

AMENDMENTS TO SENATE BILL NO. 109

Sponsor: SENATOR STEFANO

Printer's No. 74

1 Amend Bill, page 1, line 35; page 2, line 1; by striking out
2 "in emergency COVID-19 response, repealing" in line 35 on page 1
3 and all of line 1 on page 2 and inserting

4 in emergency COVID-19 response, establishing the Hospitality
5 Industry Recovery Program, providing for emergency education
6 relief to nonpublic schools and for emergency education
7 relief to area career and technical schools, intermediate
8 units and other educational entities and repealing provisions
9 relating to Pennsylvania Housing Finance Agency; establishing
10 the Rental and Utility Assistance Grant Program; in
11 additional special funds and restricted accounts, providing
12 for Workers' Compensation Security Fund transfer to COVID-19
13 Response Restricted Account; in 2020-2021 Restrictions on
14 Appropriations for Funds and Accounts, further providing for
15 fund transfers; and making appropriations.

16 Amend Bill, page 2, lines 4 through 30; pages 3 and 4, lines
17 1 through 30; page 5, lines 1 through 29; by striking out all of
18 said lines on said pages and inserting

19 Section 1. The act of April 9, 1929 (P.L.343, No.176), known
20 as The Fiscal Code, is amended by adding sections to read:

21 Section 134-C. Hospitality Industry Recovery Program.

22 (a) County block grants.--From money appropriated to the
23 department for COVID Relief - County Block Grant - Hospitality
24 Industry Recovery Program, each county shall receive an amount
25 equal to the population proportion amount as determined by
26 paragraph (2). The following shall apply:

27 (1) The department shall distribute funding to counties
28 under this subsection on or before February 28, 2021.

29 (2) For purposes of this subsection, the population
30 proportion amount shall be determined as follows:

31 (i) divide:

32 (A) the population estimate of the county; by

33 (B) the sum of the population estimates of all
34 counties; and

1 (ii) multiply the quotient under subparagraph (i) by
2 the total amount appropriated for COVID Relief - County
3 Block Grant - Hospitality Industry Recovery Program.

4 (3) For purposes of this subsection, a county's
5 population shall be equal to the published estimate by the
6 United States Census Bureau Population Estimates Program for
7 calendar year 2019.

8 (b) County Block Grant - Hospitality Industry Recovery
9 Program.--The County Block Grant - Hospitality Industry Recovery
10 Program is established within the department. The following
11 shall apply to the program:

12 (1) No later than March 1, 2021, each county that
13 receives a block grant under this section shall contract with
14 one or more CEDO designated to serve that county to award
15 grants under this subsection.

16 (2) Subject to the prohibition under subparagraph (ii),
17 grants may be awarded to eligible applicants for the purpose
18 of alleviating revenue losses and paying eligible operating
19 expenses. The following shall apply to grants awarded under
20 this subsection:

21 (i) A grant awarded to an eligible applicant under
22 this subsection may not exceed \$50,000.

23 (ii) A grant may not be awarded to pay for the same
24 eligible operating expenses for which an eligible
25 applicant receives or received payment, reimbursement or
26 loan forgiveness from the following sources:

27 (A) The CARES Act or Consolidated Appropriations
28 Act, 2021 money that is not required to be repaid to
29 the Federal Government.

30 (B) The act of May 29, 2020 (P.L. , No.2A),
31 known as the COVID-19 Emergency Supplement to the
32 General Appropriation Act of 2019.

33 (3) The receipt of a loan or grant issued under the
34 authority of the Federal Government or the Commonwealth
35 shall not disqualify an applicant from eligibility for a
36 grant under this section.

37 (4) Priority in the awarding of grants shall be given to
38 eligible applicants that:

39 (i) have not received a loan or grant issued under
40 the authority of the Commonwealth or the Commonwealth's
41 political subdivisions or by the Federal Government under
42 the CARES Act or Consolidated Appropriations Act, 2021;

43 (ii) were subject to closure by the proclamation of
44 disaster emergency issued by the Governor on March 6,
45 2020, published at 50 Pa.B. 1644 (March 21, 2020), and
46 any renewal of the state of disaster emergency; or

47 (iii) can demonstrate one of the following:

48 (A) A reduction in revenue of 50% or more for
49 the period beginning after March 31, 2020, and ending
50 before December 31, 2020, in comparison to the period
51 beginning after March 31, 2019, and ending before

1 December 31, 2019.

2 (B) If the eligible applicant was not in
3 operation during the entire comparison period under
4 clause (A), but was in operation on February 15,
5 2020, a monthly average reduction in revenue of 50%
6 or more for the period beginning after March 31,
7 2020, and ending before December 31, 2020, in
8 comparison to the period beginning after January 1,
9 2020, and ending before April 1, 2020.

