

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1438 Session of 2021

INTRODUCED BY MERSKI, SANCHEZ, MARKOSEK, KULIK, FREEMAN, HARKINS, LONGIETTI, SCHLOSSBERG, GALLOWAY, CIRESI, DRISCOLL, ROWE AND O'MARA, MAY 17, 2021

AS REPORTED FROM COMMITTEE ON COMMERCE, HOUSE OF REPRESENTATIVES, AS AMENDED, JUNE 9, 2021

AN ACT

1 ~~Establishing the COVID-19 Community Fitness related Business~~ <--  
2 ~~Grant Program and the COVID-19 Community Fitness related~~  
3 ~~Business Grant Fund.~~  
4 AMENDING THE ACT OF APRIL 9, 1929 (P.L.343, NO.176), ENTITLED <--  
5 "AN ACT RELATING TO THE FINANCES OF THE STATE GOVERNMENT;  
6 PROVIDING FOR CANCER CONTROL, PREVENTION AND RESEARCH, FOR  
7 AMBULATORY SURGICAL CENTER DATA COLLECTION, FOR THE JOINT  
8 UNDERWRITING ASSOCIATION, FOR ENTERTAINMENT BUSINESS  
9 FINANCIAL MANAGEMENT FIRMS, FOR PRIVATE DAM FINANCIAL  
10 ASSURANCE AND FOR REINSTATEMENT OF ITEM VEToes; PROVIDING FOR  
11 THE SETTLEMENT, ASSESSMENT, COLLECTION, AND LIEN OF TAXES,  
12 BONUS, AND ALL OTHER ACCOUNTS DUE THE COMMONWEALTH, THE  
13 COLLECTION AND RECOVERY OF FEES AND OTHER MONEY OR PROPERTY  
14 DUE OR BELONGING TO THE COMMONWEALTH, OR ANY AGENCY THEREOF,  
15 INCLUDING ESCHEATED PROPERTY AND THE PROCEEDS OF ITS SALE,  
16 THE CUSTODY AND DISBURSEMENT OR OTHER DISPOSITION OF FUNDS  
17 AND SECURITIES BELONGING TO OR IN THE POSSESSION OF THE  
18 COMMONWEALTH, AND THE SETTLEMENT OF CLAIMS AGAINST THE  
19 COMMONWEALTH, THE RESETTLEMENT OF ACCOUNTS AND APPEALS TO THE  
20 COURTS, REFUNDS OF MONEYS ERRONEOUSLY PAID TO THE  
21 COMMONWEALTH, AUDITING THE ACCOUNTS OF THE COMMONWEALTH AND  
22 ALL AGENCIES THEREOF, OF ALL PUBLIC OFFICERS COLLECTING  
23 MONEYS PAYABLE TO THE COMMONWEALTH, OR ANY AGENCY THEREOF,  
24 AND ALL RECEIPTS OF APPROPRIATIONS FROM THE COMMONWEALTH,  
25 AUTHORIZING THE COMMONWEALTH TO ISSUE TAX ANTICIPATION NOTES  
26 TO DEFRAY CURRENT EXPENSES, IMPLEMENTING THE PROVISIONS OF  
27 SECTION 7 (A) OF ARTICLE VIII OF THE CONSTITUTION OF  
28 PENNSYLVANIA AUTHORIZING AND RESTRICTING THE INCURRING OF  
29 CERTAIN DEBT AND IMPOSING PENALTIES; AFFECTING EVERY  
30 DEPARTMENT, BOARD, COMMISSION, AND OFFICER OF THE STATE  
31 GOVERNMENT, EVERY POLITICAL SUBDIVISION OF THE STATE, AND  
32 CERTAIN OFFICERS OF SUCH SUBDIVISIONS, EVERY PERSON,

1 ASSOCIATION, AND CORPORATION REQUIRED TO PAY, ASSESS, OR  
2 COLLECT TAXES, OR TO MAKE RETURNS OR REPORTS UNDER THE LAWS  
3 IMPOSING TAXES FOR STATE PURPOSES, OR TO PAY LICENSE FEES OR  
4 OTHER MONEYS TO THE COMMONWEALTH, OR ANY AGENCY THEREOF,  
5 EVERY STATE DEPOSITORY AND EVERY DEBTOR OR CREDITOR OF THE  
6 COMMONWEALTH," IN EMERGENCY COVID-19 RESPONSE, PROVIDING FOR  
7 COVID-19 COMMUNITY FITNESS-RELATED BUSINESS GRANT PROGRAM.

