

1 Introduced by Committee on Appropriations

2 Date:

3 Subject: COVID-19 public health emergency; utilities; broadband Internet
4 access; housing

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

8 An act relating to COVID-19 broadband and housing initiatives

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

10 * * * COVID-19 Connectivity Act * * *

11 Sec. 1. SHORT TITLE

12 Secs. 1–11 of this act shall be known and cited as the “COVID-19
13 Connectivity Act.”

14 * * * Legislative Findings and Intent * * *

15 Sec. 2. LEGISLATIVE FINDINGS AND INTENT

16 (a) The General Assembly finds that:

17 (1) Never has the need for reliable, affordable, high-speed broadband
18 connectivity been so critical. The COVID-19 public health emergency and the
19 required social distancing it has engendered have served as an accelerant to the

1 socioeconomic disparities between the connected and the unconnected in our
2 State.

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

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

13 (4) Data collected by the Department of Public Service underscore the
14 magnitude of the State’s connectivity needs. Of the 308,082 addresses in our
15 State:

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

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

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

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

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

10 (7) The measures taken in the COVID-19 Connectivity Act complement
11 and advance the State’s long-term goal of achieving the universal availability
12 of 100 Mbps symmetrical service by the year 2024.

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

15 (b) Intent. In response to the COVID-19 public health emergency and the
16 critical need for access to broadband connectivity, it is the intent of the General
17 Assembly to support rapid response recovery planning and broadband
18 solutions that will significantly increase rural broadband capacity for distance
19 learning, remote working, telehealth, and other critical services during the
20 public health emergency and to do so in a manner that is consistent with the
21 criteria of the Coronavirus Relief Fund as established by section 601(d) of the

1 Social Security Act, as added by section 5001 of the Coronavirus Aid, Relief,
2 and Economic Security (CARES) Act, Pub. Law 116-136, as amended, and
3 any guidance and regulations issued pursuant thereto.

4 * * * Appropriations * * *

5 Sec. 3. FISCAL YEAR 2021 ONE-TIME CORONAVIRUS RELIEF FUND
6 APPROPRIATIONS

7 (a) Of the coronavirus relief funds allocated to Vermont pursuant to section
8 601(d) of the Social Security Act, as added by section 5001 of the CARES Act,
9 the amount of \$43,268,500 shall be appropriated as follows:

10 (1) \$35,566,500 to the Department of Public Service to be allocated as
11 follows:

12 (A) \$800,000 to the COVID-Response Connected Community
13 Resilience Program established in Sec. 4 of this act.

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

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

18 (D) \$500,000 to support the COVID-Response Telecommunications
19 Recovery Plan established in Sec. 7 of this act.

20 (E) \$800,000 to support the COVID-Response Telehealth and
21 Connectivity Initiative established in Sec. 9 of this act.

1 (F) \$466,500 to be disbursed, in consultation with the Vermont
2 Access Network, among the State’s access media organizations for staffing and
3 operational costs incurred due to unbudgeted and unplanned coverage of public
4 meetings and events in response to the COVID-19 public health emergency, as
5 well as for unplanned and unbudgeted expenditures related to increased
6 production and technical support for live-streaming government and
7 community-based organizations.

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

12 (2) \$3,000,000 to the Agency of Digital Services to fund efforts to
13 mitigate cybersecurity risks posed by State employees working from home as a
14 result of the COVID-19 public health emergency.

15 (3) \$4,000,000 to the Agency of Digital Services to reimburse costs
16 incurred for unbudgeted and unplanned expenditures for the purpose of
17 unemployment insurance claims modernization. It is the intent of the General
18 Assembly to increase Vermonter’s access to unemployment insurance claims
19 services in response to the COVID-19 public health emergency through a
20 modernization move to a technical solution that ensures seamless access for
21 citizens throughout Vermont.

1 (4) \$350,000 to the Agency of Digital of Services to support municipal
2 officials in addressing cybersecurity risks and mitigate vulnerabilities posed by
3 closed municipal offices, municipal employees and elected officials working
4 from home, and using teleconferencing platforms as a result of the COVID-19
5 public health emergency.

6 (5) \$152,000 to the Enhanced 911 Fund for necessary expenses incurred
7 due to unbudgeted and unplanned critical public health and safety activities
8 and services directly caused by or provided in response to the COVID-19
9 public health emergency.

10 (6) \$200,000 to the Agency of Education to be allocated as follows:

11 (A) \$100,000 to Vermont Public Broadcasting Service to reimburse
12 costs incurred for unbudgeted and unplanned specialized learning content and
13 other educational programming aired in response to school closures during the
14 COVID-19 public health emergency.

15 (B) \$100,000 to Vermont Public Radio for unbudgeted and
16 unplanned expanded educational programming aired in response to school
17 closures during the COVID-19 public health emergency.

