

No. 115. An act relating to creating emergency economic recovery grants.

(S.350)

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

Sec. 1. DEFINITIONS

As used in this act:

(1) “CARES Act” means the Coronavirus Aid, Relief, and Economic Security Act, Pub. L. No. 116–136, as amended, and any guidance and regulations issued under that act.

(2) “Eligible business” means:

(A) The business is a nonpublic, private organization that:

(i) is domiciled or has its primary place of business in Vermont;

and

(ii) has one or more employees in Vermont.

(B) The business is:

(i) organized and operated on a for-profit basis, including a sole proprietor, partnership, limited liability company, business corporation, cooperative, or mutual benefit enterprise; or

(ii) organized and operated on a nonprofit or low-profit basis, including a mutual benefit corporation, public benefit corporation, and a low-profit limited liability company.

(C) The business was in operation on or before February 15, 2020.

(D) The business:

(i) is open for business at the time of application; or

(ii) is closed for business due to the COVID-19 public health emergency but has a good-faith plan for reopening.

(3) “Eligible use” means a use of grant funds permitted under the CARES Act to assist a business in addressing the costs of business interruption due to the COVID-19 public health emergency.

Sec. 2. CORONAVIRUS EMERGENCY ECONOMIC RECOVERY

GRANTS; DEPARTMENT OF TAXES

(a) Authorization; appropriation. Of the funds available in the Coronavirus Relief Fund, the amount of \$50,000,000.00 is appropriated to the Department of Taxes to provide grants to eligible businesses pursuant to this section, in coordination with the Agency of Commerce and Community Development.

(b) Requirements for grant applicants. An eligible business may apply for a grant for an eligible use if:

(1) The business is:

(A) a vendor registered to collect sales and use tax pursuant to 32 V.S.A. chapter 233; or

(B) is an operator registered to collect meals and rooms tax pursuant to 32 V.S.A. chapter 225, but this does not include operators who are only operators because they conduct business as a booking agent under 32 V.S.A. chapter 225.

(2) The business files its sales and use or meals and room taxes on a monthly or quarterly basis.

(3) The business experienced a 75 percent or greater reduction in total sales in any one-month period from March 1, 2020 to September 1, 2020 as compared to the same one-month period from March 1, 2019 to September 1, 2019.

(c) Grant amount; terms.

(1) The Department shall establish a formula for determining the amount of grant awards, which shall include a maximum grant amount.

(2) The Department shall consider whether and by how much grant awards should be adjusted based on whether an applicant has received financial assistance from other sources.

Sec. 3. CORONAVIRUS EMERGENCY ECONOMIC RECOVERY
GRANTS; AGENCY OF COMMERCE AND COMMUNITY
DEVELOPMENT

(a) Authorization; appropriation.

(1) Of the funds available in the Coronavirus Relief Fund, the amount of \$20,000,000.00 is appropriated to the Agency of Commerce and Community Development to provide grants to eligible businesses pursuant to this section in coordination with the Department of Taxes.

(2) The Agency shall identify local, regional, and State economic development organizations with whom it may partner to most efficiently

distribute grants under the Program, which may include the Vermont Economic Development Authority, regional development corporations, community action agencies, and private institutions.

(b) Requirements for grant applicants. An eligible business may apply for a grant for an eligible use if the business experienced a 75 percent or greater reduction in revenue in any one-month period from March 1, 2020 to September 1, 2020 as compared to the same one-month period from March 1, 2019 to September 1, 2019.

(c) Grant amount; terms.

(1) The Agency shall establish a formula for determining the amount of grant awards, which shall include a maximum grant amount.

(2) The Agency shall consider whether and by how much grant awards should be adjusted based on whether an applicant has received financial assistance from other sources.

Sec. 4. GUIDELINES; REPORTING

(a) Guidelines. Not later than ten days after the effective date of this act, the Department of Taxes and the Agency of Commerce and Community Development shall publish guidelines governing the implementation of their respective programs, which at minimum shall:

(1) establish application and award procedures;

(2) establish standards to determine whether a business has its primary place of business in Vermont;

(3) establish standards for eligible uses of grant funds;

(4) establish standards governing the amount of grant awards:

(A) to ensure the equitable distribution of funds among regions and among business types, sizes, and sectors; and

(B) to ensure that grants are based on need and will have a meaningful impact on the business's continued viability;

(5) establish procedures to ensure that grant awards comply with the requirements of the CARES Act and that the State maintains adequate records to demonstrate compliance with the Act;

(6) establish procedures to prevent, detect, and mitigate fraud, waste, error, and abuse; and

(7) establish procedures to ensure that grant applicants are in compliance with State and federal employment and labor laws.

(b) Reporting. The Agency and Department shall:

(1) provide weekly updates and information concerning grant guidelines, awards, and implementation to the committees of jurisdiction of the General Assembly; and

(2) submit a report to the General Assembly on or before August 15, 2020 detailing the implementation of this section, including specific information concerning the amount and identity of grant recipients, which shall be publicly available.

(c) In the event the federal Department of the Treasury determines that an expenditure of funds made available from the CARES Act was not necessary or otherwise impermissible under the Act, the Agency and the Department shall hold harmless any grant recipient that accepted grant funds in good faith reliance on the State concerning the business's eligibility for, or use of, the grant award.

Sec. 5. HOUSING; HOMELESSNESS; APPROPRIATION

(a) The amount of \$23,000,000.00 is appropriated from the Coronavirus Relief Fund to the Vermont Housing and Conservation Board, which funding 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, in order to mitigate COVID-19 effects and enable compliance with COVID-19 public health precautions.

(b) The Board shall adopt guidelines governing the use of the funds to:

- (1) establish application and award procedures for grant recipients;
- (2) establish standards for the amount and eligible use of grant funds;

and

(3) establish procedures to ensure that grant awards comply with the requirements of the CARES Act and that the State maintains adequate records to demonstrate compliance with the Act.

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Sec. 6. EFFECTIVE DATE

This act shall take effect on passage.

Date Governor signed bill: June 19, 2020