

**TOWN OF MOUNTAIN VILLAGE  
BUSINESS DEVELOPMENT ADVISORY COMMITTEE (BDAC) MEETING  
TUESDAY February 16, 2021, 11:00 AM  
TO BE HELD REMOTELY VIA ZOOM WEBINAR**

<https://us02web.zoom.us/j/89338361781?pwd=QjNLY0NoRUx6R2VTUDRyM09SekJ0QT09>  
(see login details below)

**AGENDA**

Item	Time	Min	Presenter	Type	
1.	11:00				Call to Order
2.	11:00	5	Caton	Action	Approval of the January 19, 2021 Minutes
3.	11:05	5	Caton	Informational	Economic Recovery meeting update
4.	11:10	10	Dohnal	Informational	<a href="#">Business Survey Results</a>
5.	11:20	35	Caton/Dohnal	Informational	Review and Update BDAC work plan and budget allocation
6.	11:55	5	Dohnal	Informational	Other Business
7.	12:00				Adjourn

To join the Zoom Webinar Meeting from Computer or Mobile Device download the Zoom App in the Appstore or go to the link below.  
Zoom webinar.

Topic: Business Development Advisory Committee Meeting

Please click the link below to join the webinar:

<https://us02web.zoom.us/j/89338361781?pwd=QjNLY0NoRUx6R2VTUDRyM09SekJ0QT09>

Or iPhone one-tap :

US: +13462487799,,603416368# or +16699006833,,603416368#

Or Telephone:

Dial (for higher quality, dial a number based on your current location):

US: +1 346 248 7799 or +1 669 900 6833 or +1 253 215 8782 or +1 301 715 8592 or +1 312 626 6799 or +1 929 205 6099

Meeting ID: 893 3836 1781

Passcode: 643397

International numbers available: <https://zoom.us/u/acCvpQclkn>

**Please note that times are approximate and subject to change.**

**Public Comment Policy:**

- The Town Council will take your comments during all virtual Town Council meetings through the zoom conference app for items proper to receive public comment via the written comment feature on zoom.
- Please do not comment until the presiding officer opens the agenda item to public comment. Public comments submitted outside of the proper time may not be considered.
- All those wishing to give public comment must identify their full name and affiliation, if any, to the Town of Mountain Village.

- Please keep your comments as brief and succinct as possible as they will be read aloud at the meeting. Please refrain from repeating what has already been said by others in the interest of time. You may simply state that you agree with a previous speaker's comments.
- Commenters shall refrain from personal attacks and maintain a civil tone while giving public comment.

**TOWN OF MOUNTAIN VILLAGE  
MINUTES OF THE JANUARY 19, 2021  
BUSINESS DEVELOPMENT ADVISORY COMMITTEE MEETING DRAFT**

The meeting of the Business Development Advisory Committee (BDAC) Meeting was called to order by Dan Caton on Tuesday, January 19 2021, at 11:05 a.m. through the online meeting platform, Zoom.

**Attendance:**

**The following BDAC members were present:**

John Miller, Mountain Village Planning and Development Services staff representative  
Amy Ward, Mountain Village Planning and Development Services staff representative  
Laila Benitez, Mountain Village Town Council  
Dan Caton, Mountain Village Town Council  
Sherri Reeder, Telluride Ski Resort Staff Representative  
Garrett Brafford, Telluride Mountain Village Owners Association (TMVOA) staff representative  
Kevin Jones

**The following members of the public present:**

JD Wise, Mountain Village Public Works staff representative  
Patrick

**Discussion and Committee Follow Up/Next Steps:**

- Agenda Item 2- Approval of the Minutes from December 15, 2020  
On a **MOTION** by Reeder and seconded by Dohnal, the BDAC unanimously to approve the meeting minutes from December 15, 2021.
- Agenda Item 3- Economic Recovery Meeting Update
  - Dan Caton was not able to attend, but minutes were included in the packet. Laila overviewed the 5 star program. We would need up to 20 volunteers for the program.
- Agenda Item 4- CVRF funds/2021 Budget
  - Dohnal says approx. \$100,000 CVRF funds and \$200,000 from TMVOA remain that will be used in 2021.
- Agenda Item 5- Review and update BDAC work plan
  - Dan Caton discussed the pre-Covid workplan versus the Covid work plan. Zoe reviewed the pre Covid workplan and we reviewed the list of unfinished tasks. Hospitality classes, potentially sponsored by BDAC are moved to the 2022 list. BDAC members should review the workplan for further meetings. Sherri would like to give the Business shout out to Telski F&B, Steven Roth for loaning Telski furniture to Plaza Services when our furniture was delayed. Laila would like to add JD Wise for

his super-hero work during all of the Covid changes.

➤ Agenda Item 6- Plaza enhancements infrastructure and operational plans

- Dan placement of cabins and pavilions, what is the feedback. Zoe - Need to look at summer regarding whether pavilions can stay in place or would be a problem with events. Additionally, the propane for heaters and firepits is not budgeted for outside of CVRF funds. JD – burning approx. 128 gallons of propane a day. Could be lower as weather warms. Some discussion over whether pavilions can remain at the restaurants through the summer season. BDAC will have to make a decision in February so restaurants can make alternate plans. Gondola cars- Consensus is to keep all the gondola cars and restructure the spacing of the Market on the Plaza. Garrett says that gondola cars are cold to eat at at night, could we run additional power to them to have better heating options? Closing mechanisms need to be reworked so they will close better.

➤ Agenda Item 7- Other business

- Laila received a call from Hillary Cooper SMC, there's \$15-25,000 in CVRF funds leftover. Would we want to join them in reopening to candidates who applied late? This doesn't include any Mountain Village businesses. Consensus was no.
- TMVOA wants to get board feedback on whether 7 days of live music should continue. Consensus was yes.

On a **MOTION** by Sherri and seconded by Dohnal the BDAC unanimously to adjourn the meeting at 12:14 p.m.

**Reminder:**

The next BDAC meeting will take place on Tuesday, February 16, 2020, at 11:00 a.m. in the Mountain Village Town Hall via Zoom Webinar, details below.

Join Zoom Meeting

<https://us02web.zoom.us/j/89338361781?pwd=QjNLY0NoRUx6R2VTUDRyM09SekJ0QT09>

Meeting ID: 893 3836 1781

Passcode: 643397

One tap mobile

+12532158782,,89338361781#,,,,,0#,,643397# US (Tacoma)

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Dial by your location

+1 253 215 8782 US (Tacoma)

+1 346 248 7799 US (Houston)

+1 669 900 9128 US (San Jose)

+1 301 715 8592 US (Germantown)

+1 312 626 6799 US (Chicago)

+1 646 558 8656 US (New York)

Meeting ID: 893 3836 1781

Passcode: 643397

Find your local number: <https://us02web.zoom.us/j/89338361781>

Respectfully submitted,

Amy Ward

Planner

Town of Mountain Village

**Economic Recovery Committee  
Meeting January 22, 2020  
9 am-10:30 am**

- Welcome from Commissioner Holstrom
- Commissioner Holstrom
  - 5 Star Program met on Monday; commissioners are in the midst of choosing the at large seat. They found out there is some funding available for counties and are currently looking into it.
- Telluride Tourism Board-Michael Martelon
  - Owner check ins are helping make up with check in rate.
  - Paid Occupancy is down in MV by 26.5% and Telluride is up 14.6% from last year for the next two weeks.
  - Paid & Owner Occupancy up 7.6% overall for the destination in the next two weeks.
  - We need to book 56% more in March.
- San Miguel County- Mike Bordogna
  - 53 active local cases, 6.2% positivity rate, and 795.2 incident rate.
  - Wastewater treatment plant numbers: enormous spike around New Year's Eve and we are still fairly high, hoping to see a slight decline.
  - Community test site in Lawson Monday and Tuesdays.
  - Will continue to use mobile testing site in Norwood.
  - COVID-19 Vaccines- 799 first doses administered in SMC, currently in Phase 1b (70+ year olds), second doses to be administered starting today.
  - The state is not allowing the county to move passed this section of Phase 1b to frontline essential workers until every 70+ person is vaccinated. We will continue to move forward when we can.
  - Small Business Relief Program- awarded \$156,106.00 for SMC
  - Pay it Forward Program- 10k to help with restaurants giving free meals to workers.
  - Communications: HOAs signage, Postcards/flyers, in English and Spanish for specific business industries, social media campaigns, community forums.
- Colorado Flights Alliance- Matt Skinner
  - These couple of weeks are a little weaker right now.
  - Drive has not picked up as much as we thought this winter.
  - Taking lodging and air numbers, we think we will likely be down 10-20% in bodies.
  - It's flexing week to week but we are finally starting to see some last-minute bookings pick up.
- Industry Reporting Roundup
  - Chad Scothorn- Restaurants
    - Restaurants are alive and well mainly due to PPE
    - Restaurant sales are pacing down due to being closed for a bit during level red.