18 (b) Of the appropriations made pursuant to this section, any unexpended
19 funds as of December 20, 2020 shall be transferred to the State’s coronavirus
20 relief fund. Recipients of the appropriations under this section shall make
21 every effort to both obtain and retain documentation demonstrating that

1 expenses are eligible for reimbursement under section 601(d) of the Social
2 Security Act.

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

4 Sec. 4. COVID-RESPONSE CONNECTED COMMUNITY RESILIENCE
5 PROGRAM

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

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

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

20 (b) The Commissioner shall develop policies and practices for Program
21 implementation consistent with the purposes of this section and also with

1 section 601(d) of the Social Security Act, including standards for expense
2 verification and records retention.

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

4 Sec. 5. COVID-RESPONSE LINE EXTENSION CUSTOMER ASSISTANCE
5 PROGRAM

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

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

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

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

18 (4) If the line extension is in the service territory of a communications
19 union district, financial assistance under this Program shall not be awarded
20 unless notice of the proposed line extension is provided to the communications
21 union district and the Department receives a written letter of support for the

1 project from the governing board or board designee of the affected
2 communications union district or 30 days have elapsed since notice was
3 provided and no communication was delivered to the Department, whichever is
4 sooner.

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

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

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

19 (b) On or before July 15, 2020, the Commissioner shall publish guidelines
20 and procedures for the administration of the Program. The guidelines shall
21 specify that funds shall be available for the most cost-effective and site-

1 appropriate line extension. Funds shall be disbursed on a rolling basis until
2 funds in the Program are expended or December 20, 2020, whichever occurs
3 first. The Program shall cease to exist on December 31, 2020.

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

8 * * * Get Vermonters Connected Now Initiative * * *

9 Sec. 6. GET VERMONTERS CONNECTED NOW INITIATIVE

10 (a) There is established the Get Vermonters Connected Now Initiative to be
11 administered by the Commissioner of Public Service. Notwithstanding any
12 provision of law to the contrary, funds shall be distributed through the
13 Connectivity Initiative established under 30 V.S.A. § 7515b. The purpose of
14 the Program is to provide financial assistance to Internet service providers to
15 offset the customer costs of fiber-to-the-premises installations, which include
16 underground conduit installations, where required, and service drops, and to
17 expand fixed wireless coverage to unserved or underserved areas of the State.
18 Up to \$50,000 may also be used to reimburse the Department of Public Service
19 and the Agency of Digital Services for any costs associated with the
20 deployment of Wi-Fi hotspots not covered by the Federal Emergency
21 Management Agency. Conditions of the Program shall include the following:

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

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

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

17 (4) To the extent it is administratively feasible within the time
18 constraints of section 601(d) of the Social Security Act, the Department may
19 provide temporary subsidies for customer broadband monthly subscriptions to
20 increase broadband adoption rates where installations are performed pursuant
21 to this section.

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

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

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

15 * * * COVID-Response Telecommunications Recovery Plan * * *

16 Sec. 7. COVID-RESPONSE TELECOMMUNICATIONS RECOVERY
17 PLAN

18 The Commissioner of Public Service shall retain a consultant to assist with
19 preparation of a COVID-Response Telecommunications Recovery Plan. The
20 purpose of the Recovery Plan is to reassess the State’s critical connectivity
21 needs in light of the COVID-19 public health emergency and to reevaluate

1 broadband deployment objectives going forward. On or before December 20,
2 2020, the Recovery Plan shall be submitted to the House Committee on Energy
3 and Technology and the Senate Committee on Finance.

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

6 (a) It is the intent of the General Assembly that, regardless of when the
7 2017 Telecommunications Plan is adopted, a new Plan shall be adopted on or
8 before ~~December 1, 2020~~ June 30, 2021 in accordance with the procedures
9 established in 30 V.S.A. § 202d(e). The next Plan after that shall be adopted
10 on or before ~~December 1, 2023, and so on~~ June 30, 2024, and every three years
11 thereafter.

12 * * * COVID-Response Telehealth Connectivity Program * * *

13 Sec. 9. COVID-RESPONSE TELEHEALTH CONNECTIVITY PROGRAM

14 (a) The General Assembly finds that:

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

19 (2) According to recent survey data, a significant majority of health care
20 providers indicated that lack of patient access to a smartphone or video

1 capability was a barrier to accessing telehealth services, and similarly indicated
2 that a patient’s inability to operate digital equipment was a barrier.