8 The General Assembly of the Commonwealth of Pennsylvania  
9 hereby enacts as follows:

10 ~~Section 1. Short title.~~ <--

11 ~~This act shall be known and may be cited as the COVID 19~~  
12 ~~Community Fitness related Business Grant Program Act.~~

13 ~~Section 2. Definitions.~~

14 ~~The following words and phrases when used in this act shall~~  
15 ~~have the meanings given to them in this section unless the~~  
16 ~~context clearly indicates otherwise:~~

17 ~~"COVID 19." The novel coronavirus identified in the~~  
18 ~~proclamation of disaster emergency issued by the Governor on~~  
19 ~~March 6, 2020, published at 50 Pa.B. 1644 (March 21, 2020), and~~  
20 ~~any renewal of the state of disaster emergency.~~

21 ~~"Department." The Department of Community and Economic~~  
22 ~~Development of the Commonwealth.~~

23 ~~"Fitness related business." A non franchise employer in this~~  
24 ~~Commonwealth that satisfies all of the following criteria:~~

25 ~~(1) is a gym, fitness center, cheerleader gym, dance~~  
26 ~~studio, gymnastic center, sports related facility, yoga~~  
27 ~~studio or other business where fitness activities are~~  
28 ~~performed; and~~

29 ~~(2) the employer's gross annual receipts for the prior~~  
30 ~~fiscal year did not exceed \$1,000,000.~~

31 ~~"Fund." The COVID 19 Community Fitness related Business~~  
32 ~~Grant Fund established under section 4.~~

33 ~~"Program." The COVID 19 Community Fitness related Business~~

1 ~~Grant Program established under section 3.~~

2 ~~Section 3. The COVID-19 Community Fitness related Business~~  
3 ~~Grant Program.~~

4 ~~(a) Establishment. The COVID-19 Community Fitness related~~  
5 ~~Business Grant Program is established within the department.~~

6 ~~(b) Duties of department. The department shall provide~~  
7 ~~grants under the program in accordance with this act to fitness~~  
8 ~~related businesses that are adversely affected financially due~~  
9 ~~to COVID-19.~~

10 ~~Section 4. The COVID-19 Community Fitness related Business~~  
11 ~~Grant Fund.~~

12 ~~The COVID-19 Community Fitness related Business Grant Fund is~~  
13 ~~established as a special fund in the State Treasury. Money~~  
14 ~~transferred under section 11 shall be deposited into the fund to~~  
15 ~~be used exclusively by the department to award grants to~~  
16 ~~fitness related businesses under the program.~~

17 ~~Section 5. Grant application forms.~~

18 ~~(a) Development. The department shall develop a grant~~  
19 ~~application form for fitness related businesses to apply for a~~  
20 ~~grant under the program. At a minimum, the grant application~~  
21 ~~form shall contain the following information:~~

22 ~~(1) The name, address and contact information of the~~  
23 ~~fitness related business.~~

24 ~~(2) The amount of grant money requested under the~~  
25 ~~program.~~

26 ~~(3) The proposed use for the grant money requested under~~  
27 ~~the program.~~

28 ~~(4) The financial impact on the fitness related business~~  
29 ~~due to COVID-19.~~

30 ~~(5) Any other information that the department deems~~

1 ~~necessary and appropriate.~~

2 ~~(b) Submission. A fitness related business must submit the~~  
3 ~~grant application form under subsection (a) to the department in~~  
4 ~~a manner prescribed by the department to be eligible for a grant~~  
5 ~~under the program.~~

6 ~~Section 6. Award of grants.~~

7 ~~(a) Review. No later than 20 days after receipt of a grant~~  
8 ~~application form, the department shall:~~

9 ~~(1) review the grant application form;~~

10 ~~(2) determine whether to award a grant to the fitness~~  
11 ~~related business under the program; and~~

12 ~~(3) determine the amount of the grant money to be~~  
13 ~~awarded to the fitness related business, if applicable.~~

14 ~~(b) Considerations. In determining the amount of the grant~~  
15 ~~to be awarded to a fitness related business, the following shall~~  
16 ~~apply:~~

17 ~~(1) The department shall consider all of the following:~~

18 ~~(i) The geographic and demographic diversity of the~~  
19 ~~fitness related business.~~

20 ~~(ii) How the fitness related business and the~~  
21 ~~surrounding community of the fitness related business~~  
22 ~~would be served through the award of the grant money to~~  
23 ~~the fitness related business.~~

24 ~~(2) The department may require documentation and~~  
25 ~~information regarding the gross annual receipts of the~~  
26 ~~fitness related business.~~

27 ~~(c) Notice. After conducting a review and making a~~  
28 ~~determination on a grant application under subsection (a), the~~  
29 ~~department shall provide written notice to the fitness related~~  
30 ~~business of the award or denial of a grant under the program.~~

1 ~~The following shall apply:~~

2 ~~(1) Notice of the award of a grant under the program~~  
3 ~~shall include the amount of the grant money awarded and any~~  
4 ~~conditions or restrictions on the use of the grant money.~~

5 ~~(2) Notice of the denial of all or part of the grant~~  
6 ~~money requested under the program in the grant application~~  
7 ~~shall include the reasons for the full or partial denial.~~

8 ~~Section 7. Public notice.~~

9 ~~The department shall provide information regarding the~~  
10 ~~availability and award of grants under the program on the~~  
11 ~~department's publicly accessible Internet website.~~

12 ~~Section 8. Limitation on award of grants.~~

13 ~~Subject to the availability of funding, a grant to a fitness-~~  
14 ~~related business under the program shall not exceed \$20,000.~~

15 ~~Section 9. Reports.~~

16 ~~(a) Preparation. No later than 60 days after the authority~~  
17 ~~of the department to award grants under the program expires~~  
18 ~~under section 12, the department shall prepare a report that~~  
19 ~~lists each fitness-related business that received grant money~~  
20 ~~under the program and a summary of the information specified in~~  
21 ~~each grant application under section 5(a).~~