- Keeping fully staffed is more difficult than ever due to COVID and housing.
  - It'd be nice to know some certainty about our summer outdoor dining- hoping to get some notice on that by the spring so we can prepare.
  - Would like to discuss housing and transportation from surrounding areas for employees.
  - We'd like to have a healthy discussion about events and festivals for the summer so we can prepare.
  
- Jurisdiction Reports
  - Kim Montgomery- MV
    - Will be discussing future funding of the wastewater treatment plant
  - Todd Brown- Telluride
    - Wastewater sampling program will be reviewed by everyone.
    - We will start discussing and planning for summer 2021 and getting consumers
  
- Next Meeting  
TBD

**Economic Recovery Committee**  
**Meeting February 5, 2021**  
**9 am-10:30 am**

- Welcome from Commissioner Holstrom
- County Update- Kris Holstrom
  - Asking restaurants not to show the Super Bowl in their establishments and asking community to keep Super Bowl viewing to single households.
  - Receiving 100 doses a week of the vaccine.
  - Did not have a 5 Star meeting this week.
- Public Health Reporting- Mike Bordogna
  - State is allocating vaccinee doses to health departments and pharmacies and providers.
  - Small Business Relief program, the state allowed a 1-week extension.
  - COVID testing continues to remain high, 947 tests administered
  - State has revised COVID-19 vaccine distribution
  - 91 active local cases today
  - 1351 vaccines administered
  - Wastewater treatment numbers were high around the holidays and have dramatically decreased.
  - 330 positives total in January 2021, 280 SMC Residents, 22 West End residents, 258 East End residents.
  - State is moving to a 7 days average
  - Mitigation Approaches
    - Orange Ex
      - Gathering- Household Only
      - Indoor dining- Household Only
      - Lodging aligned- Household Only
      - Recommend non-critical businesses to 10% capacity
      - 9 pm last call
      - Lodging at 50% cap
    - Red
      - Gathering- Household Only
      - Lodging aligned- Household Only
      - Indoor dining closed
      - 8pm last call
      - 10% office capacity
      - Gyms 10%
      - Indoor events- closed
  - West End will stay in Orange
  - East End will move into an Orange EX on Wednesday
  - Retail will stay at 50%
  - If we can get down to a 600-incident rate, we could move forward with the 5 Star Program.



- Lodging/Economic Update- Michael Martelon
  - Occupancy for the next two weeks: MV is down 24%, Telluride is up 6%, and as a destination we are down 10%.
  - Missing the groups and international travelers has affected our destination and occupancy.
  - Relatively familiar pattern in March but lodging and air are so fluid we will keep monitoring.
- Next Steps/Meeting TBD

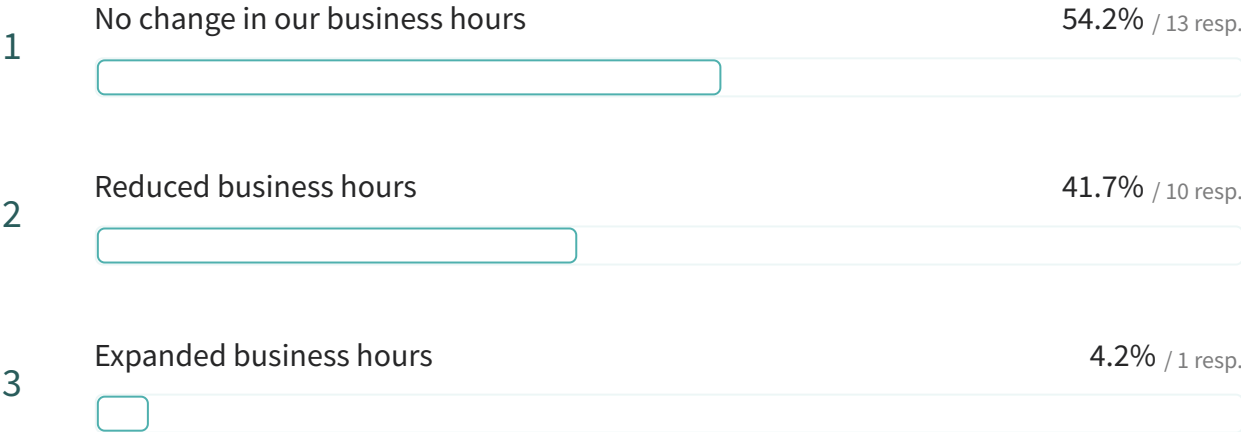
# Mountain Village Business Survey

24 responses

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Have you changed your regular business hours due to the pandemic?

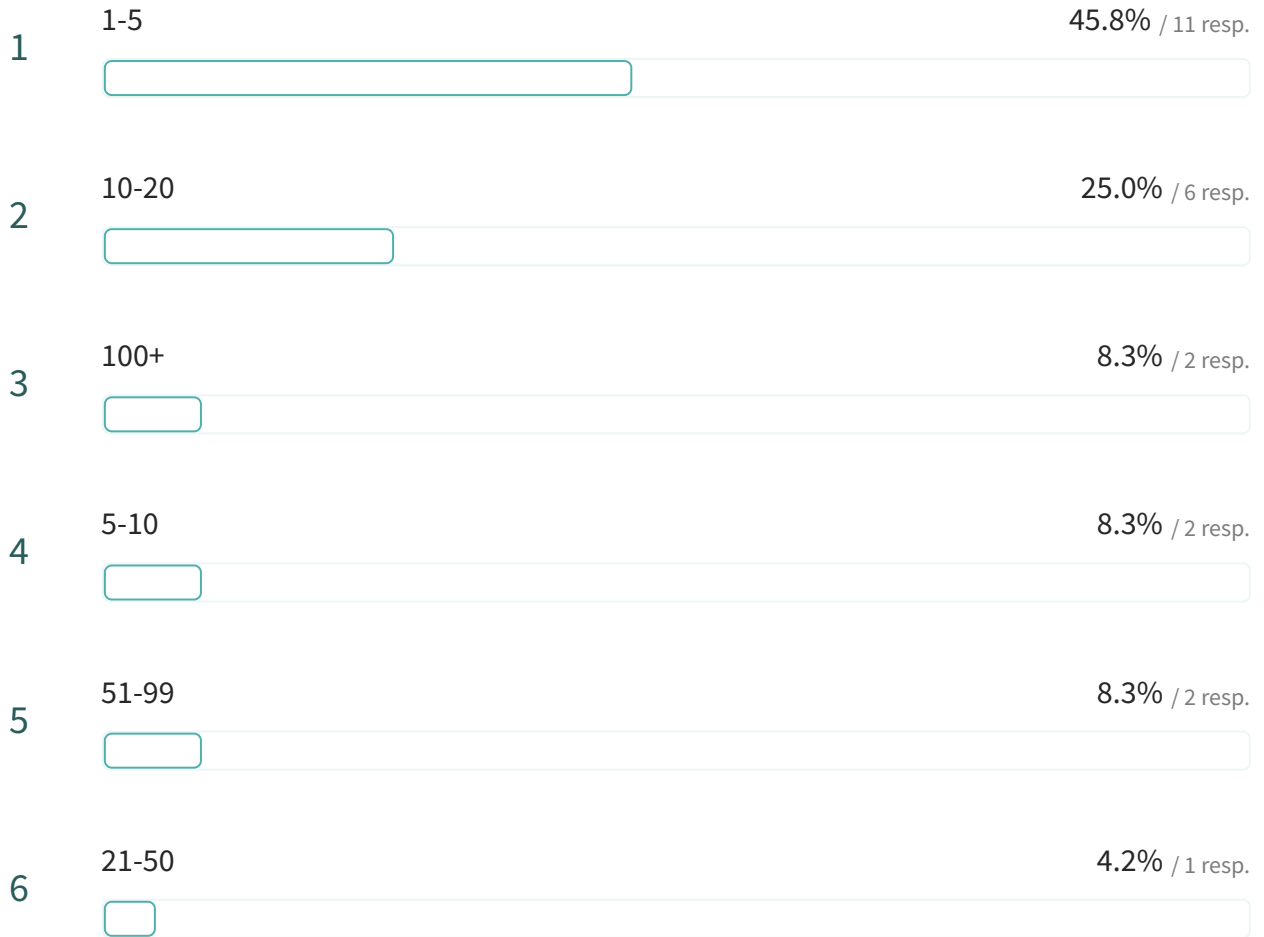
24 out of 24 answered



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How many employees do you **currently** have employed?