10 (5) The following shall apply to applications:

11 (i) Applications for grants under this section shall
12 be in a form determined by a county with input from a
13 CEDO processing the applications on behalf of a county
14 and shall contain documentation as required by the
15 county. Applications shall be available electronically.

16 (ii) By March 15, 2021, each CEDO shall receive
17 applications on a rolling basis until funding for grants
18 received by the county under subsection (a) in which the
19 CEDO is designated to perform services has been
20 exhausted, or June 15, 2021, whichever occurs first.

21 (6) The following shall apply to reviewing applications:

22 (i) By July 15, 2021, each CEDO shall approve or
23 disapprove applications for grants under the program.

24 (ii) Upon approving a grant under subparagraph (i),
25 a CEDO shall contract with the eligible applicant through
26 electronic means in order to award the grant.

27 (iii) The contract required under subparagraph (ii)
28 shall explain the terms and conditions of the grant,
29 including each applicable law, statute and reporting
30 requirement.

31 (iv) The contract under subparagraph (ii) must be
32 electronically signed and returned to the CEDO that
33 approved the application.

34 (7) An eligible applicant or authorized representative
35 of the eligible applicant making application to the program
36 must certify in good faith to each of the following:

37 (i) The eligible applicant was in operation on
38 February 15, 2020, and, if required, paid income taxes to
39 the Federal and State Government, as reported on
40 individual or business tax returns.

41 (ii) The eligible applicant remains in operation and
42 does not intend to permanently cease operations within
43 one year of the date of application.

44 (iii) COVID-19 has had an adverse economic impact on
45 the eligible applicant which makes the grant request
46 necessary to support the ongoing operations of the
47 eligible applicant.

48 (iv) The grant will be used to pay for COVID-19-
49 related economic impacts.

50 (v) During the period beginning on January 1, 2021,
51 and ending on June 30, 2021, the applicant has not and

1 will not receive another grant under this program.

2 (vi) An eligible applicant or authorized
3 representative of the eligible applicant must certify
4 that the information provided in an application to the
5 program and the information provided in all supporting
6 documents and forms is true and accurate in all material
7 respects. An eligible applicant or an authorized
8 representative of the eligible applicant that knowingly
9 makes a false statement to obtain a grant under the
10 program is punishable under penalty of perjury and fines
11 pursuant to 18 Pa.C.S. § 4904 (relating to unsworn
12 falsification to authorities).

13 (8) The following shall apply to the awarding of grants
14 under this subsection:

15 (i) A CEDO contracted to award grants may award
16 grants in increments of \$5,000, not to exceed the
17 limitation under paragraph (2) (i).

18 (ii) A fully executed contract as required under
19 paragraph (6) is required prior to disbursement of grant
20 funds.

21 (iii) The aggregate amount of all grants awarded may
22 not exceed the amount of money received by the county
23 under subsection (a) in which the CEDO is designated to
24 perform services for the County Block Grant - Hospitality
25 Industry Recovery Program.

26 (9) A CEDO may charge a fee not to exceed \$750 per
27 completed grant application and, in addition, up to 1% of the
28 amount of a grant award. Fees charged under this paragraph
29 shall be deducted from the total amount of money distributed
30 to the county under subsection (a) in which the CEDO is
31 designated to perform services for the County Block Grant -
32 Hospitality Industry Recovery Program and may not reduce the
33 amount of the grant awarded to an eligible applicant.

34 (10) Each grant awarded under this subsection shall be
35 paid to eligible applicants by July 31, 2021.

36 (11) A county providing grants under this subsection
37 shall compile a report, which shall include the following:

38 (i) A list of each grant awarded under the program.

39 (ii) The name and address of each grant recipient.

40 (iii) The amount of the grant and a description of
41 the financial impact to the grantee for which the grant
42 was awarded.

43 (iv) The name of the CEDO that processed the grant.

44 (12) A report required under paragraph (11) shall be
45 submitted to the department by August 31, 2021. The
46 department shall prepare a consolidated report with
47 information from all counties and shall submit the report to
48 the chairperson and minority chairperson of the
49 Appropriations Committee of the Senate and the chairperson
50 and minority chairperson of the Appropriations Committee of
51 the House of Representatives by September 30, 2021. The

1 report shall also be posted and maintained on the county's
2 and department's publicly accessible Internet website.

3 (13) A CEDO processing grants on behalf of a county
4 under this subsection shall provide documentation to the
5 Department of the Auditor General, upon request, for purposes
6 of an audit review.

7 (c) Return of unused funds.--A county receiving a block
8 grant under subsection (a) that does not expend its entire
9 distribution on the program by August 1, 2021, shall return any
10 unused funds to the State Treasurer for deposit into the
11 Workers' Compensation Security Fund.