22 ~~(b) Publication. The department shall post the report under~~  
23 ~~subsection (a) on the department's publicly accessible Internet~~  
24 ~~website.~~

25 ~~Section 10. Guidelines.~~

26 ~~The department may promulgate guidelines for the~~  
27 ~~implementation and administration of this act.~~

28 ~~Section 11. Transfer of funds.~~

29 ~~In addition to any other money made available to the~~  
30 ~~Commonwealth for COVID-19 relief, the sum of \$25,000,000 is~~

1 ~~transferred from the Budget Stabilization Reserve Fund under~~  
2 ~~section 1701 A of the act of April 9, 1929 (P.L.343, No.176),~~  
3 ~~known as The Fiscal Code, to the fund for the purpose of~~  
4 ~~awarding grants under the program.~~

5 ~~Section 12. Expiration.~~

6 ~~The authority of the department to award grants under the~~  
7 ~~program shall expire 30 days after the expiration or termination~~  
8 ~~of the proclamation of disaster emergency.~~

9 ~~Section 13. Effective date.~~

10 ~~This act shall take effect in 30 days.~~

11 SECTION 1. THE ACT OF APRIL 9, 1929 (P.L.343, NO.176), KNOWN <--  
12 AS THE FISCAL CODE, IS AMENDED BY ADDING A SECTION TO READ:

13 SECTION 135-C. COVID-19 COMMUNITY FITNESS-RELATED BUSINESS  
14 GRANT PROGRAM.

15 (A) COUNTY BLOCK GRANTS.--FROM MONEY APPROPRIATED BY THE  
16 GENERAL ASSEMBLY FOR THE DISTRIBUTION OF GRANTS UNDER THIS  
17 SECTION, EACH COUNTY SHALL RECEIVE AN AMOUNT EQUAL TO THE  
18 POPULATION PROPORTION AMOUNT AS DETERMINED UNDER PARAGRAPH (2).  
19 THE FOLLOWING SHALL APPLY:

20 (1) THE DEPARTMENT SHALL DISTRIBUTE FUNDING TO COUNTIES  
21 IN ACCORDANCE WITH THIS SUBSECTION NO LATER THAN 21 DAYS  
22 AFTER THE STARTING DATE.

23 (2) FOR THE PURPOSE OF THIS SUBSECTION, THE POPULATION  
24 PROPORTION AMOUNT SHALL BE DETERMINED AS FOLLOWS:

25 (I) DIVIDE THE POPULATION ESTIMATE OF THE COUNTY BY  
26 THE SUM OF THE POPULATION ESTIMATES OF ALL COUNTIES; AND

27 (II) MULTIPLY THE QUOTIENT UNDER SUBPARAGRAPH (I) BY  
28 THE TOTAL AMOUNT APPROPRIATED BY THE GENERAL ASSEMBLY FOR  
29 THE DISTRIBUTION OF GRANTS UNDER THIS SECTION.

30 (3) FOR THE PURPOSE OF THIS SUBSECTION, A COUNTY'S

1 POPULATION SHALL BE EQUAL TO THE PUBLISHED ESTIMATE BY THE  
2 UNITED STATES CENSUS BUREAU'S POPULATION ESTIMATES PROGRAM  
3 FOR CALENDAR YEAR 2019.

4 (B) COVID-19 COMMUNITY FITNESS-RELATED BUSINESS GRANT  
5 PROGRAM.--THE COUNTY BLOCK GRANT COVID-19 COMMUNITY FITNESS-  
6 RELATED BUSINESS GRANT PROGRAM IS ESTABLISHED IN THE DEPARTMENT  
7 FOR THE PURPOSE OF AWARDING GRANTS UNDER THIS SECTION. THE  
8 FOLLOWING SHALL APPLY TO THE PROGRAM:

9 (1) NO LATER THAN 22 DAYS AFTER THE STARTING DATE, EACH  
10 COUNTY THAT RECEIVES A GRANT UNDER THIS SECTION SHALL  
11 CONTRACT AT LEAST ONE CEDO OR CDFI DESIGNATED TO SERVE THAT  
12 COUNTY TO AWARD GRANTS UNDER THIS SECTION.

13 (2) SUBJECT TO THE PROHIBITION UNDER SUBPARAGRAPH (II),  
14 GRANTS UNDER THIS SECTION MAY BE AWARDED TO ELIGIBLE  
15 APPLICANTS FOR THE PURPOSE OF ALLEVIATING REVENUE LOSSES AND  
16 PAYING ELIGIBLE OPERATING EXPENSES. THE FOLLOWING SHALL APPLY  
17 TO GRANTS AWARDED UNDER THIS SECTION:

18 (I) A GRANT AWARDED TO AN ELIGIBLE APPLICANT MAY NOT  
19 EXCEED \$20,000.