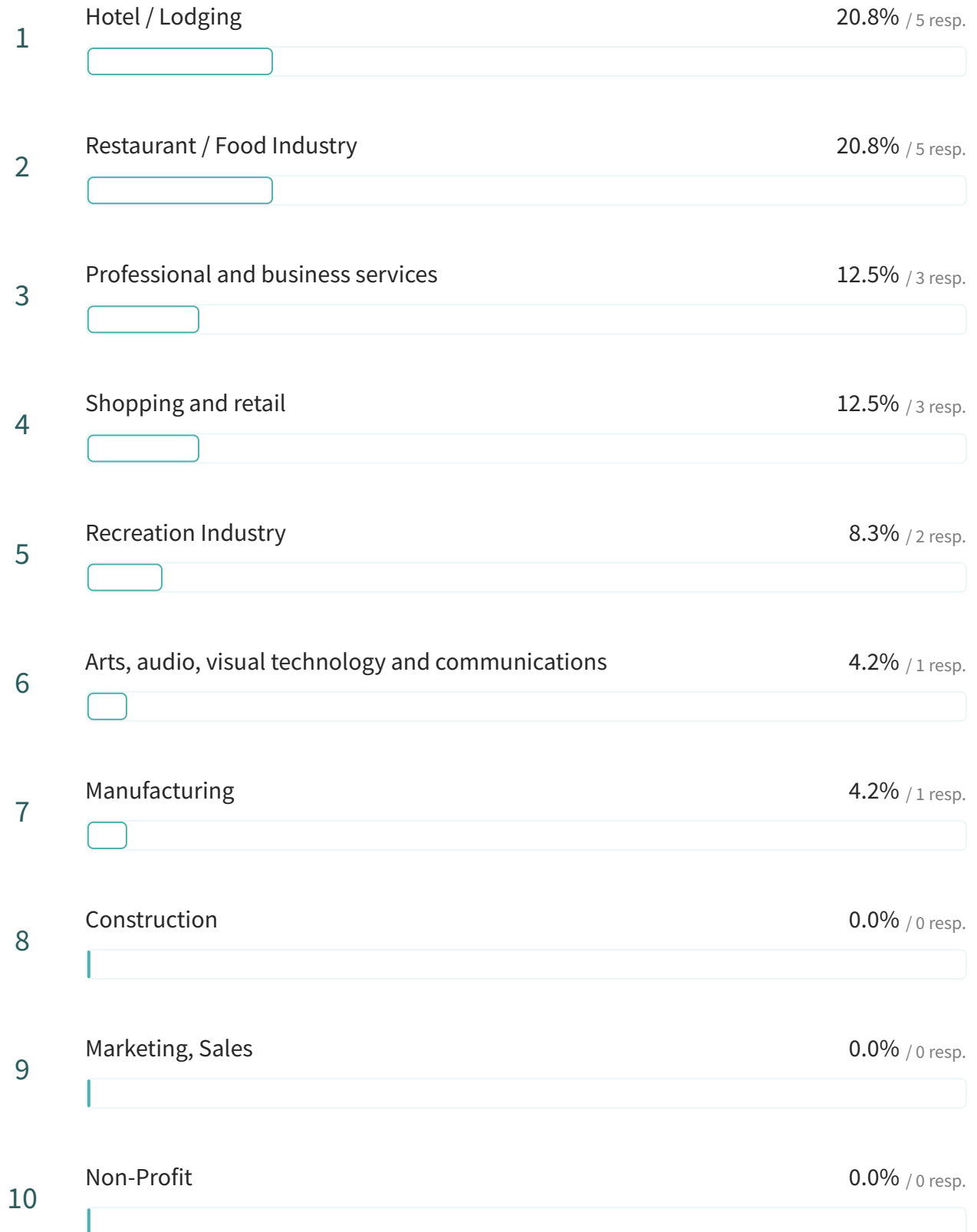
24 out of 24 answered

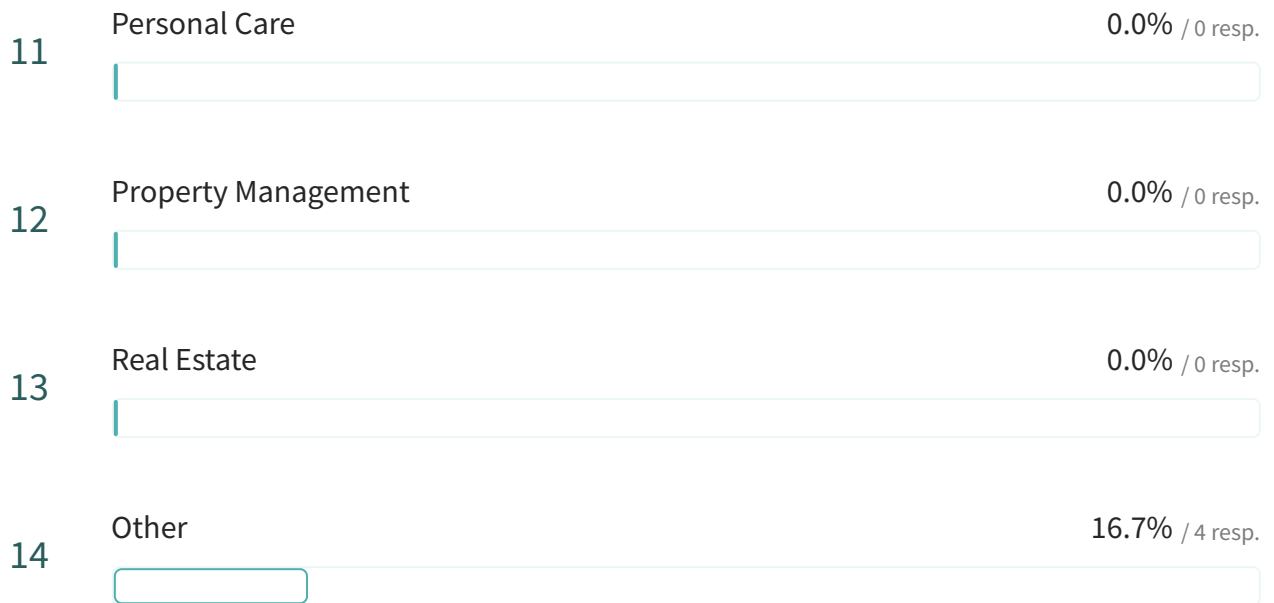


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What is your industry?

24 out of 24 answered

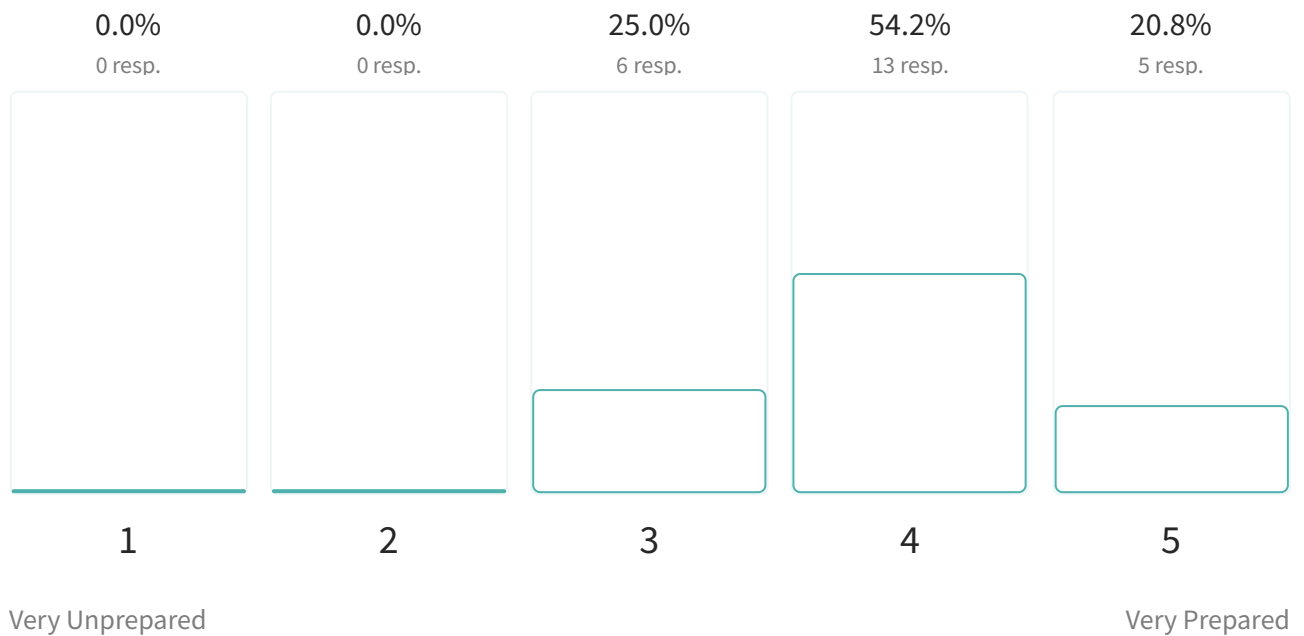




How prepared do you think your business is to meet the needs of a changing economy as the result of COVID-19?

