

1 S.351

2 Representative Gregoire of Fairfield moves that the House propose to the
3 Senate that the bill be amended by striking out all after the enacting clause and
4 inserting in lieu thereof the following:

5 * * * Purpose * * *

6 Sec. 1. PURPOSE

7 The purpose of this act is to appropriate the following amounts to farming
8 and forest businesses for losses or expenses, or both, incurred as a result of the
9 COVID-19 public health emergency:

10 (1) \$35,000,000.00 for the Dairy Assistance Program established under
11 this act, provided that from the appropriated funds, \$29,500,000.00 shall be
12 available for grant awards to milk producers, and \$5,500,000 shall be available
13 for awards to dairy processors;

14 (2) \$5,000,000.00 for the Forest Economy Stabilization Grant Program
15 established under this act; and

16 (3) \$192,000.00 to the Vermont Housing and Conservation Board to
17 provide business, financial, and mental health assistance to farm and food
18 businesses.

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

20 Sec. 2. CONSISTENCY WITH CARES ACT AND GUIDANCE

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

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

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

8 (3) were, or will be, incurred during the period beginning on March 1,
9 2020 and ending on December 30, 2020.

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

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

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

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

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

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

9 Sec. 4. CORONAVIRUS RELIEF FUND GRANTS; CONDITIONS

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

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

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

5 Sec. 5. CORONAVIRUS RELIEF FUND; RECORD KEEPING;

6 COMPLIANCE; REPORTS

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

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

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

19 (b) Unless otherwise provided under this act, on or before July 31, 2020
20 and September 1, 2020, each agency or department administering a grant
21 program pursuant to this act shall provide information to the legislative

1 committees of jurisdiction, including the House and Senate Committees on
2 Appropriations, regarding its distribution of grant funds to date, the amount of
3 grant funds that remains available for distribution, and its plans for awarding
4 the available funds on or before December 20, 2020.

5 * * * Dairy Assistance Program * * *

6 Sec. 6. DAIRY ASSISTANCE PROGRAM; COVID-19 PUBLIC HEALTH
7 EMERGENCY; APPROPRIATION

8 (a) Appropriation. The sum of \$35,000,000.00 is appropriated from the
9 Coronavirus Relief Fund to the Agency of Agriculture, Food and Markets in
10 fiscal year 2021 for the purpose of establishing the Dairy Assistance Program
11 as set forth in this section. Of the funds appropriated under this section,
12 \$29,500,000.00 shall be available for grant awards to milk producers, and
13 \$5,500,000 shall be available for awards to dairy processors.

14 (b) Necessity. The General Assembly determines that the expenditure of
15 monies from the Coronavirus Relief Fund as set forth in this section is
16 necessary to stabilize milk producers and dairy processors based on their lost
17 revenues related to business interruption caused by the COVID-19 public
18 health emergency.

19 (c) Definitions. As used in this section:

20 (1) “Animal feeding operation” (AFO) means a lot or facility where
21 livestock have been, are, or will be stabled or confined and fed or maintained

1 for a total of 45 days or more in any 12-month period, and crops, vegetation, or
2 forage growth are not sustained in the normal growing season over any portion
3 of the lot or facility. Two or more individual farms qualifying as an AFO that
4 are under common ownership and that adjoin each other or use a common area
5 or system for the disposal of waste shall be considered to be a single AFO if
6 the combined number of livestock resulting qualifies as a medium farm as that
7 term is defined under this subsection.

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

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

16 (4) “Economic harm” means a milk producer’s or dairy processor’s
17 expenses or lost revenues, or both related to the 2020 COVID-19 public health
18 emergency.

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

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

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

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

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

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

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

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

21 (11) “Small farm” means:

- 1 (A) an AFO that houses not more than 199 mature dairy cows; or
2 (B) a goat or sheep dairy farm where a part or all of the milk from the
3 animals is sold or offered for sale.