12 (d) Review.--This section shall not be subject to the
13 following:

14 (1) Article II of the act of July 31, 1968 (P.L.769,
15 No.240), referred to as the Commonwealth Documents Law.

16 (2) Sections 204(b) and 301(10) of the act October 15,
17 1980 (P.L.950, No.164), known as the Commonwealth Attorneys
18 Act.

19 (3) The act of June 25, 1982 (P.L.633, No.181), known as
20 the Regulatory Review Act.

21 (e) Definitions.--The following words and phrases when used
22 in this section shall have the meanings given to them in this
23 subsection unless the context clearly indicates otherwise:

24 "Certified economic development organization" or "CEDO." An
25 economic development organization that has been certified by the
26 Pennsylvania Industrial Development Authority or an economic
27 development organization that serves more than one county and is
28 accredited by the International Economic Development Council.

29 "Consolidated Appropriations Act, 2021." The Consolidated
30 Appropriations Act, 2021 (P.L.116-260).

31 "Department." The Department of Community and Economic
32 Development of the Commonwealth.

33 "Economic development organization." A local development
34 district, an industrial development agency, industrial resource
35 center, redevelopment authority, community development financial
36 institution or any other nonprofit economic development
37 organization that is certified to participate in the
38 Pennsylvania Industrial Development Authority loan program.

39 "Eligible applicant." A for-profit entity that meets each of
40 the following:

41 (1) Is not publicly traded.

42 (2) Experienced a reduction in revenue in calendar year
43 2020, measured as follows:

44 (i) the applicant had gross receipts during the
45 first, second, third or fourth quarter in calendar year
46 2020 that demonstrate at least a 25% reduction from the
47 applicant's gross receipts during the same quarter in
48 calendar year 2019;

49 (ii) if the applicant was not in business during the
50 first or second quarter of calendar year 2019, but was in
51 business during the third and fourth quarters of calendar

1 year 2019, the applicant had gross receipts during the
2 first, second, third or fourth quarter of calendar year
3 2020 that demonstrate at least a 25% reduction from the
4 applicant's gross receipts during the third or fourth
5 quarter of calendar year 2019;

6 (iii) if the applicant was not in business during
7 the first, second or third quarter of calendar year 2019,
8 but was in business during the fourth quarter of calendar
9 year 2019, the applicant had gross receipts during the
10 first, second, third or fourth quarter of calendar year
11 2020 that demonstrate at least a 25% reduction from the
12 fourth quarter of calendar year 2019;

13 (iv) if the applicant was not in business during
14 calendar year 2019, but was in operation on February 15,
15 2020, the applicant had gross receipts during the second,
16 third or fourth quarter of calendar year 2020 that
17 demonstrate at least a 25% reduction from the gross
18 receipts of the entity during the first quarter of
19 calendar year 2020; or

20 (v) an applicant that was in operation in all four
21 quarters of calendar year 2019 is deemed to have
22 experienced the revenue reduction in subparagraph (i) if
23 the applicant experienced a reduction in annual receipts
24 of at least 25% in 2020 compared to 2019 and the
25 applicant provides copies of its annual Federal tax forms
26 substantiating the revenue decline.

27 (vi) If an applicant changed ownership or control in
28 calendar year 2020, the applicant may measure its
29 reduction in revenue in calendar year 2020 under
30 subparagraphs (i), (ii), (iii), (iv) or (v) using the
31 gross receipts of the entity for 2019.

32 (3) Meets each of the following conditions as of
33 February 15, 2020:

34 (i) Operates a place of business within this
35 Commonwealth having a NAICS designation within the
36 Accommodation subsector (721) or Food Services and
37 Drinking Places subsector (722) and where accommodations,
38 food or drink is served to or provided for the public,
39 with or without charge.

40 (ii) Has fewer than 500 full-time equivalent
41 employees. For purposes of determining the number of
42 full-time equivalent employees under this paragraph, the
43 calculation shall include each employee of the eligible
44 applicant notwithstanding whether the eligible applicant
45 has employees at multiple locations.

46 (iii) Has a maximum tangible net worth of not more
47 than \$15,000,000 computed in accordance with generally
48 accepted accounting principles.

49 "Eligible operating expense." An operating expense,
50 including a payroll and nonpayroll expense, that is both
51 ordinary and necessary. An ordinary expense is one that is

1 common and accepted in an eligible applicant's industry. A
2 necessary expense is one that is helpful and appropriate for an
3 eligible applicant's trade or business. For purposes of
4 determining an eligible operating expense, the following
5 limitations shall apply:

6 (1) The operating expense must have been incurred
7 between March 1, 2020, and June 15, 2021, or prior to
8 submission of an application under subsection (b), whichever
9 occurs first.