24 out of 24 answered

### 4.0 Average rating

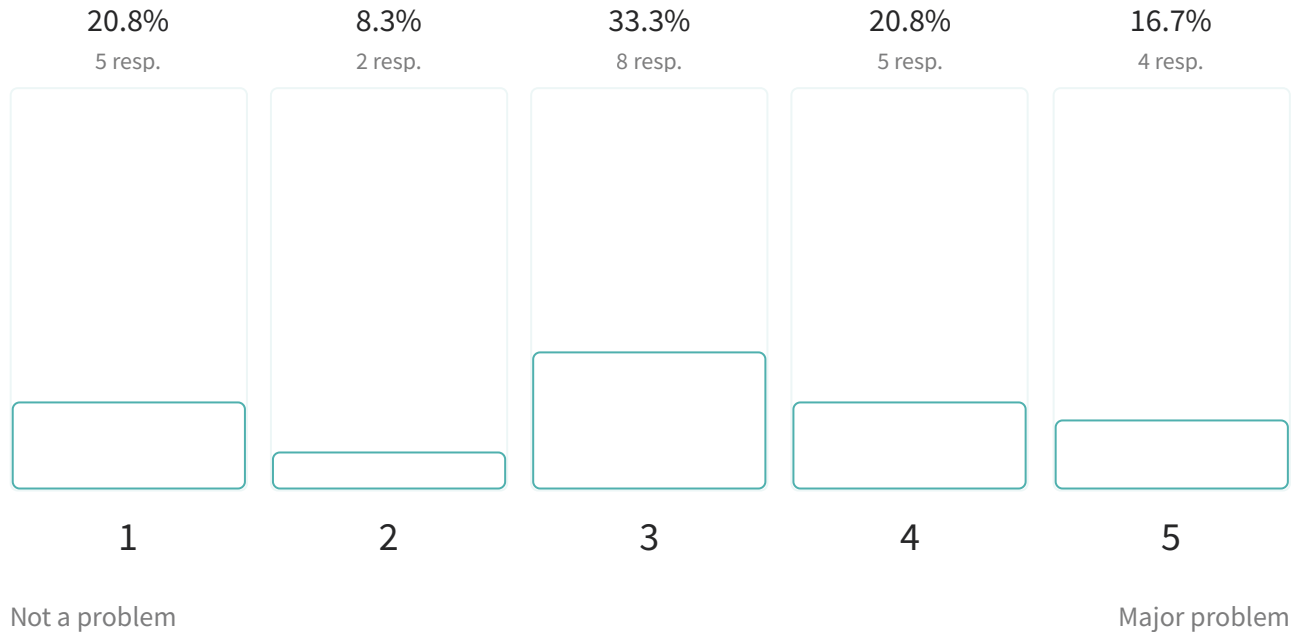


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Decline in business / sales

24 out of 24 answered

### 3.0 Average rating

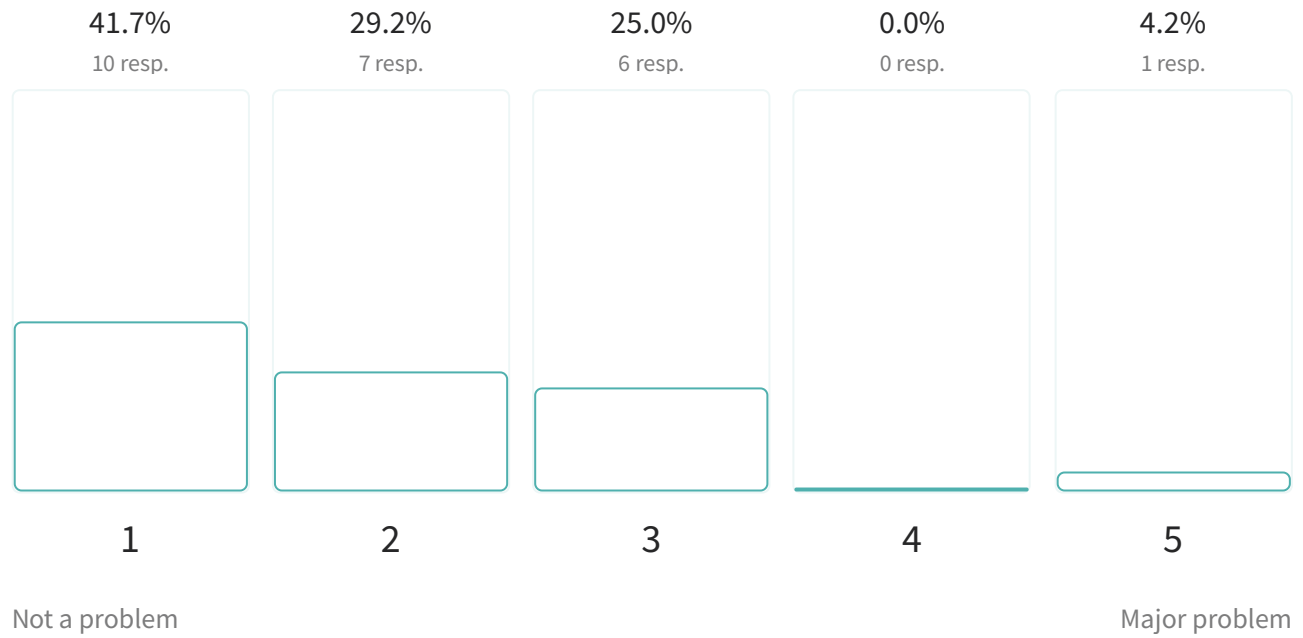


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## Ability to stay in business (permanent closure)

24 out of 24 answered

### 2.0 Average rating

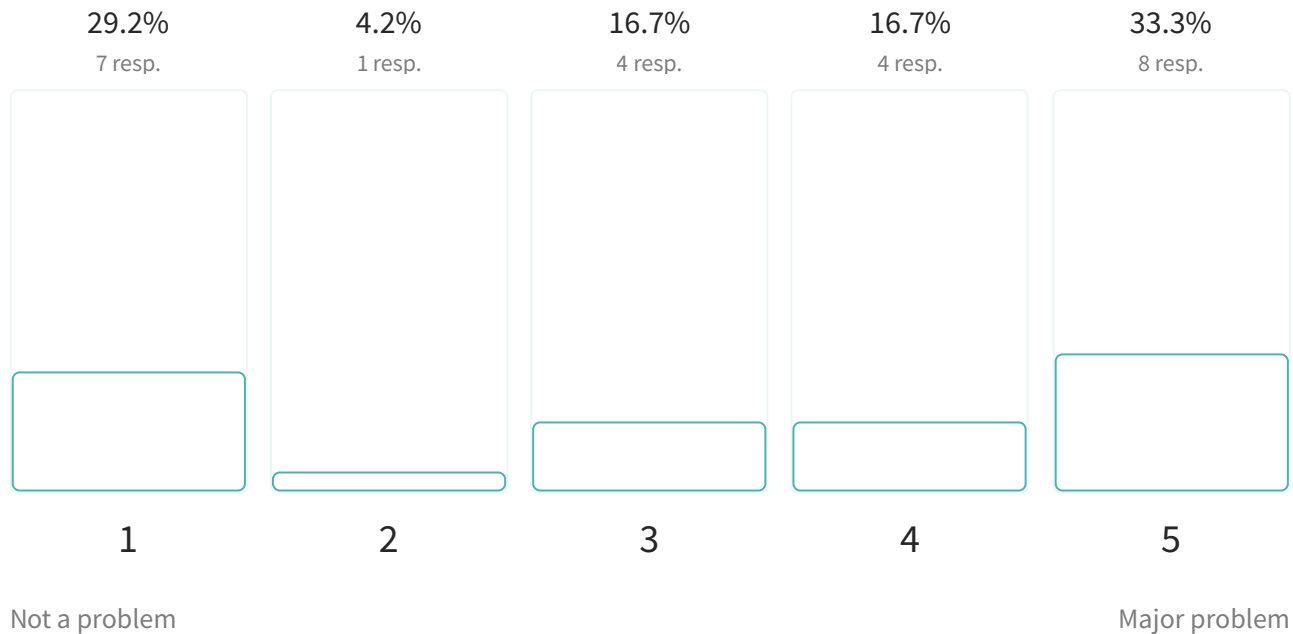


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Business closed or hours reduced by Public Health Order