4 (d) Program establishment; eligibility.

5 (1) There is established within the Agency of Agriculture, Food and
6 Markets a Dairy Assistance Program (Program) to provide financial assistance
7 to milk producers and dairy processors that have suffered economic harm in
8 Vermont caused by the COVID-19 public health emergency.

9 (2) A milk producer or dairy processor shall be eligible to qualify for
10 assistance under this section if:

11 (A)(i) the milk producer or dairy processor is currently producing
12 milk or dairy products; or

13 (ii) the milk producer was producing milk on March 1, 2020, and
14 subsequently ceased production, but submits to the Secretary a good faith plan
15 to restart production of milk or a plan to restart operation through production
16 of another commodity;

17 (B) the milk producer or dairy processor is in good standing; and

18 (C) the milk producer or dairy processor accurately demonstrates to
19 the Secretary economic harm that occurred or accrued on or after March 1,
20 2020 and before December 1, 2020 by providing evidence of losses or

1 expenses related to the costs of business interruption caused by the COVID-19
2 public health emergency.

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

12 (4) Economic harm is not compensable under this section if the same
13 economic harm is covered by insurance or if the economic harm was
14 compensated under another State or federal grant; provided, however, that this
15 restriction does not apply to loans or advance payments for which repayment is
16 expected.

17 (e) Administration; implementation.

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

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

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

12 (f) Payment; maximum award.

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

17 (A) Small farms shall receive up to \$30,000.00.

18 (B) Certified small farms shall receive up to \$50,00.00.

19 (C) Medium farms shall receive up to \$65,000.00.

20 (D) Large farms shall receive up to \$130,000.00.

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

5 (A) Dairy processors that process less than 500 pounds of milk per
6 day shall receive up to \$45,000.00.

7 (B) Dairy processors that process from 500 to 9,999 pounds of milk
8 per day shall receive up to \$58,000.00.

9 (C) Dairy processors that process from 10,000 to 49,999 pounds of
10 milk per day shall receive up to \$70,000.00.

11 (D) Dairy processors that process 50,000 pounds or more of milk per
12 day shall receive up to \$90,000.00.

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

17 (g) Application; processing.

18 (1) Once a milk producer or dairy processor submits a complete
19 application and demonstrates economic harm, the Secretary shall promptly
20 issue a grant payment, provided that the appropriated funds have not been
21 expended. Initial application shall be submitted not later than October 1, 2020,

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

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

7 (4) Each grant award shall be a direct payment from the State of
8 Vermont to a milk producer or dairy processor. Except as provided under this
9 section, a dairy processor shall not submit more than one application, and a
10 milk producer shall not submit more than one application per each separate
11 farm owned or controlled by the producer. A person who is both a milk
12 producer and a dairy processor may submit one application as a milk producer
13 and one as a dairy processor when each business is organized as a separate
14 business entity. A person that is both a milk producer and a dairy processor
15 but is not organized as separate business entities shall submit one application
16 for assistance under this section, but will be eligible for assistance as a milk
17 producer and a dairy processor, provided that the total assistance awarded
18 under this section shall not exceed the total economic harm incurred by the
19 applicant. The Secretary may ask an applicant that is both a milk producer and
20 a dairy processor but is not organized as separate business entities to submit
21 separate applications as a milk producer and a dairy processor if separate

1 applications are more administratively efficient. A milk producer or dairy
2 processor that does not initially qualify for the maximum allowed payment
3 may submit an addendum to demonstrate additional economic harm not later
4 than October 1, 2020.

5 (h) Program terms and limitations.

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

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

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

16 (4) Data or information submitted to the Secretary by a milk producer or
17 dairy processor under this section to demonstrate economic harm shall be a
18 trade secret exempt from public inspection and copying under 1 V.S.A. §
19 317(c)(9), provided that the Secretary may use and disclose submitted
20 information in summary or aggregated form that does not directly or indirectly
21 identify an individual milk producer or dairy processor.

