

1 Introduced by Committee on Agriculture

2 Date:

3 Subject: Agriculture; pandemic response; financial assistance

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

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

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

11 * * * Dairy Assistance Program * * *

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

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

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

1 the combined number of livestock resulting qualifies as a medium farm as that
2 term is defined under this subsection.

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

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

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

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

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

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

22 (B) that is in compliance with all terms of a current grant agreement

1 or contract with the Agency of Agriculture, Food and Markets or the Agency
2 of Natural Resources.

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

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

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

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

15 (11) “Small farm” means:

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

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

19 (b) Program establishment; eligibility.

20 (1) There is established within the Agency of Agriculture, Food and
21 Markets a Dairy Farmer Assistance Program (Program) to provide financial
22 assistance to milk producers and dairy processors that have suffered economic

1 harm in Vermont caused by the COVID-19 public health emergency.

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

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

5 (B) be in good standing; and

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

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

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

22 (c) Administration; implementation.

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

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

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

14 (d) Payment; maximum award.

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

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

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

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

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

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 \$30,000.00.

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

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

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

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 (e) 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. The last grant payment may be a partial payment consisting of the
22 remaining available funds.

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

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

1 provided that the appropriated funds have not been expended. The last
2 payment may be a partial payment consisting of the remaining available funds.

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

16 (f) Program terms and limitations.

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

20 (2)(A) Except as provided for under subdivision (2)(B) of this
21 subsection, the Attorney General is authorized to recover funds awarded under
22 this section due to fraud, error, crime, or violation of this section, and the

1 Attorney General or the Secretary of Agriculture, Food and Markets may seek
2 appropriate criminal or civil penalties as authorized by law.

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

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

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

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

1 Sec. 2. APPROPRIATIONS

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

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

15 * * * Agricultural Producer or Processor Assistance Program * * *

16 Sec. 3. AGRICULTURAL PRODUCER OR PROCESSOR ASSISTANCE
17 PROGRAM

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

19 (1) “Agricultural producer” means a farmer who is not eligible for
20 assistance under Sec. 1 of this act and who has produced a gross annual income
21 of \$10,000.00 from the sale of agricultural products in one of the two, or three

1 of the five, calendar years preceding submission of an application under this
2 section.

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

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

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

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

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

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

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

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

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

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

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

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

14 (b) Establishment of Program; eligibility.

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

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

21 (A) be currently operating a farm, a commercial processor, a
22 commercial slaughterhouse, or a farmers’ market;

1 (B) be in good standing; and

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

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

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

12 (c) Administration; implementation.

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

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

20 (3) The Secretary shall, based on the amount of economic harm incurred
21 by the eligible applicant on the date the application is received, provide up to
22 the maximum award. Applications shall be processed in the order received,

1 but an application shall not be ready for evaluation until the Secretary
2 determines that the application is administratively complete and includes all
3 required proof of economic harm.

4 (d) Payment; maximum award.

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

8 (A) Eligible applicants with annual gross sales of \$10,000.00 to
9 \$24,999.00 shall receive up to \$2,500.00.

10 (B) Eligible applicants with annual gross sales of \$25,000.00 to
11 \$49,999.00 shall receive up to \$5,000.00.

12 (C) Eligible applicants with annual gross sales of \$50,000.00 to
13 \$99,999.00 shall receive up to \$10,000.00.

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

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

18 (e) Application; processing.

19 (1) Once an eligible applicant submits a complete application and
20 demonstrates economic harm, the Secretary shall promptly issue a grant
21 payment, provided that the appropriated funds have not been expended. The

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

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

16 (3) All initial applications shall be processed before considering
17 addenda demonstrating additional economic harm, and each addendum shall be
18 processed in the order received. An addendum shall not be ready for
19 evaluation until the Secretary receives all required proof of economic harm and
20 deems the application administratively complete. Once an eligible applicant
21 submits a complete addendum and demonstrates additional economic harm, the
22 Secretary shall promptly issue a payment, provided that the appropriated funds

1 have not been expended. The last payment may be a partial payment
2 consisting of the remaining available funds.

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

8 (f) Program terms and limitations.

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

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

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

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

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

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

14 Sec. 4. APPROPRIATIONS

15 (a) There is appropriated from the Coronavirus Relief Fund the amount of
16 \$7,000,000.00 to the Agency of Agriculture, Food and Markets for use in fiscal
17 years 2020 and 2021 to process payments under the Agricultural Producer and
18 Processor Assistance Program established under Sec. 3 of this act.

19 (b) Any funds appropriated under subsection (a) of this section that are not
20 expended by November 1, 2020 shall revert to the Agency of Agriculture,
21 Food and Markets for reallocation of financial assistance under the programs
22 established under Secs. 1 and 3 of this act for applicants who can demonstrate

1 economic harm incurred from March 1, 2020 through December 1, 2020
2 consistent with the requirements of P.L. 116-136.

3 * * * Assistance Outreach * * *

4 Sec. 5. EDUCATION AND OUTREACH; AGRICULTURAL ASSISTANCE
5 PROGRAMS; REPORTING

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

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

15 (c) The Secretary of Agriculture, Food and Markets, beginning on July 1,
16 2020 and ending on January 1, 2021, shall report to the Senate Committees on
17 Agriculture and on Appropriations and the House Committees on Agriculture
18 and Forestry and on Appropriations on the first day of each month regarding
19 the status of the assistance programs established under Secs. 1 and 3 of this act.

20 The report shall include:

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

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

2 * * * Farm Worker Safety * * *

3 Sec. 6. FARM WORKER HEALTH AND SAFETY; CORONAVIRUS;
4 AVAILABILITY

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

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

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

19 In addition to funds appropriated in fiscal year 2021 to the Vermont
20 Housing and Conservation Board (VHCB), \$192,000.00 is appropriated to
21 VHCB from the Coronavirus Relief Fund to provide business, financial, and
22 mental health assistance to farm and food businesses that suffered losses or

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

8 * * * VHCB; Authority * * *

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

10 § 321. GENERAL POWERS AND DUTIES

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

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

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

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

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

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

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

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

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

19 (b)(1) The Board shall seek out and fund nonprofit organizations and
20 municipalities that can assist any region of the State that has high housing
21 prices, high unemployment, ~~and~~ or low per capita incomes in obtaining grants
22 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
22 demonstration program that increases perpetually affordable homeownership

1 options for lower income Vermonters and promotes such options both within
2 and outside Vermont.

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

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

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

22 Sec. 12. REPEALS