24 out of 24 answered

### 3.2 Average rating



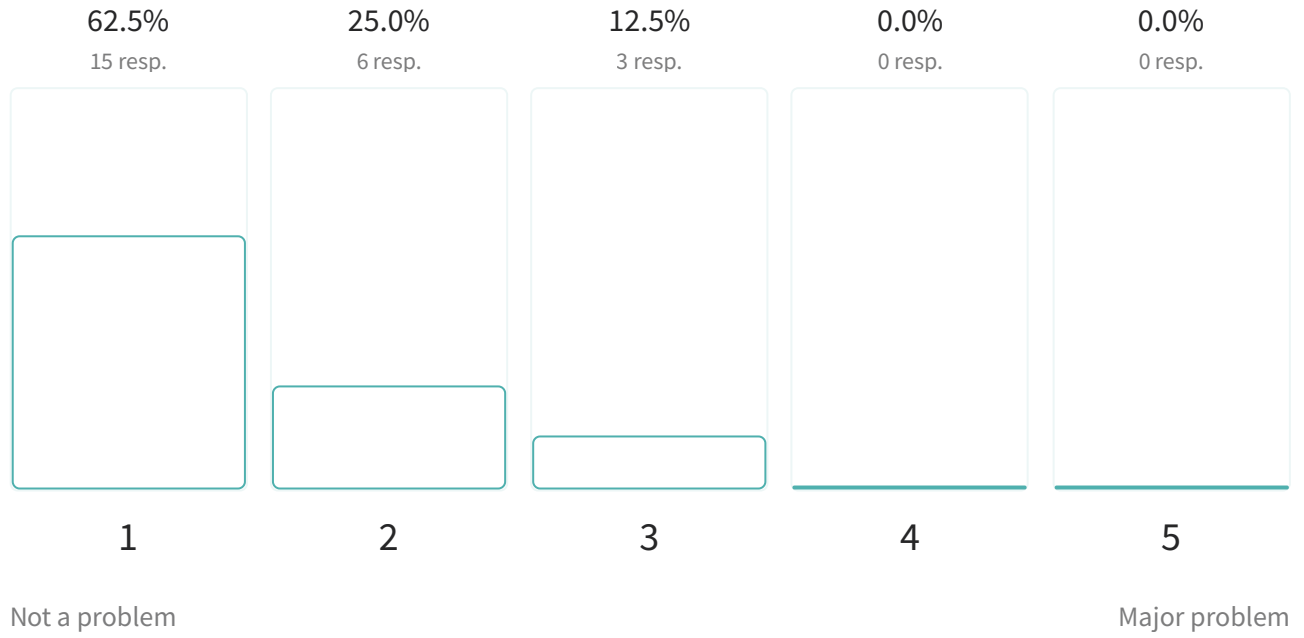


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Lack of technology/web resources to complete online sales

24 out of 24 answered

### 1.5 Average rating

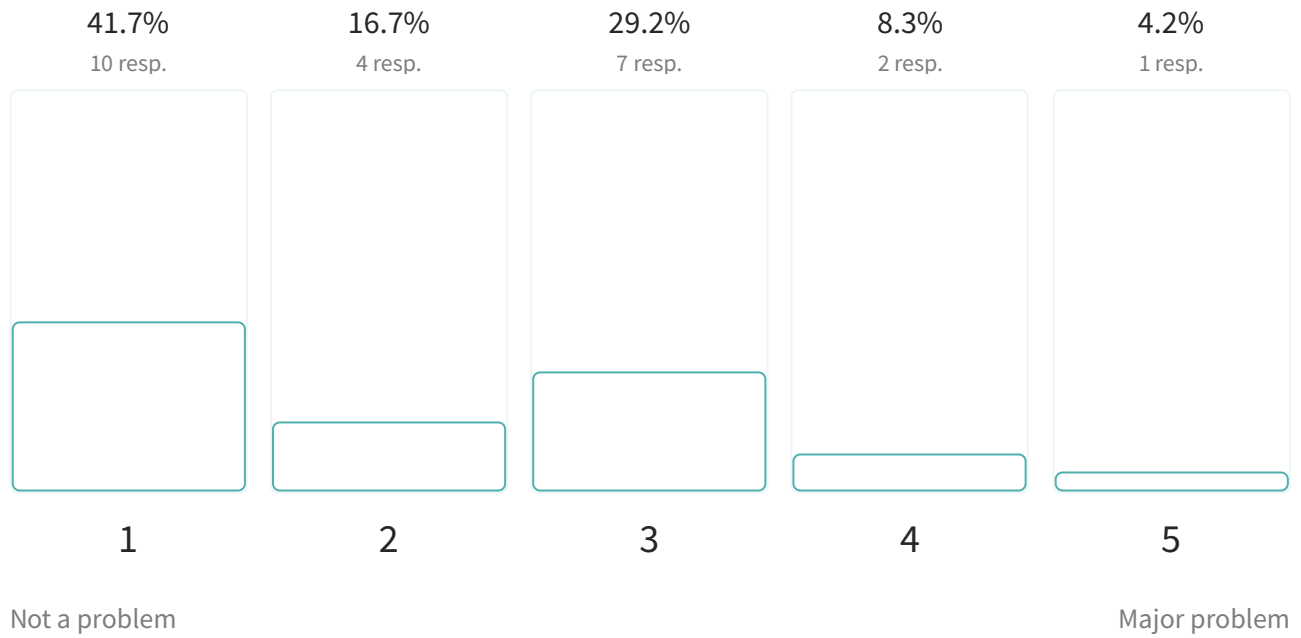


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Difficulty paying commercial rent, commercial mortgage, or lines of credit

24 out of 24 answered

## 2.2 Average rating

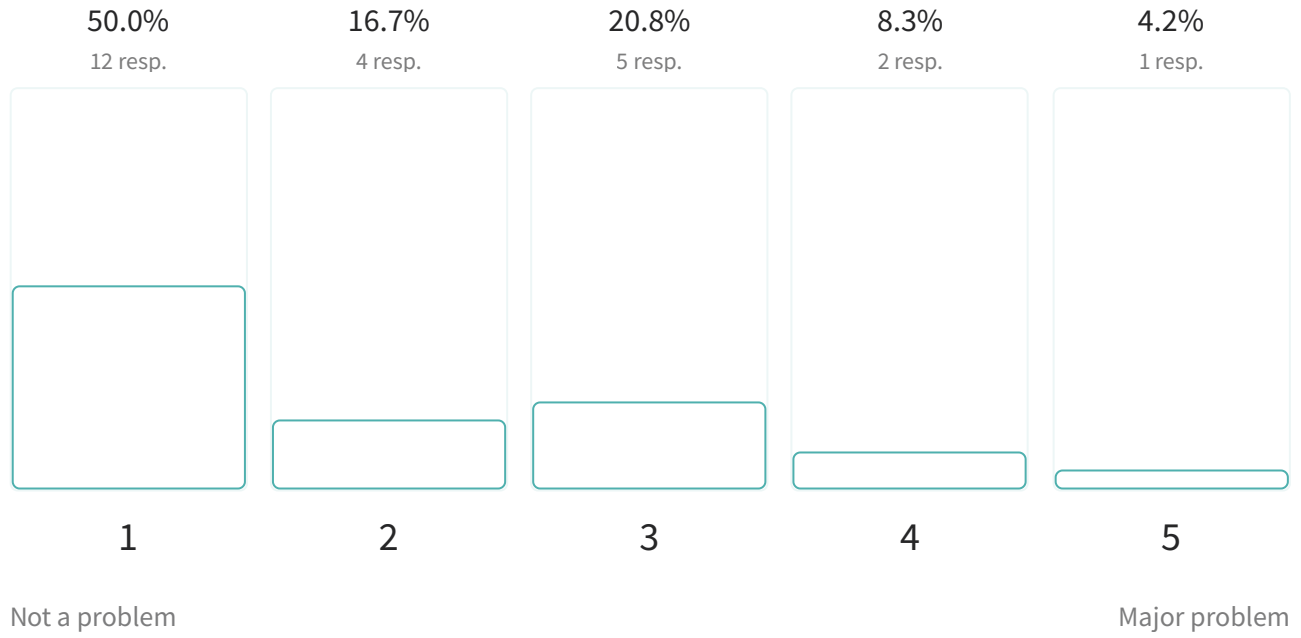


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Not having funds to pay our employees salary or health care insurance