1 and Forestry and on Appropriations on the first day of each month regarding
2 the status of the Dairy Assistance Program established by this act. The report
3 shall include:

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

5 and

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

7 * * * Forest Economy Stabilization Grants * * *

8 Sec. 8. FOREST ECONOMY STABILIZATION GRANT PROGRAM;

9 CORONAVIRUS RELIEF FUND; APPROPRIATION

10 (a) The sum of \$5,000,000.00 is appropriated from the Coronavirus Relief
11 Fund to the Agency of Natural Resources in fiscal year 2021 for the purpose of
12 establishing the Forest Economy Stabilization Grant Program as set forth in
13 this section. The Agency of Natural Resources shall enter into memorandum
14 of understanding with the Vermont Economic Development Authority for the
15 implementation and administration of the Forest Economy Stabilization Grant
16 Program.

17 (b) The General Assembly determines that the expenditure of monies
18 from the Coronavirus Relief Fund as set forth in this section is necessary to
19 stabilize forest products businesses due to lost revenues and expenses related to
20 the business interruptions caused by the COVID-19 public health emergency.
21 Low-grade wood constitutes nearly three-quarters of the annual timber harvest

1 in Vermont, and low-grade wood is a key component to paper making.
2 However, the COVID-19 public health emergency has reduced market demand
3 for paper in offices, schools, institutions, advertising, and many other outlets.
4 As a result, millions of tons of unsold paper are stockpiled in warehouses at
5 paper mills, thereby freezing the supply chain for paper making and other
6 associated products harvested and processed from Vermont forests. In
7 addition, low-grade pulpwood chips that would have been used to make paper
8 are being diverted to wood-fired electric plants, thereby displacing the use of
9 whole-tree chips normally supplied by logging contractors delivering whole-
10 tree chips. As a result of these market and supply chain disruptions caused by
11 the COVID-19 public health emergency, forest products businesses are
12 suffering significant business interruptions that restrict the ability of logging
13 contractors to harvest, limit timber sales, diminish landowner return, reduce the
14 supply of forest products to processors that have viable markets, and
15 significantly reduce the need for services from haulers, foresters, and other
16 forest products businesses.

17 (c) As used in this section:

18 (1) “Economic harm” means a forest products business’s expenses or
19 lost revenues, or both, related to the 2020 COVID-19 public health emergency.

20 (2) “Forest products business” means a Vermont enterprise that is
21 primarily engaged in managing, harvesting, trucking, processing,

1 manufacturing, crafting, or distributing forest or wood products derived from
2 Vermont forests. “Forest products business” includes consulting forestry
3 services and secondary manufacturers of wood products.

4 (d)(1) The Vermont Economic Development Authority shall administer the
5 Forest Economy Stabilization Grant Program according to the terms of the
6 memorandum of understanding with the Agency of Natural Resources and
7 shall approve application for assistance under this section for eligible forest
8 products businesses that have suffered economic harm.

9 (2) A forest products business shall qualify for assistance under the
10 Program if the business:

11 (A) was operating in the State on or before February 1, 2020; and

12 (B) accurately demonstrates to the Vermont Economic Development
13 Authority economic harm that occurred or accrued on or after March 1, 2020
14 and before December 1, 2020 by providing evidence of lost revenues or
15 expenses related to business interruption caused by the COVID-19 public
16 health emergency.

17 (3) Based on federal law and guidance, the Vermont Economic
18 Development Authority, in consultation with the Department of Forests, Parks,
19 and Recreation, shall establish guidelines identifying the specific types of costs
20 for which grant recipients may use grant funds, provided that essential
21 operating expenses to respond to the COVID-19 public health emergency and

1 maintain operation of a forest products business shall be eligible uses of grants
2 under this section.

3 (4) Economic harm is not compensable under this section if the same
4 economic harm is covered by insurance or if the economic harm was
5 compensated under another State or federal grant; provided, however, that this
6 restriction does not apply to loans or advance payments for which repayment is
7 expected.