20 (II) A GRANT MAY NOT BE AWARDED TO PAY FOR THE SAME  
21 ELIGIBLE OPERATING EXPENSES FOR WHICH AN ELIGIBLE  
22 APPLICANT RECEIVES OR RECEIVED PAYMENT, REIMBURSEMENT OR  
23 LOAN FORGIVENESS FROM THE FOLLOWING SOURCES:

24 (A) MONEY THAT IS NOT REQUIRED TO BE REPAID TO  
25 THE FEDERAL GOVERNMENT UNDER THE CARES ACT OR  
26 CONSOLIDATED APPROPRIATIONS ACT, 2021.

27 (B) THE ACT OF MAY 29, 2020 (P.L. , NO. 2A),  
28 KNOWN AS THE COVID-19 EMERGENCY SUPPLEMENT TO THE  
29 GENERAL APPROPRIATION ACT OF 2019.

30 (3) THE RECEIPT OF A LOAN OR GRANT ISSUED UNDER THE

1 AUTHORITY OF THE FEDERAL GOVERNMENT OR THE COMMONWEALTH SHALL  
2 NOT DISQUALIFY AN APPLICANT FROM ELIGIBILITY FOR A GRANT  
3 UNDER THIS SECTION.

4 (4) PRIORITY IN THE AWARDING OF GRANTS UNDER THIS  
5 SECTION SHALL BE GIVEN TO AN ELIGIBLE APPLICANT THAT MEETS  
6 ANY OF THE FOLLOWING:

7 (I) THE ELIGIBLE APPLICANT HAS NOT RECEIVED A LOAN  
8 OR GRANT ISSUED UNDER THE AUTHORITY OF THE COMMONWEALTH  
9 OR THE COMMONWEALTH'S POLITICAL SUBDIVISIONS OR BY THE  
10 FEDERAL GOVERNMENT UNDER THE CARES ACT OR CONSOLIDATED  
11 APPROPRIATIONS ACT, 2021.

12 (II) THE ELIGIBLE APPLICANT WAS SUBJECT TO CLOSURE  
13 BY THE PROCLAMATION OF DISASTER EMERGENCY ISSUED BY THE  
14 GOVERNOR ON MARCH 6, 2020, PUBLISHED AT 50 PA.B. 1644  
15 (MARCH 21, 2020), AND ANY RENEWAL OF THE STATE OF  
16 DISASTER EMERGENCY.

17 (III) THE ELIGIBLE APPLICANT CAN DEMONSTRATE A  
18 REDUCTION IN REVENUE THAT MEETS ANY OF THE FOLLOWING:

19 (A) A REDUCTION IN GROSS RECEIPTS OF 50% OR MORE  
20 FOR THE PERIOD BEGINNING AFTER MARCH 31, 2020, AND  
21 ENDING BEFORE DECEMBER 31, 2020, IN COMPARISON TO THE  
22 PERIOD BEGINNING AFTER MARCH 31, 2019, AND ENDING  
23 BEFORE DECEMBER 31, 2019.

24 (B) IF THE ELIGIBLE APPLICANT WAS NOT IN  
25 OPERATION DURING THE ENTIRE COMPARISON PERIOD UNDER  
26 CLAUSE (A), BUT WAS IN OPERATION ON MARCH 1, 2020, A  
27 MONTHLY AVERAGE REDUCTION IN GROSS RECEIPTS OF 50% OR  
28 MORE FOR THE PERIOD BEGINNING AFTER MARCH 31, 2020,  
29 AND ENDING BEFORE DECEMBER 31, 2020, IN COMPARISON TO  
30 THE PERIOD BEGINNING AFTER JANUARY 1, 2020, AND

1 ENDING BEFORE APRIL 1, 2020.

2 (5) THE FOLLOWING SHALL APPLY TO APPLICATIONS TO RECEIVE  
3 GRANTS UNDER THIS SECTION:

4 (I) APPLICATIONS SHALL BE IN A FORM DETERMINED BY A  
5 COUNTY WITH INPUT FROM A CEDO OR CDFI PROCESSING THE  
6 APPLICATION ON BEHALF OF A COUNTY.

7 (II) APPLICATIONS SHALL CONTAIN DOCUMENTATION AS  
8 REQUIRED BY THE COUNTY.

9 (III) APPLICATIONS SHALL BE AVAILABLE  
10 ELECTRONICALLY.

11 (IV) NO LATER THAN 45 DAYS AFTER THE STARTING DATE,  
12 A CEDO OR CDFI SHALL RECEIVE AND CONSIDER APPLICATIONS ON  
13 A ROLLING BASIS UNTIL FUNDING FOR GRANTS RECEIVED BY THE  
14 COUNTY UNDER SUBSECTION (A) HAVE BEEN COMPLETELY  
15 EXPENDED, OR 130 DAYS AFTER THE STARTING DATE, WHICHEVER  
16 OCCURS FIRST. UPON COMPLETELY EXPENDING THE FUNDS  
17 AVAILABLE FOR GRANTS, A CEDO OR CDFI SHALL NOTIFY THE  
18 DEPARTMENT.

19 (6) THE FOLLOWING SHALL APPLY TO REVIEWING APPLICATIONS  
20 FOR GRANTS UNDER THIS SECTION:

21 (I) NO LATER THAN 160 DAYS AFTER THE STARTING DATE,  
22 A CEDO OR CDFI SHALL APPROVE OR DISAPPROVE APPLICATIONS  
23 FOR GRANTS.

