and administer federal affordable housing funds
8 available from the Department of Housing and Urban Development under the
9 national Housing Trust Fund ~~which~~ that was enacted under HR 3221, Division
10 A, Title 1, Subtitle B, Section 1131 of the Housing and Economic Reform Act
11 of 2008 (P.L. 110-289) to increase perpetually affordable rental housing and
12 home ownership for low and very low income families. The Board is also
13 authorized to receive and administer federal funds or enter into cooperative
14 agreements for a shared appreciation and/or community land trust
15 demonstration program that increases perpetually affordable homeownership
16 options for lower income Vermonters and promotes such options both within
17 and outside Vermont.

18 (d) On behalf of the State of Vermont, the Board shall seek and administer
19 federal farmland protection and forestland conservation funds to facilitate the
20 acquisition of interests in land to protect and preserve in perpetuity important
21 farmland for future agricultural use and forestland for future forestry use.

22 Such funds shall be used to implement and effectuate the policies and purposes

1 of this chapter. In seeking federal farmland protection and forestland
2 conservation funds under this subsection, the Board shall seek to maximize
3 State participation in the federal Wetlands Reserve Program and ~~such~~ other
4 programs as is appropriate to allow for increased or additional implementation
5 of conservation practices on farmland and forestland protected or preserved
6 under this chapter.

7 (e) The Board shall inform all grant applicants and recipients of funds
8 derived from the annual capital appropriations and State bonding act of the
9 following: “The Vermont Housing and Conservation Trust Fund is funded by
10 the taxpayers of the State of Vermont, at the direction of the General
11 Assembly, through the annual Capital Appropriation and State Bonding Act.”
12 An appropriate placard shall, if feasible, be displayed at the location of the
13 proposed grant activity.

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

15 Sec. 12. ~~REPEALS~~ REPEAL

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

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

1

* * * Effective Date * * *

2

Sec. 10. EFFECTIVE DATE

3

This act shall take effect on passage.