Bill as introduced

H.966

2020

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H.966

Introduced by Committee on Appropriations

Date:

Subject: COVID-19 public health emergency; broadband Internet access;
information technology; utility arrearages; housing

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

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

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

*** Purpose ***

Sec. 1. PURPOSE

The purpose of this act is to appropriate $95,068,500.00 from the State’s
Coronavirus Relief Fund for necessary expenses incurred as a result of the
COVID-19 public health emergency. This appropriation shall be allocated as
follows: $43,068,500.00 for broadband connectivity and other initiatives; and
$52,000,000.00 for housing initiatives.
Sec. 2. BROADBAND CONNECTIVITY; FINDINGS AND INTENT

(a) Findings. The General Assembly finds that:

(1) Never has the need for reliable, affordable, high-speed broadband connectivity been so critical. The COVID-19 public health emergency and the required social distancing it has engendered have served as an accelerant to the socioeconomic disparities between the connected and the unconnected in our State.

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

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

(4) Data collected by the Department of Public Service underscore the magnitude of the State’s connectivity needs. Of the 308,082 addresses in our State:
(A) 6.8 percent (20,978 addresses) do not have access to broadband that meets a minimum speed of 4/1 Mbps.

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

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

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

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

(7) The measures taken in this act complement and advance the State’s long-term goal of achieving the universal availability of 100 Mbps symmetrical service by the year 2024.

(8) The faster and more thoroughly we react, the sooner and more completely we will recover.
(b) Intent. In response to the COVID-19 public health emergency and the
critical need for access to broadband connectivity, it is the intent of the General
Assembly to support rapid response recovery planning and broadband
solutions that will significantly increase rural broadband capacity for distance
learning, remote working, telehealth, and other critical services during the
public health emergency and to do so in a manner that is consistent with the
criteria of the Coronavirus Relief Fund as established by section 601(d) of the
Social Security Act, as added by section 5001 of the Coronavirus Aid, Relief,
and Economic Security (CARES) Act, Pub. Law 116-136, as amended, and
any guidance and regulations issued pursuant thereto.

*** Appropriations ***

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

APPROPRIATIONS

(a) Of the coronavirus relief funds allocated to Vermont pursuant to section
601(d) of the Social Security Act, as added by section 5001 of the CARES Act,
the amount of $43,068,500.00 shall be appropriated as follows:

(1) $35,566,500.00 to the Department of Public Service to be allocated
as follows:

(A) $800,000.00 to the COVID-Response Connected Community
Resilience Program established in Sec. 4 of this act.
(B) $2,000,000.00 to the COVID-Response Line Extension Customer Assistance Program established in Sec. 5 of this act.

(C) $11,000,000.00 to the Get Vermonters Connected Now Initiative established in Sec. 6 of this act.

(D) $500,000.00 to support the COVID-Response Telecommunications Recovery Plan established in Sec. 7 of this act.

(E) $800,000.00 to support the COVID-Response Telehealth and Connectivity Initiative established in Sec. 9 of this act.

(F) $466,500.00 to be disbursed, in consultation with the Vermont Access Network, among the State’s access media organizations for staffing and operational costs incurred due to unbudgeted and unplanned coverage of public meetings and events in response to the COVID-19 public health emergency, as well as for unplanned and unbudgeted expenditures related to increased production and technical support for live-streaming government and community-based organizations.

(G) $20,000,000.00 to fund ratepayer arrearages as they pertain to utilities affected by the Public Utility Commission’s moratorium on utility disconnections issued on March 18, 2020, as further amended and revised by the Commission, and as established in Sec. 10 of this act.
(2) $3,000,000.00 to the Agency of Digital Services to fund efforts to mitigate cybersecurity risks posed by State employees working from home as a result of the COVID-19 public health emergency.

(3) $4,000,000.00 to the Agency of Digital Services to reimburse costs incurred for un budgeted and unplanned expenditures for the purpose of unemployment insurance claims modernization. It is the intent of the General Assembly to increase Vermonter’s access to unemployment insurance claims services in response to the COVID-19 public health emergency through a modernization move to a technical solution that ensures seamless access for citizens throughout Vermont.