24 (II) UPON APPROVING AN APPLICATION UNDER  
25 SUBPARAGRAPH (I), A CEDO OR CDFI SHALL ENTER INTO A GRANT  
26 AGREEMENT WITH THE ELIGIBLE APPLICANT IN ORDER TO AWARD  
27 THE GRANT.

28 (III) THE GRANT AGREEMENT UNDER SUBPARAGRAPH (II)  
29 SHALL EXPLAIN THE TERMS AND CONDITIONS OF THE GRANT,  
30 INCLUDING THE APPLICABLE LAWS OF THIS COMMONWEALTH AND

1           REPORTING REQUIREMENTS.

2           (IV) THE GRANT AGREEMENT UNDER SUBPARAGRAPH (II) MAY  
3           BE ELECTRONICALLY SIGNED AND RETURNED TO THE CEDO OR CDFI  
4           THAT APPROVED THE APPLICATION.

5           (7) AN ELIGIBLE APPLICANT OR AUTHORIZED REPRESENTATIVE  
6           OF THE ELIGIBLE APPLICANT THAT SUBMITS AN APPLICATION FOR A  
7           GRANT UNDER THIS SECTION SHALL CERTIFY IN GOOD FAITH TO ALL  
8           OF THE FOLLOWING:

9           (I) THE ELIGIBLE APPLICANT WAS IN OPERATION ON MARCH  
10          1, 2020, AND IF REQUIRED, PAID INCOME TAXES TO THE  
11          FEDERAL GOVERNMENT AND THE COMMONWEALTH, AS REPORTED ON  
12          INDIVIDUAL OR BUSINESS TAX RETURNS.

13          (II) THE ELIGIBLE APPLICANT REMAINS IN OPERATION AND  
14          DOES NOT INTEND TO PERMANENTLY CEASE OPERATIONS WITHIN  
15          ONE YEAR OF THE DATE OF APPLICATION.

16          (III) COVID-19 HAD AN ADVERSE ECONOMIC IMPACT ON THE  
17          ELIGIBLE APPLICANT, WHICH MAKES THE GRANT REQUEST  
18          NECESSARY TO SUPPORT THE ONGOING OPERATIONS OF THE  
19          ELIGIBLE APPLICANT.

20          (IV) THE GRANT WILL BE USED TO PAY FOR COVID-19-  
21          RELATED ECONOMIC IMPACTS.

22          (V) DURING THE PERIOD BEGINNING JANUARY 1, 2021, AND  
23          ENDING 150 DAYS AFTER THE STARTING DATE, THE ELIGIBLE  
24          APPLICANT HAS NOT AND WILL NOT RECEIVE ANOTHER GRANT  
25          UNDER THIS SECTION.

26          (VI) THE INFORMATION PROVIDED IN THE APPLICATION AND  
27          ALL SUPPORTING DOCUMENTS AND FORMS ARE TRUE AND ACCURATE  
28          IN ALL MATERIAL RESPECTS. AN ELIGIBLE APPLICANT OR AN  
29          AUTHORIZED REPRESENTATIVE OF THE ELIGIBLE APPLICANT THAT  
30          KNOWINGLY MAKES A FALSE STATEMENT TO OBTAIN A GRANT SHALL

1 BE SUBJECT TO 18 PA.C.S. § 4904 (RELATING TO UNSWORN  
2 FALSIFICATION TO AUTHORITIES).

3 (8) THE FOLLOWING SHALL APPLY TO THE AWARDING OF GRANTS  
4 UNDER THIS SECTION:

5 (I) A CEDO OR CDFI MAY AWARD GRANTS IN INCREMENTS OF  
6 \$5,000, NOT TO EXCEED THE LIMITATION UNDER PARAGRAPH (2)  
7 (I).

8 (II) A FULLY EXECUTED GRANT AGREEMENT UNDER  
9 PARAGRAPH (6) (II) SHALL BE REQUIRED BEFORE THE  
10 DISBURSEMENT OF GRANT FUNDS.

11 (III) THE AGGREGATE AMOUNT OF ALL GRANTS AWARDED MAY  
12 NOT EXCEED THE AMOUNT OF MONEY RECEIVED BY THE COUNTY  
13 UNDER SUBSECTION (A).

14 (9) A CEDO OR CDFI MAY CHARGE A FEE NOT TO EXCEED \$500  
15 PER COMPLETED AND REVIEWED APPLICATION FOR A GRANT UNDER THIS  
16 SECTION. FEES CHARGED UNDER THIS PARAGRAPH SHALL BE DEDUCTED  
17 FROM THE TOTAL AMOUNT OF MONEY DISTRIBUTED TO THE COUNTY  
18 UNDER SUBSECTION (A) AND MAY NOT REDUCE THE AMOUNT OF THE  
19 GRANT AWARDED TO AN ELIGIBLE APPLICANT.

20 (10) A GRANT AWARDED UNDER THIS SECTION SHALL BE PAID TO  
21 AN ELIGIBLE APPLICANT NO LATER THAN 175 DAYS AFTER THE  
22 STARTING DATE.