24 out of 24 answered

## 2.0 Average rating

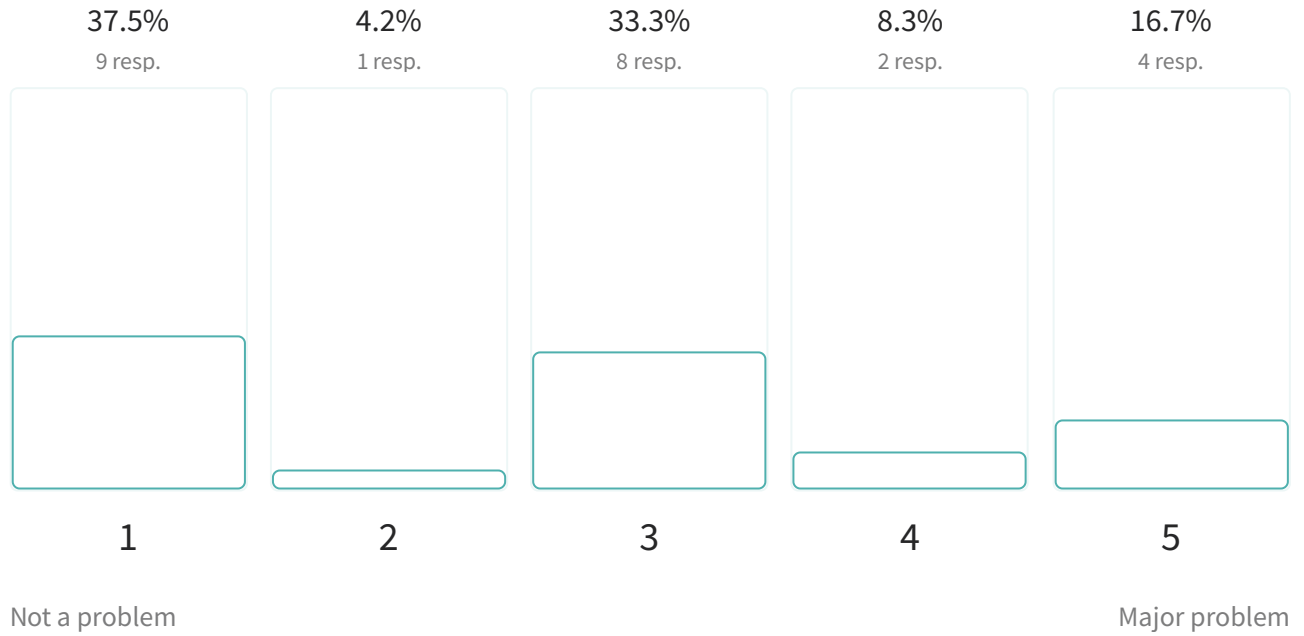


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## Ability of employees to pay rent/mortgages on reduced income

24 out of 24 answered

### 2.6 Average rating

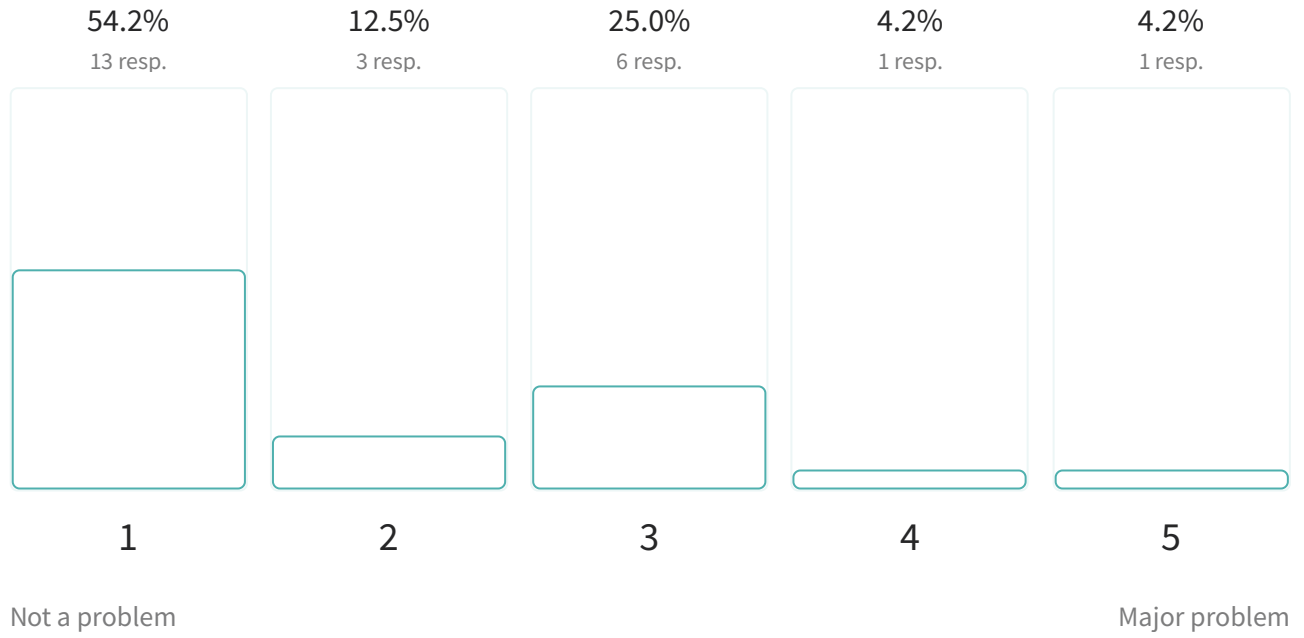


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## Lack of technology for employees to work from home