3 (b) There is established a temporary COVID-Response Telehealth
4 Connectivity Program to be administered by the Vermont Program for Quality
5 in Health Care, Inc. (VPQHC) consistent with its mission under 18 V.S.A.
6 § 9416 and with its Connectivity Care Packages pilot proposal. The purpose of
7 the Program is to support equitable access to telehealth services by providing
8 outreach and educational opportunities that improve digital literacy skills of
9 patients and providers and also by providing the equipment needed to support
10 telehealth needs during the COVID-19 public health emergency, particularly in
11 areas that are digitally and medically underserved, and distributed
12 geographically across the State. Conditions of the Program shall include:

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

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

19 (c) Funds shall be disbursed on a rolling basis until all funds are fully
20 expended or on December 20, 2020, whichever occurs first. Any unexpended

1 funds shall be transferred to the State on or before December 20, 2020. This
2 Program shall sunset on December 31, 2020.

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

7 * * * Utility Ratepayer Arrearages * * *

8 Sec. 10. FINANCIAL ASSISTANCE FOR RATEPAYER ARREARAGES

9 For the purpose of simultaneously minimizing financial hardship caused by
10 the COVID-19 public health emergency and also mitigating utility rate
11 increases ultimately shared by all ratepayers, the Commissioner of Public
12 Service shall develop policies and practices for providing financial support to
13 utility ratepayers to cover account arrearages of ratepayers likely to face
14 disconnection when the moratorium ends. For purposes of this section, a
15 “utility” means a utility affected by the Public Utility Commission’s
16 moratorium on utility disconnections issued on March 18, 2020, as further
17 amended and revised by the Commission. Funds shall be disbursed on a
18 rolling basis until all funds are fully expended or December 20, 2020,
19 whichever occurs first. The Commissioner may contract with an independent
20 third party to assist with program administration. Customer information
21 submitted pursuant to this program shall be exempt from disclosure under the

1 Vermont Public Records Act; such data may only be disclosed on an
2 anonymized and aggregated basis.

3 * * * COVID-19 Response; Housing * * *

4 Sec. 11. COVID-19 RESPONSE; HOUSING

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

7 (1) Legal and counseling services.

8 (A) \$550,000 to Vermont Legal Aid to provide legal and counseling
9 services to persons who are, or are at risk of, experiencing homelessness, or
10 who have suffered economic harm due to the COVID-19 crisis.

11 (B) \$250,000 to the Department of Housing and Community
12 Development for grants to organizations that provide counseling and assistance
13 to landlords concerning tenancy, rental assistance, and related issues arising
14 due to the COVID-19 crisis.

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

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

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

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

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

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

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

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

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

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

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

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

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

19 (ii) The Authority shall ensure decisions are made according to the
20 rules of the program and without regard to any previous information or

1 decisions known concerning tenants, and no tenant or landlord may benefit or
2 suffer harm due to previous knowledge or decisions.

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

6 (I) certification of rent arrears;

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

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

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

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

14 (ii) Other requirements.

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

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

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

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

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

1 rental period after which the tenant left and for the security deposit if
2 reimbursement is appropriate.

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

7 (5) Rehousing investments.

8 (A) Creation of program. The amount of \$6,200,000 is appropriated
9 to the Department of Housing and Community Development to design and
10 implement a Re-housing Recovery Program to provide funding to statewide
11 and regional housing partner organizations for grants to eligible applicants.

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

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

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

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

1 (C) Grant requirements.

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

4 (I) A property owner may apply for a grant of up to \$30,000
5 per unit.

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

8 (ii) A property owner shall:

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

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

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

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

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

19 (III) if a property owner sells or transfers a property improved
20 with grant funds within 5 years of receiving the funds, the property continues
21 to remain affordable for the remainder of the five-year period.

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

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

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

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

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

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

16 (b) On or after September 1, 2020, the Department of Housing and
17 Community Development, in consultation with the funding recipients named in
18 this section, shall assess the allocation and expenditure of funds made in this
19 section and may re-allocate funds as the Department determines is necessary to
20 most effectively provide necessary housing-related assistance to Vermonters
21 affected by the COVID-19 crisis.

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

2 Sec. 12. CONSISTENCY WITH CARES ACT AND GUIDANCE

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

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

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

10 (3) were, or will be, incurred during the period beginning on March 1,
11 2020 and ending on December 30, 2020.

12 Sec. 13. GRANT RECIPIENT REQUIREMENTS; REVERSION AND

13 REALLOCATION SCHEDULE

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

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

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

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

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

12 Sec. 14. CORONAVIRUS RELIEF FUND GRANTS; CONDITIONS

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

17 (b) Any person who expends monies from the Coronavirus Relief Fund for
18 purposes not eligible under Sec. 5001 of the CARES Act, Pub. L. No. 116-136
19 and related guidance shall be liable for repayment of the funds to the State of
20 Vermont; provided, however, that a person shall not be liable for such
21 repayment if the person expended the monies in good faith reliance on

1 authorization of the proposed expenditure by or specific guidance from the
2 agency or department administering the grant program.

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

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

8 COMPLIANCE

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

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

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

21 * * * Effective Date * * *

- 1 Sec. 16. EFFECTIVE DATE
- 2 This act shall take effect on passage.