23 (11) A COUNTY THAT PROVIDES GRANTS UNDER THIS SECTION  
24 SHALL COMPILE A REPORT, WHICH SHALL INCLUDE ALL OF THE  
25 FOLLOWING:

26 (I) A LIST OF EACH GRANT AWARDED.

27 (II) THE NAME AND ADDRESS OF EACH GRANT RECIPIENT.

28 (III) THE AMOUNT OF THE GRANT AND A DESCRIPTION OF  
29 THE FINANCIAL IMPACT TO THE GRANT RECIPIENT.

30 (IV) THE NAME OF THE CEDO OR CDFI THAT PROCESSED THE

1           GRANT.

2           (12) A COUNTY SHALL SUBMIT THE REPORT UNDER PARAGRAPH  
3 (11) TO THE DEPARTMENT NO LATER THAN 200 DAYS AFTER THE  
4 STARTING DATE.

5           (13) THE DEPARTMENT SHALL PREPARE A CONSOLIDATED REPORT  
6 WITH THE INFORMATION IN THE REPORTS SUBMITTED UNDER PARAGRAPH  
7 (12) FROM ALL COUNTIES AND SUBMIT THE CONSOLIDATED REPORT TO  
8 THE CHAIR AND MINORITY CHAIR OF THE APPROPRIATIONS COMMITTEE  
9 OF THE SENATE AND THE CHAIR AND MINORITY CHAIR OF THE  
10 APPROPRIATIONS COMMITTEE OF THE HOUSE OF REPRESENTATIVES NO  
11 LATER THAN 235 DAYS AFTER THE STARTING DATE.

12           (14) THE COUNTY SHALL POST AND MAINTAIN THE REPORT UNDER  
13 PARAGRAPH (11) ON THE COUNTY'S PUBLICLY ACCESSIBLE INTERNET  
14 WEBSITE.

15           (15) THE DEPARTMENT SHALL POST AND MAINTAIN THE  
16 CONSOLIDATED REPORT UNDER PARAGRAPH (14) ON THE DEPARTMENT'S  
17 PUBLICLY ACCESSIBLE INTERNET WEBSITE.

18           (16) A COUNTY AWARDED GRANTS AND A CEDO OR CDFI  
19 PROCESSING GRANTS ON BEHALF OF A COUNTY UNDER THIS SECTION  
20 SHALL PROVIDE DOCUMENTATION TO THE DEPARTMENT OF THE AUDITOR  
21 GENERAL OR THE DEPARTMENT, UPON REQUEST, FOR PURPOSES OF AN  
22 AUDIT REVIEW.

23           (17) THE DEPARTMENT MAY NOT IMPOSE ADDITIONAL  
24 REQUIREMENTS ON COUNTIES THAT ARE NOT SPECIFIED IN THIS  
25 SECTION.

26           (C) (RESERVED).

27           (D) (RESERVED).

28           (E) DEFINITIONS.--AS USED IN THIS SECTION, THE FOLLOWING  
29 WORDS AND PHRASES SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS  
30 SUBSECTION UNLESS THE CONTEXT CLEARLY INDICATES OTHERWISE:

1 "CDFI." A COMMUNITY DEVELOPMENT FINANCIAL INSTITUTION THAT  
2 IS CERTIFIED BY THE UNITED STATES DEPARTMENT OF THE TREASURY, IS  
3 HEADQUARTERED IN THIS COMMONWEALTH, IS PART OF THE 17-MEMBER  
4 PENNSYLVANIA COMMUNITY DEVELOPMENT FINANCIAL INSTITUTION NETWORK  
5 AND PRIMARILY PROVIDES BUSINESS LOANS TO LOW-TO-MODERATE INCOME  
6 INDIVIDUALS AND BUSINESS OWNERS.

7 "CEDO." AN ECONOMIC DEVELOPMENT ORGANIZATION THAT HAS BEEN  
8 CERTIFIED BY THE PENNSYLVANIA INDUSTRIAL DEVELOPMENT AUTHORITY  
9 OR AN ECONOMIC DEVELOPMENT ORGANIZATION THAT SERVES MORE THAN  
10 ONE COUNTY AND IS ACCREDITED BY THE INTERNATIONAL ECONOMIC  
11 DEVELOPMENT COUNCIL.

12 "CONSOLIDATED APPROPRIATIONS ACT, 2021." THE CONSOLIDATED  
13 APPROPRIATIONS ACT, 2021 (PUBLIC LAW 116-260, 134 STAT. 1182).

14 "DEPARTMENT." THE DEPARTMENT OF COMMUNITY AND ECONOMIC  
15 DEVELOPMENT OF THE COMMONWEALTH.

16 "ECONOMIC DEVELOPMENT ORGANIZATION." ANY LOCAL DEVELOPMENT  
17 DISTRICT, INDUSTRIAL DEVELOPMENT AGENCY, INDUSTRIAL RESOURCE  
18 CENTER, REDEVELOPMENT AUTHORITY, COMMUNITY DEVELOPMENT FINANCIAL  
19 INSTITUTION OR ANY OTHER NONPROFIT ECONOMIC DEVELOPMENT  
20 ORGANIZATION THAT IS CERTIFIED TO PARTICIPATE IN THE  
21 PENNSYLVANIA INDUSTRIAL DEVELOPMENT AUTHORITY LOAN PROGRAM.