24 out of 24 answered

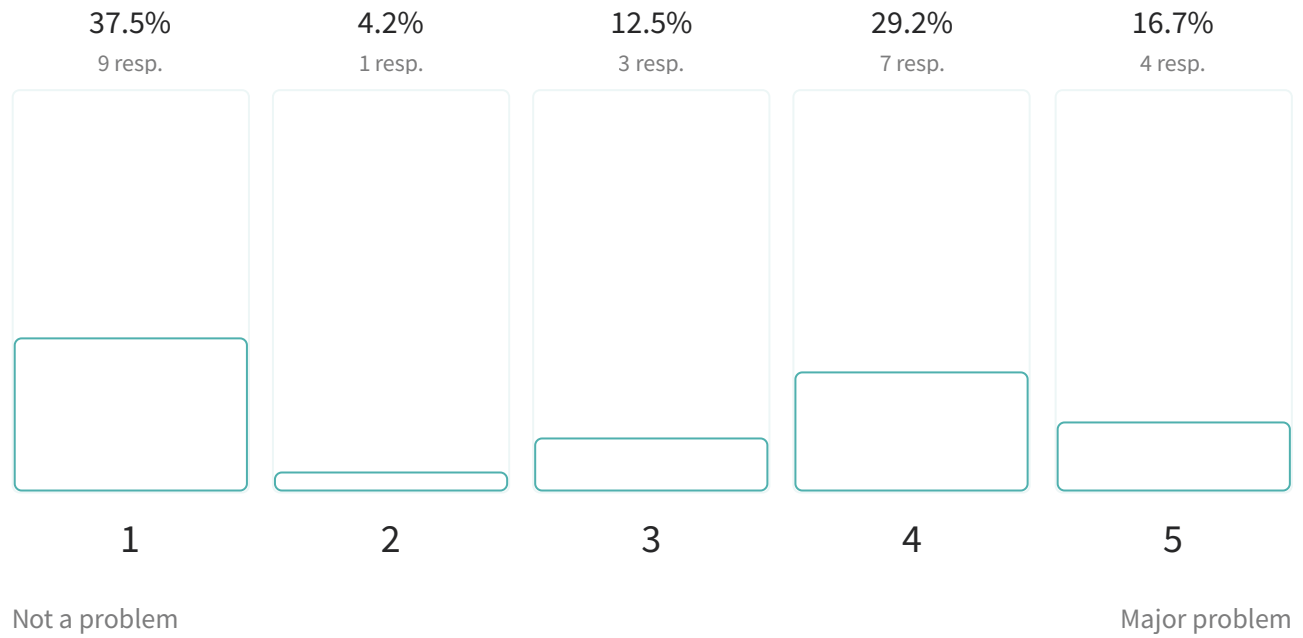
### 1.9 Average rating



## Absenteeism of employees due to illness

24 out of 24 answered

### 2.8 Average rating

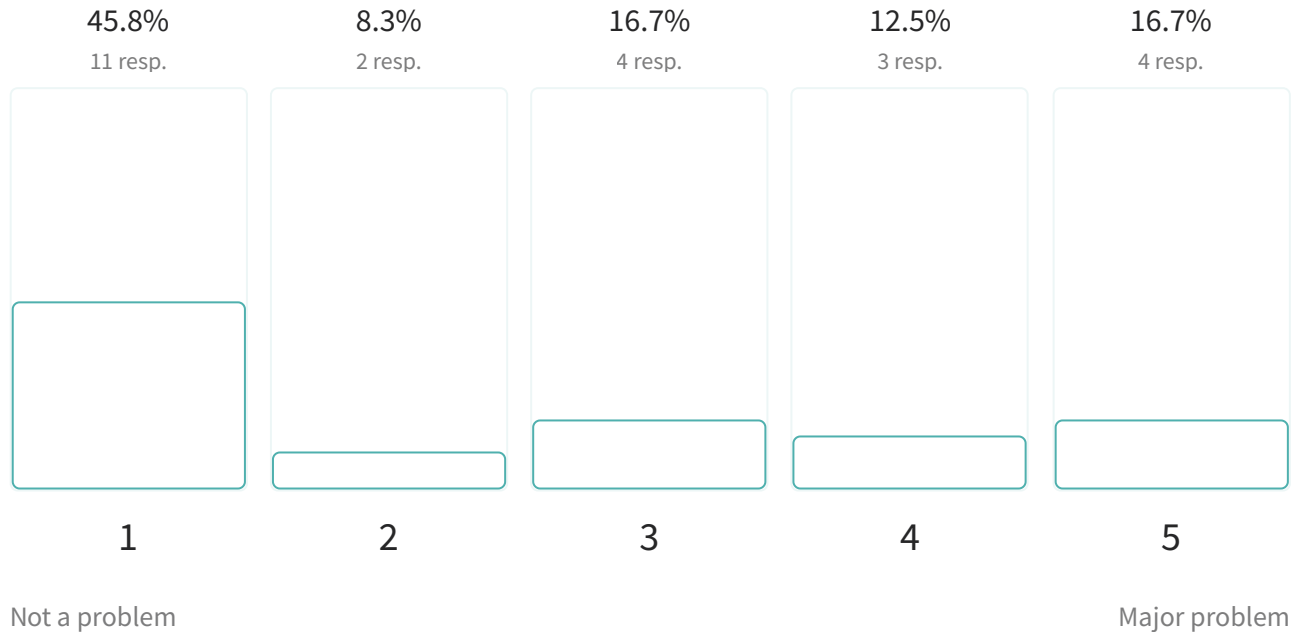


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## Daycare/childcare challenges for our employees

24 out of 24 answered

### 2.5 Average rating

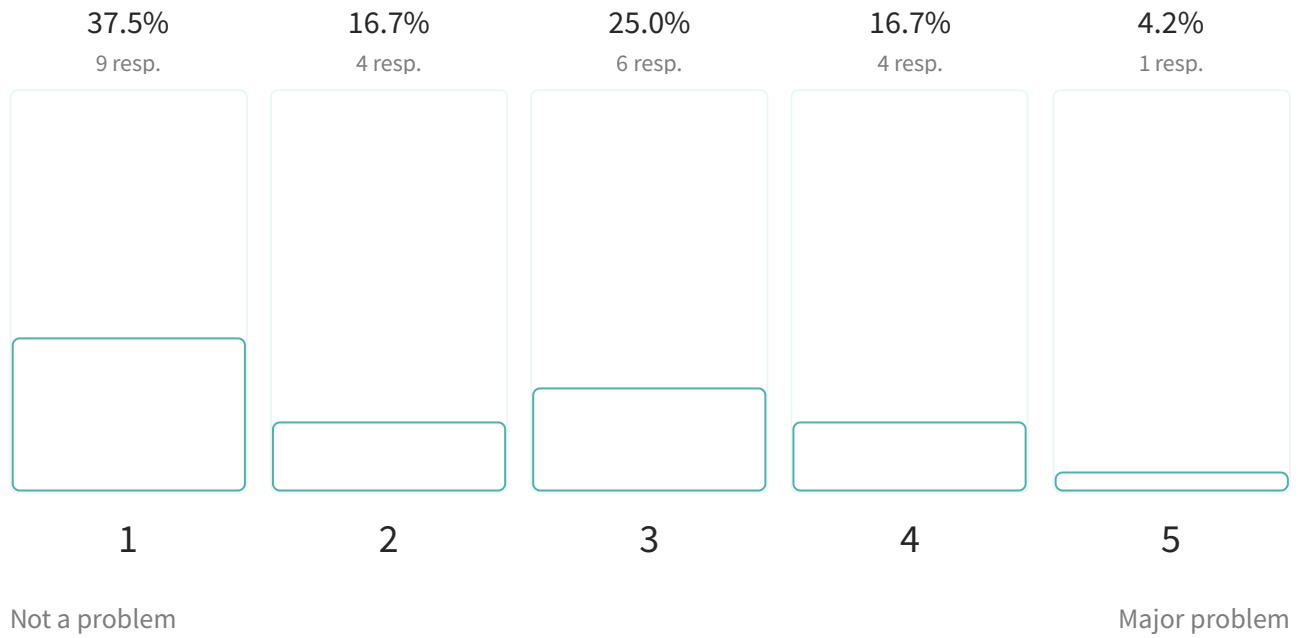


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## Difficulty purchasing inventory

24 out of 24 answered

### 2.3 Average rating

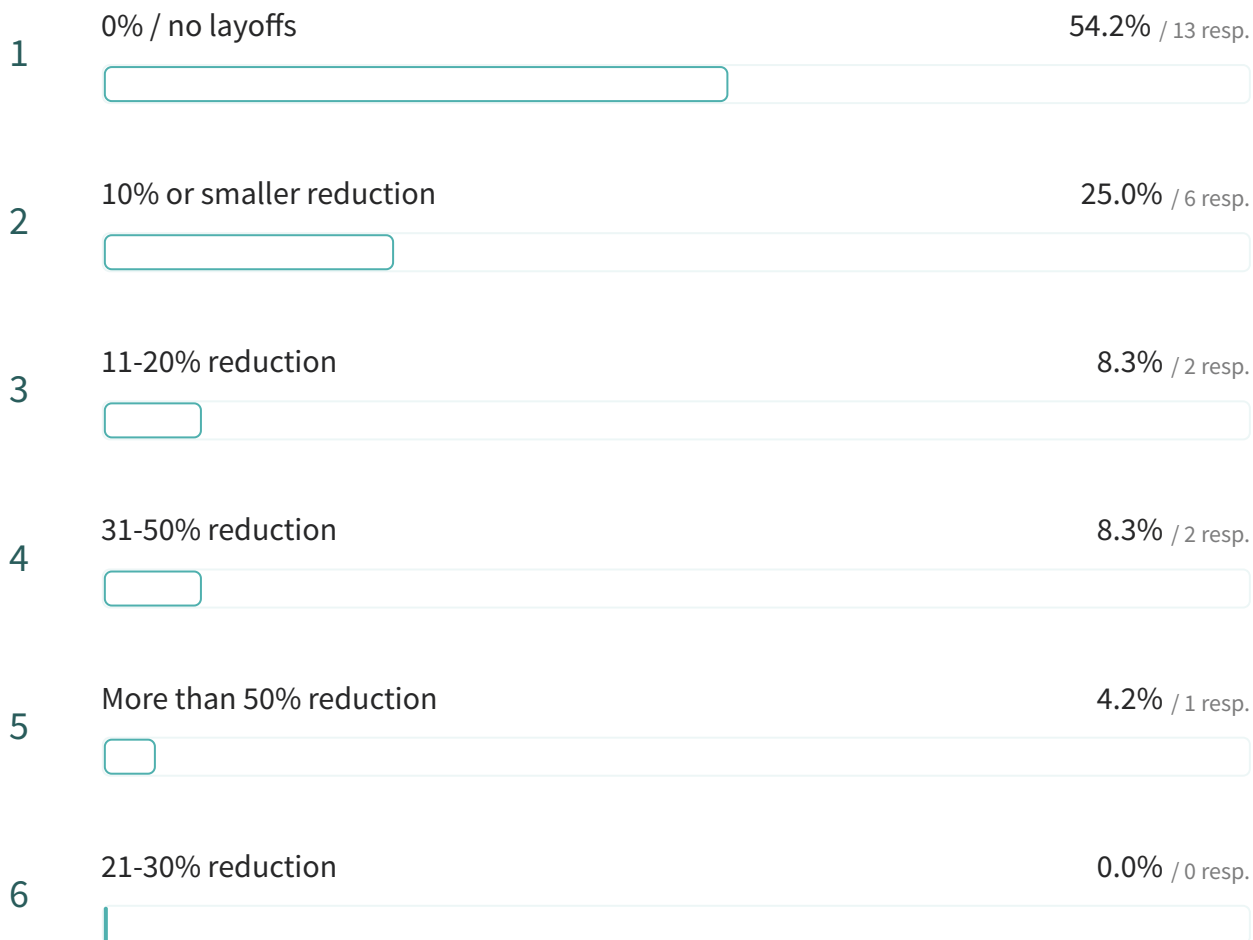




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Excluding the seasonal changes in staffing that you may typically experience, what percentage of your workforce, if any, do you anticipate you will have laid off by the end of the next 6 months (Ending September 31, 2021)?