10 (2) For a mortgage obligation, the mortgage must have
11 been in force before February 15, 2020.

12 (3) For rent, under lease agreements, the lease
13 agreement must have been in force before February 15, 2020.

14 (4) For utility costs, service must have begun before
15 February 15, 2020.

16 (5) If an existing mortgage obligation or lease
17 agreement in force before February 15, 2020, is refinanced or
18 restructured after February 15, 2020, the mortgage obligation
19 or lease agreement is deemed to have been in force before
20 February 15, 2020.

21 "Full-time equivalent employee." The quotient obtained by
22 dividing the total number of hours for which employees were
23 compensated for employment over the preceding 12-month period by
24 2,080.

25 "Gross receipts." Revenue in whatever form received or
26 accrued, in accordance with the entity's accounting method, from
27 whatever source, including from the sales of products or
28 services, interest, dividends, rents, royalties, fees or
29 commissions, reduced by returns and allowances. The term does
30 not include the following:

31 (1) taxes collected for and remitted to a taxing
32 authority if included in gross or total income, such as sales
33 or other taxes collected from customers and excluding taxes
34 levied on the concern or its employees;

35 (2) proceeds from transactions between a concern and its
36 domestic or foreign affiliates; and

37 (3) amounts collected for another by a travel agent,
38 real estate agent, advertising agent or conference management
39 service provider.

40 "NAICS." A classification within the North American Industry
41 Classification System developed for use by Federal statistical
42 agencies for the collection, analysis and publication of
43 statistical data related to the United States economy.

44 "Program." The County Block Grant - Hospitality Industry
45 Recovery Program established under subsection (b).
46 Section 141-C. Emergency education relief to nonpublic schools.

47 (a) Application and reporting.--From money appropriated for
48 COVID Relief - GEER - Emergency Assistance to Nonpublic Schools
49 during the 2020-2021 fiscal year, the following shall apply:

50 (1) The Department of Education shall provide to
51 nonpublic schools that are eligible to apply for money under

1 this section a notice and application which includes the
2 appropriate uses of the money and any other information
3 required. The notice and application shall be provided no
4 later than 30 days after the Commonwealth receives the money
5 from the Federal Government.

6 (2) The Department of Education shall approve or deny an
7 application under this section no later than 30 days after
8 the receipt of the application.

9 (3) The Department of Education shall submit an interim
10 report to the chairperson and minority chairperson of the
11 Appropriations Committee of the Senate, the chairperson and
12 minority chairperson of the Appropriations Committee of the
13 House of Representatives, the chairperson and minority
14 chairperson of the Education Committee of the Senate and the
15 chairperson and minority chairperson of the Education
16 Committee of the House of Representatives 90 days after an
17 award of money is made under this section. The report shall
18 include the number of approved and denied applications, the
19 amount of each award and the intended uses of the money as
20 stated in the applications.

21 (4) The Department of Education shall submit a final
22 report to the chairperson and minority chairperson of the
23 Appropriations Committee of the Senate, the chairperson and
24 minority chairperson of the Appropriations Committee of the
25 House of Representatives, the chairperson and minority
26 chairperson of the Education Committee of the Senate and the
27 chairperson and minority chairperson of the Education
28 Committee of the House of Representatives by January 1, 2022.
29 The report shall include the number of approved and denied
30 applications under this section, the amount of each award and
31 the intended uses of the money as stated in the applications.

32 (b) Definition.--As used in this section, the term "GEER"
33 means the Governor's Emergency Education Relief Fund described
34 under Federal law.

35 Section 142-C. Emergency education relief to area career and
36 technical schools, intermediate units and other
37 educational entities.

38 (a) General rule.--From money appropriated for COVID Relief
39 - GEER during the 2020-2021 fiscal year, the following shall
40 apply:

41 (1) The amount of \$17,500,000 shall be distributed to
42 area career and technical schools as follows:

43 (i) Multiply the amount received by the area career
44 and technical school from the secondary career and
45 technical education subsidy under section 2502.8 of the
46 act of March 10, 1949 (P.L.30, No.14), known as the
47 Public School Code of 1949, for school year 2019-2020 by
48 \$17,500,000.

49 (ii) Divide the product from subparagraph (i) by the
50 sum of the amounts received by area career and technical
51 schools from the secondary career and technical education

1 subsidy under section 2502.8 of the Public School Code of
2 1949 for school year 2019-2020.

3 (2) The amount of \$17,500,000 shall be distributed to
4 intermediate units as follows:

5 (i) Multiply the intermediate unit's 2020-2021
6 market value/income aid ratio by its 2018-2019 average
7 daily membership.