22 "ELIGIBLE APPLICANT." AN ENTITY THAT SUBMITS AN APPLICATION  
23 FOR A GRANT UNDER THIS SECTION AND MEETS ALL OF THE FOLLOWING:

24 (1) THE ENTITY IS NOT PUBLICLY TRADED.

25 (2) THE ENTITY EXPERIENCED A REDUCTION IN REVENUE IN  
26 CALENDAR YEAR 2020, MEASURED AS FOLLOWS:

27 (I) THE ENTITY HAD GROSS RECEIPTS DURING THE FIRST,  
28 SECOND, THIRD OR FOURTH QUARTER IN CALENDAR YEAR 2020  
29 THAT DEMONSTRATE AT LEAST A 25% REDUCTION FROM THE  
30 ENTITY'S GROSS RECEIPTS DURING THE SAME QUARTER IN

1 CALENDAR YEAR 2019.

2 (II) IF THE ENTITY WAS NOT IN BUSINESS DURING THE  
3 FIRST OR SECOND QUARTER OF CALENDAR YEAR 2019, BUT WAS IN  
4 BUSINESS DURING THE THIRD AND FOURTH QUARTERS OF CALENDAR  
5 YEAR 2019, THE ENTITY HAD GROSS RECEIPTS DURING THE  
6 FIRST, SECOND, THIRD OR FOURTH QUARTER OF CALENDAR YEAR  
7 2020 THAT DEMONSTRATE AT LEAST A 25% REDUCTION FROM THE  
8 ENTITY'S GROSS RECEIPTS DURING THE THIRD OR FOURTH  
9 QUARTER OF CALENDAR YEAR 2019.

10 (III) IF THE ENTITY WAS NOT IN BUSINESS DURING THE  
11 FIRST, SECOND OR THIRD QUARTER OF CALENDAR YEAR 2019, BUT  
12 WAS IN BUSINESS DURING THE FOURTH QUARTER OF CALENDAR  
13 YEAR 2019, THE ENTITY HAD GROSS RECEIPTS DURING THE  
14 FIRST, SECOND, THIRD OR FOURTH QUARTER OF CALENDAR YEAR  
15 2020 THAT DEMONSTRATE AT LEAST A 25% REDUCTION FROM THE  
16 FOURTH QUARTER OF CALENDAR YEAR 2019.

17 (IV) IF THE ENTITY WAS NOT IN BUSINESS DURING  
18 CALENDAR YEAR 2019, BUT WAS IN OPERATION ON MARCH 1,  
19 2020, THE ENTITY HAD GROSS RECEIPTS DURING THE SECOND,  
20 THIRD OR FOURTH QUARTER OF CALENDAR YEAR 2020 THAT  
21 DEMONSTRATE AT LEAST A 25% REDUCTION FROM THE GROSS  
22 RECEIPTS OF THE ENTITY DURING THE FIRST QUARTER OF  
23 CALENDAR YEAR 2020.

24 (V) FOR THE PURPOSE OF THIS DEFINITION, IF THE  
25 ENTITY WAS IN OPERATION IN ALL FOUR QUARTERS OF CALENDAR  
26 YEAR 2019, THE ENTITY SHALL BE DEEMED TO HAVE EXPERIENCED  
27 THE REVENUE REDUCTION UNDER SUBPARAGRAPH (I) IF THE  
28 ENTITY EXPERIENCED A REDUCTION IN ANNUAL RECEIPTS OF AT  
29 LEAST 25% IN CALENDAR YEAR 2020 COMPARED TO CALENDAR YEAR  
30 2019 AND THE ENTITY PROVIDES COPIES OF THE ENTITY'S

1 ANNUAL FEDERAL TAX FORMS SUBSTANTIATING THE REVENUE  
2 DECLINE.

3 (VI) FOR THE PURPOSE OF THIS DEFINITION, IF THE  
4 ENTITY CHANGED OWNERSHIP OR CONTROL IN CALENDAR YEAR  
5 2020, THE ENTITY MAY MEASURE THE ENTITY'S REDUCTION IN  
6 REVENUE IN CALENDAR YEAR 2020 UNDER SUBPARAGRAPH (I),  
7 (II), (III), (IV) OR (V) USING THE GROSS RECEIPTS OF THE  
8 ENTITY FOR CALENDAR YEAR 2019.

9 (3) THE ENTITY MEETS ALL OF THE FOLLOWING CONDITIONS AS  
10 OF MARCH 1, 2020:

11 (I) THE ENTITY IS A RETAIL OR PERSONAL SERVICE  
12 EMPLOYER WITHIN THIS COMMONWEALTH.

13 (II) THE ENTITY HAS NO MORE THAN 10 FULL-TIME  
14 EMPLOYEES.

15 (III) THE ENTITY HAS GROSS ANNUAL RECEIPTS FOR THE  
16 PRIOR FISCAL YEAR THAT DID NOT EXCEED \$1,000,000.