(4) $350,000.00 to the Agency of Digital of Services to support municipal officials in addressing cybersecurity risks and mitigate vulnerabilities posed by closed municipal offices, municipal employees and elected officials working from home, and using teleconferencing platforms as a result of the COVID-19 public health emergency.

(5) $152,000.00 to the Enhanced 911 Fund for necessary expenses incurred due to unbudgeted and unplanned critical public health and safety activities and services directly caused by or provided in response to the COVID-19 public health emergency.

(b) Of the appropriations made pursuant to this section, any unexpended funds as of December 20, 2020 shall be transferred to the State’s coronavirus
relief fund. Recipients of the appropriations under this section shall make
every effort to both obtain and retain documentation demonstrating that
expenses are eligible for reimbursement under section 601(d) of the Social
Security Act.

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

Sec. 4. COVID-RESPONSE CONNECTED COMMUNITY RESILIENCE

PROGRAM

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

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

(2) A grant award may not exceed $100,000.00.
(b) The Commissioner shall develop policies and practices for Program implementation consistent with the purposes of this section and also with section 601(d) of the Social Security Act, including standards for expense verification and records retention.

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

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

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

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

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

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

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

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

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

(7) The Commissioner may retain any award of financial assistance
under this section until he or she determines that eligible expenses have been
incurred and properly documented by the grantee in a form and manner
prescribed by the Commissioner.
(b) On or before July 15, 2020, the Commissioner shall publish guidelines and procedures for the administration of the Program. The guidelines shall specify that funds shall be available for the most cost-effective and site-appropriate line extension. Funds shall be disbursed on a rolling basis until funds in the Program are expended or December 20, 2020, whichever occurs first. The Program shall cease to exist on December 31, 2020.

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

* * * Get Vermonters Connected Now Initiative * * *

Sec. 6. GET VERMONTERS CONNECTED NOW INITIATIVE

(a) There is established the Get Vermonters Connected Now Initiative to be administered by the Commissioner of Public Service. Notwithstanding any provision of law to the contrary, funds shall be distributed through the Connectivity Initiative established under 30 V.S.A. § 7515b. The purpose of the Program is to provide financial assistance to Internet service providers to offset the customer costs of fiber-to-the-premises installations, which include underground conduit installations, where required, and service drops, and to expand fixed wireless coverage to unserved or underserved areas of the State. Up to $50,000.00 may also be used to reimburse the Department of Public
Service and the Agency of Digital Services for any costs associated with the deployment of Wi-Fi hotspots not covered by the Federal Emergency Management Agency. Conditions of the Program shall include the following:

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

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

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

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

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

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

(b) The Commissioner shall establish guidelines and procedures consistent
with section 601(d) of the Social Security Act and shall incorporate provisions
for ensuring, to the greatest extent possible and based on the best available
data, that the Program will significantly increase broadband capacity for
distance learning, telehealth, and telework during the public health emergency.
The location and capacity of infrastructure funded through this Program shall
be part of a permanent, public database maintained by the Department.
Sec. 7. COVID-RESPONSE TELECOMMUNICATIONS RECOVERY PLAN

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

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

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

Sec. 9. COVID-RESPONSE TELEHEALTH CONNECTIVITY PROGRAM

(a) The General Assembly finds that:
(1) Since the onset of COVID-19, telehealth utilization in Vermont has increased exponentially. During this public health emergency, telehealth has become an essential tool to minimize the spread of COVID-19 and provide clinicians the tools they need to treat patients.

(2) According to recent survey data, a significant majority of health care providers indicated that lack of patient access to a smartphone or video capability was a barrier to accessing telehealth services, and similarly indicated that a patient’s inability to operate digital equipment was a barrier.

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

(1) To the extent feasible under the timing and funding constraints of this Program, VPQHC shall make every effort to identify and prioritize assistance to vulnerable and high-risk patients in all regions of the State.
(2) VPQHC shall ensure that all expenditures made pursuant to this Program are properly documented and retained, consistent with the requirements of section 601(d) of the Social Security Act.