8 (ii) Multiply the product from subparagraph (i) by
9 \$17,500,000.

10 (iii) Divide the product from subparagraph (ii) by
11 the sum of the products of the 2020-2021 market
12 value/income aid ratio multiplied by the 2018-2019
13 average daily membership for all intermediate units.

14 (3) The amount of \$7,075,000 shall be distributed to
15 approved private schools and the chartered schools for the
16 education of the deaf or the blind as follows:

17 (i) Multiply the 2019-2020 full-time equivalent
18 enrollment of the approved private school or chartered
19 school for the education of the deaf or the blind by
20 \$7,075,000.

21 (ii) Divide the product from subparagraph (i) by the
22 sum of the 2019-2020 full-time equivalent enrollment for
23 all approved private schools and chartered schools for
24 the education of the deaf or the blind.

25 (4) The amount of \$5,000,000 shall be distributed to the
26 State System of Higher Education to support the ongoing
27 functionality of its member institutions as directed by the
28 chancellor.

29 (b) Definitions.--As used in this section, the following
30 words and phrases shall have the meanings given to them in this
31 subsection unless the context clearly indicates otherwise:

32 "Average Daily Membership." The sum of the average daily
33 membership of an intermediate unit's component school districts.

34 "Full-time equivalent enrollment." The full-time equivalent
35 enrollment as defined under section 1376 of the Public School
36 Code of 1949 for an approved private school and the full-time
37 equivalent enrollment as defined under section 1376.1 of the
38 Public School Code of 1949 for a chartered school for the
39 education of the deaf or the blind.

40 "GEER." The Governor's Emergency Education Relief Fund as
41 described under Federal law.

42 Section 2. Subarticle J of Article I-C of the act is
43 repealed:

44 [SUBARTICLE J

45 PENNSYLVANIA HOUSING FINANCE AGENCY

46 Section 190-C. Definitions.

47 The following words and phrases when used in this subarticle
48 shall have the meanings given to them in this section unless the
49 context clearly indicates otherwise:

50 "Agency." The Pennsylvania Housing Finance Agency.

51 "Eligible landlord." An individual or entity owning a place

1 of residence that leases the residence to an individual and that
2 experienced a loss of rental income because the lessee became
3 unemployed after March 1, 2020, or the lessee had their annual
4 household income reduced by 30% or more due to reduced work
5 hours and wages related to COVID-19. The loss of rental income
6 must be at least 30 days past due.

7 "Lessee." An individual who leases a place of residence in
8 which the individual will permanently reside.

9 Section 191-C. Mortgage and Rental Assistance Program.

10 (a) Establishment of program.--The agency shall establish
11 the COVID Relief - Mortgage and Rental Assistance Grant Program.

12 (b) Purpose of the program.--The program shall receive
13 applications from lessees, landlords, mortgagees and mortgagors
14 and award grants to eligible landlords and mortgagees in
15 accordance with this act.

16 (c) Use of funds.--Money appropriated to the Pennsylvania
17 Housing Finance Agency for COVID Relief - Mortgage and Rental
18 Assistance shall be used to make grants under this subarticle.

19 (d) Allocation.--The agency shall allocate a minimum of
20 \$150,000,000 of the funds received for use under this subarticle
21 for rental assistance grants.

22 (e) Guidelines.--The agency shall establish guidelines that
23 are consistent with the provisions of this subarticle within 30
24 days of the effective date of this section. The guidelines shall
25 be:

26 (1) submitted to the Legislative Reference Bureau for
27 publication in the Pennsylvania Bulletin; and

28 (2) posted on the agency's publicly accessible Internet
29 website.

30 (f) (Reserved).

31 (g) Program requirements.--The following shall apply:

32 (1) An eligible lessee, mortgagor, landlord or mortgagee
33 shall submit to the agency the name of the lessee or
34 mortgagor from whom rental or mortgage payments are sought,
35 along with any additional information deemed necessary by the
36 agency to carry out the agency's responsibilities under this
37 section.

38 (2) Assistance may be awarded to lessors or mortgagees
39 on behalf of lessees or mortgagors who became unemployed
40 after March 1, 2020, or had their annual household income
41 reduced by 30% or more due to reduced work hours and wages
42 related to COVID-19.

43 (3) The agency shall develop an application for eligible
44 lessees, mortgagors, landlords or mortgagees to apply for
45 assistance under this section within 30 days of the effective
46 date of this section. The application shall include an
47 attestation by the landlord or mortgagee releasing the lessee
48 or mortgagor of any remaining obligation for any past due or
49 future rent or mortgage payment for which the agency pays the
50 landlord or mortgagee. The application shall be made
51 available and posted on the agency's publicly accessible

1 Internet website and be in a form that can be completed and
2 returned by the lessee, mortgagor, landlord or mortgagee
3 electronically or through the United States mail. The
4 deadline for submitting applications to the agency shall be
5 September 30, 2020.