8 (e)(1) The Vermont Economic Development Authority, in consultation
9 with the Department of Forests, Parks, and Recreation, shall create an
10 application form that forest products businesses shall utilize when applying for
11 assistance. Applicants shall certify that all information they provide is truthful
12 and accurate to the best of their knowledge, information, and belief.

13 (2) The Vermont Economic Development Authority shall, based on the
14 amount of economic harm incurred by the forest products business on the date
15 the application is received, provide up to the maximum award permitted under
16 this section. Applications shall be processed in the order received, but an
17 application shall not be ready for evaluation until the Vermont Economic
18 Development Authority determines that the application is administratively
19 complete and includes all required proof of economic harm.

20 (3) Until all funds appropriated to the Forest Economy Stabilization
21 Grant Program are awarded, the Vermont Economic Development Authority

1 shall approve applications for grants to reimburse qualified forest products
2 businesses for demonstrated economic harm up to the maximum amount of
3 \$100,000.00 for each eligible forest products business.

4 (4) Grants to be awarded pursuant to this section shall be disbursed as a
5 single payment. All funds shall be disbursed, and cover economic harm
6 incurred, on or before December 30, 2020 as required by the CARES Act.

7 (5) The Vermont Economic Development Authority may use not less
8 than five percent and up to 8 percent of the appropriation for this Program for
9 administrative costs of implementing and administering the Program provided
10 that the expenses represent an increase over previously budgeted amounts and
11 are limited to what is necessary.

12 (f)(1) The Vermont Economic Development Authority shall approve
13 applications for grant payments under this section on a first-come, first-served
14 basis until all funds are expended or December 20, 2020, whichever is sooner.
15 Each grant payment shall be a direct grant payment from the State Treasurer to
16 an eligible applicant.

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

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

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

13 Sec. 10. APPROPRIATIONS; VHCB; COVID-19 CONSULTING

14 SERVICES FOR FARM AND FOOD BUSINESSES

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

1 markets, diversification of income streams, access to mental health services,
2 and other assistance farm and food businesses may require to address or
3 recover from business interruption caused by the COVID-19 public health
4 emergency.

5 * * * VHCB; Authority * * *

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

7 § 321. GENERAL POWERS AND DUTIES

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

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

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

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

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

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

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

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

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

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

1 (2) The Board shall administer the “HOME” affordable housing
2 program ~~which~~ that was enacted under Title II of the Cranston-Gonzalez
3 National Affordable Housing Act (Title II, P.L. 101-625, 42 U.S.C. 12701-
4 12839). The State of Vermont, as a participating jurisdiction designated by
5 Department of Housing and Urban Development, shall enter into a written
6 memorandum of understanding with the Board, as subrecipient, authorizing the
7 use of HOME funds for eligible activities in accordance with applicable federal
8 law and regulations. HOME funds shall be used to implement and effectuate
9 the policies and purposes of this chapter related to affordable housing. The
10 memorandum of understanding shall include performance measures and results
11 that the Board will annually report on to the Vermont Department of Housing
12 and Community Development.

13 (c) On behalf of the State of Vermont, the Board shall be the exclusive
14 designated entity to seek and administer federal affordable housing funds
15 available from the Department of Housing and Urban Development under the
16 national Housing Trust Fund ~~which~~ that was enacted under HR 3221, Division
17 A, Title 1, Subtitle B, Section 1131 of the Housing and Economic Reform Act
18 of 2008 (P.L. 110-289) to increase perpetually affordable rental housing and
19 home ownership for low and very low income families. The Board is also
20 authorized to receive and administer federal funds or enter into cooperative
21 agreements for a shared appreciation and/or community land trust

1 demonstration program that increases perpetually affordable homeownership
2 options for lower income Vermonters and promotes such options both within
3 and outside Vermont.

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

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