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

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

* * * Utility Ratepayer Arrearages * * *

Sec. 10. FINANCIAL ASSISTANCE FOR RATEPAYER ARREARAGES

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

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

Sec. 1. COVID-19 RESPONSE; HOUSING

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

(1) Legal and counseling services.

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

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

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

(3) Foreclosure protection. $6,000,000.00 to the Vermont Housing Finance Agency to provide financial and technical assistance to stabilize low- and moderate-income homeowners and prevent home foreclosures for Vermont families.

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

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

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

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

(ii) forms and guidelines for homeowners to certify or otherwise prove a demonstrable need for assistance;
(iii) limitations on actual cash benefits, which shall not exceed the actual mortgage liability or six times the monthly mortgage liability, whichever is less; and

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

(4) Rental assistance; eviction protection. $30,000,000.00 to the Vermont State Housing Authority, which shall administer the distribution of funds to landlords on behalf of tenants in need of rental arrearage assistance.

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

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

(C)(i) The Authority shall implement a selection process that ensures equitable approval of applications, notice of grant decisions within 10 days, and decisions on appeals within in 10 days, and a distribution system that ensures accountability for the tenants and landlords that receive funds.
(ii) The Authority shall ensure decisions are made according to the rules of the program and without regard to any previous information or decisions known concerning tenants, and no tenant or landlord may benefit or suffer harm due to previous knowledge or decisions.

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

(I) certification of rent arrears;

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

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

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

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

(ii) Other requirements.

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

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

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

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

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

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

(5) Rehousing investments.

(A) Creation of program. The amount of $6,200,000.00 is
appropriated to the Department of Housing and Community Development to
design and implement a Re-housing Recovery Program to provide funding to
statewide and regional housing partner organizations for grants to eligible
applicants.

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

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

(ii) a selection process that ensures equitable selection of property
owners; and
(iii) a grants management system that ensures accountability for funds awarded to property owners.

(C) Grant requirements.

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

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

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

(ii) A property owner shall:

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

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

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

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

(II) the rent charged remains at or below annually published HUD Fair Market Rent for the County or Metropolitan Statistical Area for at least five years; and
(III) if a property owner sells or transfers a property improved
with grant funds within five years of receiving the funds, the property
continues to remain affordable for the remainder of the five-year period.

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

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

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

(E) Definitions. As used in this section:

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

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

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

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

Sec. 12. CONSISTENCY WITH CARES ACT AND GUIDANCE

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

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

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

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

Sec. 13. GRANT RECIPIENT REQUIREMENTS; REVERSION AND
REALLOCATION SCHEDULE

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

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

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

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

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

Sec. 14. CORONAVIRUS RELIEF FUND GRANTS; CONDITIONS

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

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

restitution if the person expended the monies in good faith reliance on

authorization of the proposed expenditure by or specific guidance from the

agency or department administering the grant program.

(c) The Attorney General or a State agency or department administering a

grant program established or authorized under this act may seek appropriate

criminal or civil penalties as authorized by law for a violation of the terms or

conditions of the applicable program, grant, or award.

Sec. 15. CORONAVIRUS RELIEF FUND; RECORD KEEPING;

COMPLIANCE

(a) In order to ensure compliance with the requirements of Sec. 5001 of the

CARES Act, Pub. L. No. 116-136, and related guidance, and to assist the State

in demonstrating such compliance:

(1) any agency or department, and any subrecipient of a grant, that is

authorized to disburse grant funds appropriated by this act shall include

standard audit provisions, as required by Agency of Administration Bulletins

3.5 and 5, in all contracts, loans, and grant agreements; and

(2) each grant recipient shall report on its use of the monies received

pursuant to this act to the agency or department administering the grant as

required by that agency or department and shall maintain records of its
expenditures of the monies for three years, or for a longer period if so required by State or federal law, to enable verification as needed.

(b) On or before July 31, 2020 and September 1, 2020, each agency or department administering a grant program pursuant to this act shall provide information to the legislative committees of jurisdiction, including the House and Senate Committees on Appropriations, regarding its distribution of grant funds to date, the amount of grant funds that remains available for distribution, and its plans for awarding the available funds by December 20, 2020.

*** Effective Date ***

Sec. 16. EFFECTIVE DATE

This act shall take effect on passage.