6 (4) The agency shall verify the name of the lessee or
7 mortgagor with the Department of Labor and Industry's Bureau
8 of Unemployment Compensation to ensure the lessee or
9 mortgagor became unemployed after March 1, 2020.

10 (5) The agency shall require any applicant seeking
11 assistance based on reduced work hours or wages related to
12 the coronavirus pandemic to submit information verifying such
13 information.

14 (6) The agency shall make payments only to lessors or
15 mortgagees.

16 (7) The agency shall make payments only on behalf of
17 households with an annualized current income of no more than
18 the upper limit of "median income" as defined in guidelines
19 published annually by the United States Department of Housing
20 and Urban Development.

21 (8) The agency shall notify each lessee or mortgagor of
22 the amount of payment made to the landlord or mortgagee on
23 the lessee's or mortgagor's behalf.

24 (9) The agency shall make payments as follows:

25 (i) For rental assistance, an amount equal to 100%
26 of the lessee's monthly rent, not to exceed \$750 per
27 month, for each month for which assistance is sought for
28 a maximum of six months. Payments shall be made no later
29 than November 30, 2020.

30 (ii) For mortgage assistance, an amount equal to
31 100% of the mortgagor's monthly mortgage, not to exceed
32 \$1,000 per month, for each month for which assistance is
33 sought for a maximum of six months. Payments shall be
34 made no later than November 30, 2020.

35 (h) Report.--By December 31, 2020, the agency shall issue a
36 report to the chairperson and minority chairperson of the
37 Appropriations Committee of the Senate and the chairperson and
38 minority chairperson of the Appropriations Committee of the
39 House of Representatives and post the report on the agency's
40 publicly accessible Internet website. The report shall include
41 the following information:

42 (1) The total number of landlords who applied for
43 assistance under this section.

44 (2) The total number of mortgagees who applied for
45 assistance under this section.

46 (3) The total amount of assistance that was sought.

47 (4) The average amount of assistance that was applied
48 for under this section.

49 (5) The average amount of assistance that was provided
50 under this section.

51 (6) The total number of landlords and mortgagees who

1 received assistance under this section by county.

2 (7) The value of payments made by the agency under this
3 section by county.]

4 Section 3. The act is amended by adding an article to read:

5 ARTICLE I-D

6 RENTAL AND UTILITY ASSISTANCE GRANT PROGRAM

7 Section 101-D. Definitions.

8 The following words and phrases when used in this article
9 shall have the meanings given to them in this section unless the
10 context clearly indicates otherwise:

11 "Consolidated Appropriations Act, 2021." The Consolidated
12 Appropriations Act, 2021 (P.L.116-260).

13 "Department." The Department of Human Services of the
14 Commonwealth.

15 "Program." The Rental and Utility Assistance Grant Program
16 established under section 102-D.

17 "Utilities." Includes separately stated electricity, gas,
18 water and sewer, trash removal and energy costs, such as fuel
19 oil. Telecommunications services, such as telephone, cable and
20 Internet, delivered to the rental dwelling are not considered to
21 be utilities.

22 Section 102-D. Rental and Utility Assistance Grant Program.

23 (a) Establishment.--The Rental and Utility Assistance Grant
24 Program is established within the department. The program shall
25 provide the following services to eligible individuals:

26 (1) Rental assistance, including the following:

27 (i) Rent.

28 (ii) Rental arrears.

29 (iii) Utilities and home energy costs.

30 (iv) Utilities and home energy cost arrears.

31 (v) Other expenses related to housing incurred due,
32 directly or indirectly, to COVID-19, to the extent
33 permitted by Federal law.

34 (2) Housing stability services, including case
35 management and other services intended to keep households
36 stably housed.

37 (b) County.--Each county is eligible to participate in the
38 program. The following shall apply:

39 (1) Grant funds received by a county under this article
40 shall be used for the provision of services under subsection
41 (a). Associated administrative costs and housing stability
42 services shall not exceed 10% of the amount of the grant
43 funds. Not more than 2% of the grant funds shall be utilized
44 to cover the costs of administering the program.

45 (2) A county may not use the grant funds received as the
46 non-State match for other State funds, programs or grants.

47 (3) Counties that participate in the Human Services
48 Block Grant Program under Article XIV-B of the act of June
49 13, 1967 (P.L.31, No.21), known as the Human Services Code,
50 must use the funds for eligible services under this article.