17 "ELIGIBLE OPERATING EXPENSE." AN OPERATING EXPENSE,  
18 INCLUDING A PAYROLL AND NONPAYROLL EXPENSE, THAT IS COMMON AND  
19 ACCEPTED IN AN ELIGIBLE APPLICANT'S INDUSTRY, HELPFUL AND  
20 APPROPRIATE FOR THE ELIGIBLE APPLICANT'S TRADE OR BUSINESS AND  
21 SUBJECT TO THE FOLLOWING LIMITATIONS:

22 (1) THE OPERATING EXPENSE MUST HAVE BEEN INCURRED  
23 BETWEEN MARCH 1, 2020, AND 130 DAYS AFTER THE STARTING DATE,  
24 OR PRIOR TO SUBMISSION OF AN APPLICATION FOR A GRANT UNDER  
25 THIS SECTION, WHICHEVER OCCURS FIRST.

26 (2) FOR A MORTGAGE OBLIGATION, THE MORTGAGE MUST HAVE  
27 BEEN IN FORCE BEFORE MARCH 1, 2020.

28 (3) FOR RENT, UNDER LEASE AGREEMENTS, THE LEASE  
29 AGREEMENT MUST HAVE BEEN IN FORCE BEFORE MARCH 1, 2020.

30 (4) FOR UTILITY COSTS, SERVICE MUST HAVE BEGUN BEFORE

1 MARCH 1, 2020.

2 (5) FOR THE PURPOSE OF PARAGRAPHS (2) AND (3), IF AN  
3 EXISTING MORTGAGE OBLIGATION OR LEASE AGREEMENT IS IN FORCE  
4 BEFORE MARCH 1, 2020, AND IS REFINANCED OR RESTRUCTURED AFTER  
5 MARCH 1, 2020, THE MORTGAGE OBLIGATION OR LEASE AGREEMENT IS  
6 DEEMED TO HAVE BEEN IN FORCE BEFORE MARCH 1, 2020.

7 "FITNESS-RELATED BUSINESS." AN EMPLOYER IN THIS COMMONWEALTH  
8 THAT SATISFIES ALL OF THE FOLLOWING CRITERIA:

9 (1) IS A GYM, FITNESS CENTER, CHEERLEADER GYM, DANCE  
10 STUDIO, GYMNASTIC CENTER, SPORTS-RELATED FACILITY, YOGA  
11 STUDIO OR OTHER BUSINESS WHERE FITNESS ACTIVITIES ARE  
12 PERFORMED; AND

13 (2) THE EMPLOYER'S GROSS ANNUAL RECEIPTS FOR THE PRIOR  
14 FISCAL YEAR DID NOT EXCEED \$1,000,000.

15 "FULL-TIME EQUIVALENT EMPLOYEE." THE QUOTIENT OBTAINED BY  
16 DIVIDING THE TOTAL NUMBER OF HOURS FOR WHICH EMPLOYEES WERE  
17 COMPENSATED FOR EMPLOYMENT OVER THE PRECEDING 12-MONTH PERIOD BY  
18 2,080.

19 "GROSS RECEIPTS." REVENUE IN WHATEVER FORM RECEIVED OR  
20 ACCRUED, IN ACCORDANCE WITH THE RECIPIENT'S ACCOUNTING METHOD,  
21 FROM WHATEVER SOURCE, INCLUDING FROM THE SALES OF PRODUCTS OR  
22 SERVICES, INTEREST, DIVIDENDS, RENTS, ROYALTIES, FEES OR  
23 COMMISSIONS, REDUCED BY RETURNS AND ALLOWANCES. THE TERM DOES  
24 NOT INCLUDE ANY OF THE FOLLOWING:

25 (1) TAXES COLLECTED FOR AND REMITTED TO A TAXING  
26 AUTHORITY IF INCLUDED IN GROSS OR TOTAL INCOME, INCLUDING  
27 SALES OR OTHER TAXES COLLECTED FROM CUSTOMERS AND EXCLUDING  
28 TAXES LEVIED ON AN ENTITY OR THE ENTITY'S EMPLOYEES.

29 (2) PROCEEDS FROM TRANSACTIONS BETWEEN AN ENTITY AND THE  
30 ENTITY'S DOMESTIC OR FOREIGN AFFILIATES.

1           (3) AMOUNTS COLLECTED FOR ANOTHER BY A TRAVEL AGENT,  
2           REAL ESTATE AGENT, ADVERTISING AGENT OR CONFERENCE MANAGEMENT  
3           SERVICE PROVIDER.

4           "PROGRAM." THE COUNTY BLOCK GRANT COVID-19 COMMUNITY  
5           FITNESS-RELATED BUSINESS GRANT PROGRAM ESTABLISHED UNDER  
6           SUBSECTION (B) .

7           "STARTING DATE." THE EFFECTIVE DATE OF THIS SECTION OR THE  
8           EFFECTIVE DATE OF AN APPROPRIATION FOR DISTRIBUTION OF GRANTS  
9           UNDER THIS SECTION, WHICHEVER IS LATER.

10          SECTION 2. THIS ACT SHALL TAKE EFFECT IN 30 DAYS.