51 (c) Distribution.--Grant funds shall be distributed as

1 follows:

2 (1) From money appropriated for the program, each county
3 shall receive an amount equal to the population proportion
4 amount as determined by paragraphs (3) and (4). For purposes
5 of this paragraph, a county's population shall be equal to
6 the published estimate by the United States Census Bureau
7 Population Estimates Program for calendar year 2019.

8 (2) The department shall distribute funding to counties
9 before April 1, 2021, or 30 days after the effective date of
10 this section, whichever is sooner.

11 (3) For the purposes of this subsection, the population
12 proportion shall be determined as follows:

13 (i) the population estimate of the county; divided
14 by

15 (ii) the sum of the population estimates of all
16 counties.

17 (4) Counties shall receive a disbursement in an amount
18 necessary so that the total disbursement to a county is
19 determined as follows:

20 (i) Add:

21 (A) the amount of money received by the
22 Commonwealth from the Federal Government for
23 emergency rental assistance under the Consolidated
24 Appropriations Act, 2021; and

25 (B) the amount of money paid directly by the
26 Federal Government to units of local governments for
27 emergency rental assistance under the Consolidated
28 Appropriations Act, 2021.

29 (ii) Multiply:

30 (A) the county's population proportion; and

31 (B) the sum under subparagraph (i).

32 (5) An amount equal to a disbursement received by a
33 county directly from the Federal Government for rental
34 assistance through the Consolidated Appropriations Act, 2021
35 shall be deducted from the amount calculated under paragraph
36 (4).

37 (d) Human Services Block Grant Program.--Funds received by a
38 county under the program may not be included in the calculation
39 of the allocation of funds under the Human Services Block Grant
40 Program under section 1405-B of the Human Services Code.

41 (e) Reduction of obligations.--Any payments received by the
42 landlord or a utility service provider from a payment made under
43 this section shall be used to reduce the amount of the tenant's
44 obligation to the landlord or utility service provider. A
45 landlord or utility service provider shall not be required to
46 waive any outstanding obligations for rent or utility payments
47 as a condition to participate in the program. If a landlord or
48 utility service provider refuses to participate in the program,
49 a payment received by an individual must be forwarded to the
50 landlord or utility service provider to reduce the tenant's
51 obligation.

1 (f) Transfer prohibited.--The department shall use funding
2 from the program only for the purpose of services provided under
3 subsection (a) provided for under the Consolidated
4 Appropriations Act, 2021. The funding may not be transferred to
5 other programs within the department.
6 Section 103-D. Department.

7 (a) Powers and duties.--The department shall have the power
8 and duty to:

9 (1) Implement and administer the program in accordance
10 with Federal law. The department shall compile and transmit
11 any information necessary to implement the program and comply
12 with programmatic and eligibility requirements under Federal
13 law and Federal guidance. The department is prohibited from
14 placing any additional stipulations on counties that are in
15 addition to Federal law or Federal guidance. If a county
16 fails to participate in the program or if funds are not
17 expended within the time requirements of this article, the
18 department may administer the services of the program.

19 (2) Monitor county governments' administration of the
20 grant to ensure compliance with Federal and State
21 requirements.

22 (3) Allocate and disburse grant funds to counties.

23 (4) Require counties to submit reports containing
24 information in the form and by the deadline prescribed by the
25 department. The department shall develop an application to
26 participate in the program.

27 (5) Monitor, inspect or audit the financial, operating
28 and accounting records of a county agency or contracted
29 entity that receives grant funds, if deemed necessary by the
30 department.

31 (6) Withhold, recover or reduce grant funds of a county
32 agency or contracted entity determined to have administered
33 the program in violation of Federal or State requirements.

34 (7) Recoup and reallocate unobligated grant funds as
35 identified by the county of a county agency or contracted
36 entity, as provided under section 105-D. The reallocation
37 shall be based upon the counties that identified a shortfall
38 and prorated based upon the 2019 census population to the
39 extent of a county's identified shortfall.

40 (8) By March 31, 2022, the department shall issue a
41 report to the chairperson and minority chairperson of the
42 Appropriations Committee of the Senate and the chairperson
43 and minority chairperson of the Appropriations Committee of
44 the House of Representatives and shall post the report to the
45 department's publicly accessible website. The report shall
46 include the following information:

47 (i) The total amount of funds received by a county.

48 (ii) The total amount of funds spent by a county by
49 services under section 102-D(a).

50 (iii) The total amount of excess funding or
51 shortfall identified by a county as of December 31, 2021.

1 (iv) The total number of households that applied for
2 assistance.

3 (v) The total number of households that received
4 assistance.

5 (vi) The total amount of funding sought by services
6 under section 102-D(a).

7 (vii) The total amount of assistance provided by
8 services under section 201-D(a).

9 (b) Costs.--To the extent permitted by Federal law, the
10 department may utilize an amount not to exceed 1% of the amount
11 appropriated to cover the costs associated with the
12 administration of the program.

13 Section 104-D. Counties.

14 The local county officials of each county government
15 participating in the program shall have the power and duty to:

16 (1) Administer and disburse grant funds for the
17 provision of rental and utility assistance and housing
18 stability services in accordance with this article,
19 information from the department and Federal requirements.

20 (2) Establish or maintain, in agreement with another
21 county, local collaborative arrangements for the delivery of
22 rental and utility assistance and housing stability services.

23 (3) Determine and redetermine, in accordance with the
24 information provided by the department, whether a person is
25 eligible to participate in the program, subject to appeal
26 under 2 Pa.C.S. Ch. 5 Subch. B (relating to practice and
27 procedures of local agencies).

28 (4) Submit monthly reports which include identified
29 excess or insufficient funding and be subject to audit as
30 determined by the department.

31 Section 105-D. Reallocation of grants.

32 (a) Obligated funds.--Counties must certify to the
33 department by August 31, 2021:

34 (1) Whether the county has obligated 65% of its grant
35 funds under section 102-D(c).

36 (2) The amount of funding that is expected to be
37 obligated for the period September 1, 2021, through December
38 31, 2021, along with projections of any excess funding or a
39 funding shortfall through December 31, 2021.

40 (b) Time.--If the county certifies that excess funds will
41 remain on December 31, 2021, beginning September 15, 2021, the
42 department may recoup and reallocate excess funding to other
43 counties that have demonstrated a funding shortfall. Any funding
44 shall be reallocated by the department according to the
45 reallocation methodology under section 103-D(7).

46 (c) Additional allocation.--If the Commonwealth receives an
47 additional allocation under the Consolidated Appropriations Act,
48 2021, as a result of other states not having met their threshold
49 under Federal law, the department shall distribute reallocated
50 funding to counties who have obligated at least 65% of their
51 initial allocation by August 31, 2021, according to the

1 reallocation methodology under section 103-D(7) and have
2 certified a shortfall demonstrating additional need under
3 subsection (a) (2).

4 Section 4. Subarticle D of Article XVII-A.1 of the act is
5 amended by adding a section read:

6 Section 1738-A.1. Workers' Compensation Security Fund transfer
7 to COVID-19 Response Restricted Account.

8 Any amount transferred from the Workers' Compensation
9 Security Fund under section 1726-M(e) shall be repaid to the
10 Workers' Compensation Security Fund by July 1, 2029. If the
11 Commonwealth receives a payment of at least \$145,000,000 from
12 the Federal Government for the mitigation of general revenue
13 losses incurred as a result of the public health emergency with
14 respect to the Coronavirus Disease 2019, \$145,000,000 of the
15 payment shall be used to repay the Workers' Compensation
16 Security Fund within 180 days of receipt from the Federal
17 Government.

18 Section 5. Section 1726-M of the act is amended by adding a
19 subsection to read:

20 Section 1726-M. Fund transfers.

21 * * *

22 (e) Transfers to COVID-19 Response Restricted Account.--From
23 funds deposited in the Workers' Compensation Security Fund,
24 \$145,000,000 shall be transferred into the COVID-19 Response
25 Restricted Account.

26 Section 6. Appropriations are as follows:

27 (1) The sum of \$145,000,000 is appropriated to the
28 Department of Community and Economic Development for fiscal
29 year 2020-2021 from the COVID-19 Response Restricted Account
30 for COVID Relief - County Block Grant - Hospitality Industry
31 Recovery Program for the purpose of awarding grants under
32 section 134-C of the act.

33 (2) The following Federal amounts are appropriated from
34 the COVID-19 Response Restricted Account to the Department of
35 Education for the 2020-2021 fiscal year:

36 (i) The sum of \$150,023,000 is appropriated to the
37 Department of Education for the purpose of COVID Relief -
38 GEER - Emergency Assistance to Nonpublic Schools for
39 distribution in accordance with section 141-C of the act.

40 (ii) The sum of \$47,075,000 is appropriated to the
41 Department of Education for the purpose of COVID Relief -
42 GEER for distribution in accordance with section 142-C of
43 the act.

44 (3) The sum of \$569,808,000 of Federal amounts is
45 appropriated to the Department of Human Services for fiscal
46 year 2020-2021 from the COVID-19 Response Restricted Account
47 for COVID Relief - Rental and Utility Assistance Grant
48 Program under Article I-D of the act. Any additional Federal
49 amounts received through a reallocation process from the
50 Consolidated Appropriations Act, 2021 are appropriated to the
51 Department of Human Services for the Rental and Utility

- 1 Assistance Program.
- 2 Section 7. This act shall take effect immediately.