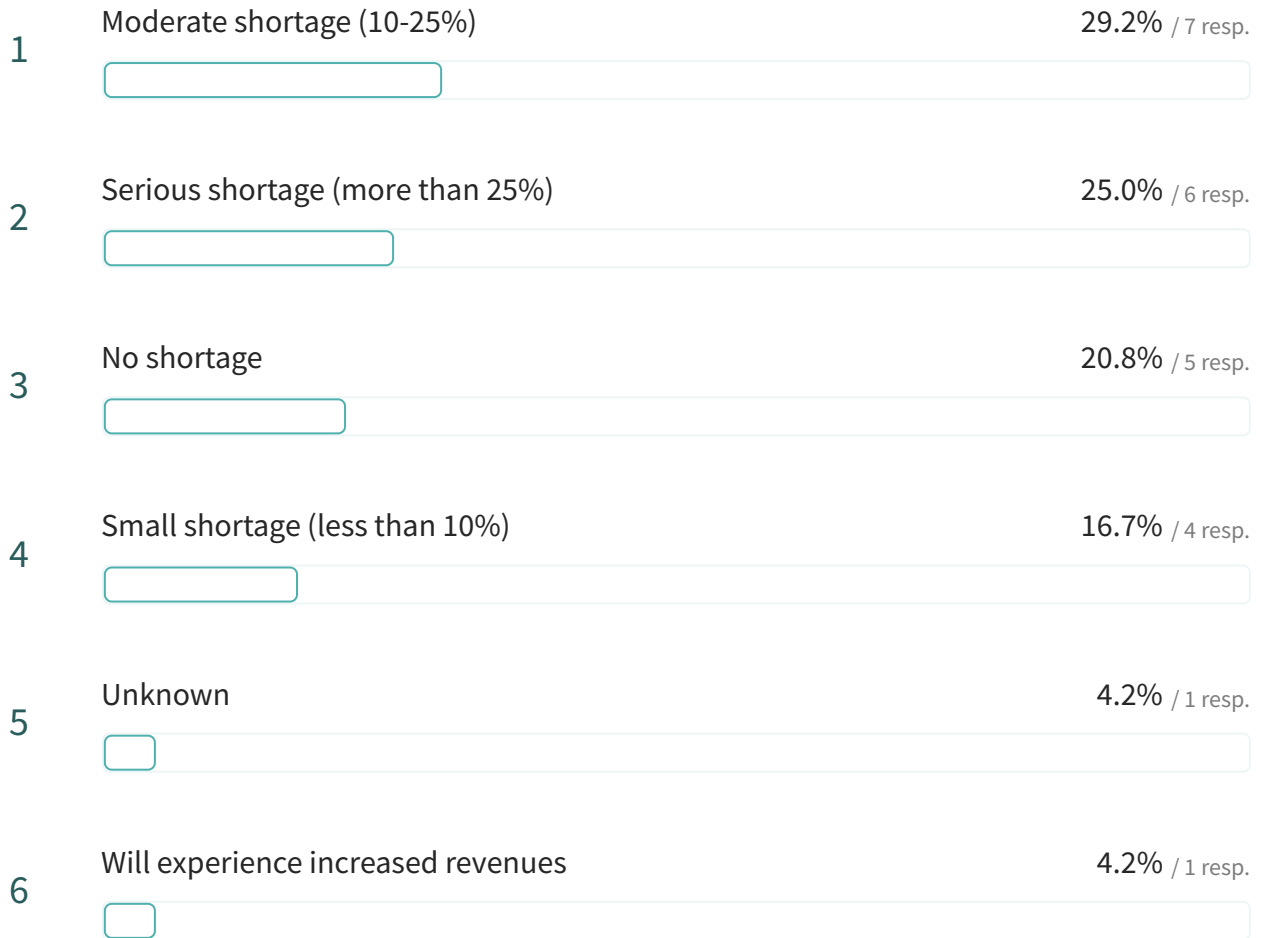
24 out of 24 answered



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Due to COVID-19, most businesses expected lower revenues than they projected at the outset of the year. How did your actual 2020 revenue compare to your original budget projections?

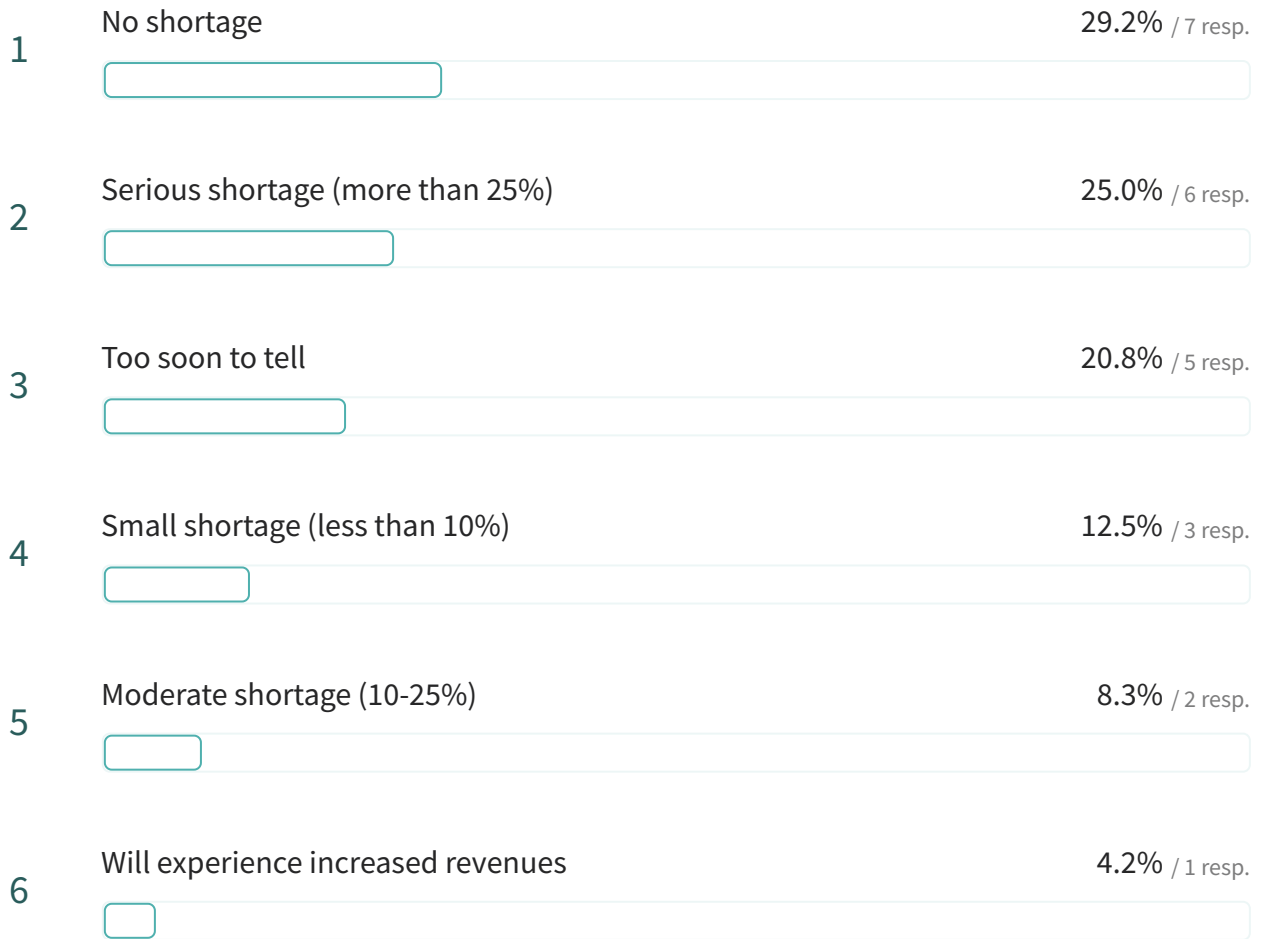
24 out of 24 answered



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How do you think your actual 2021 revenue will compare to your original budget projections?

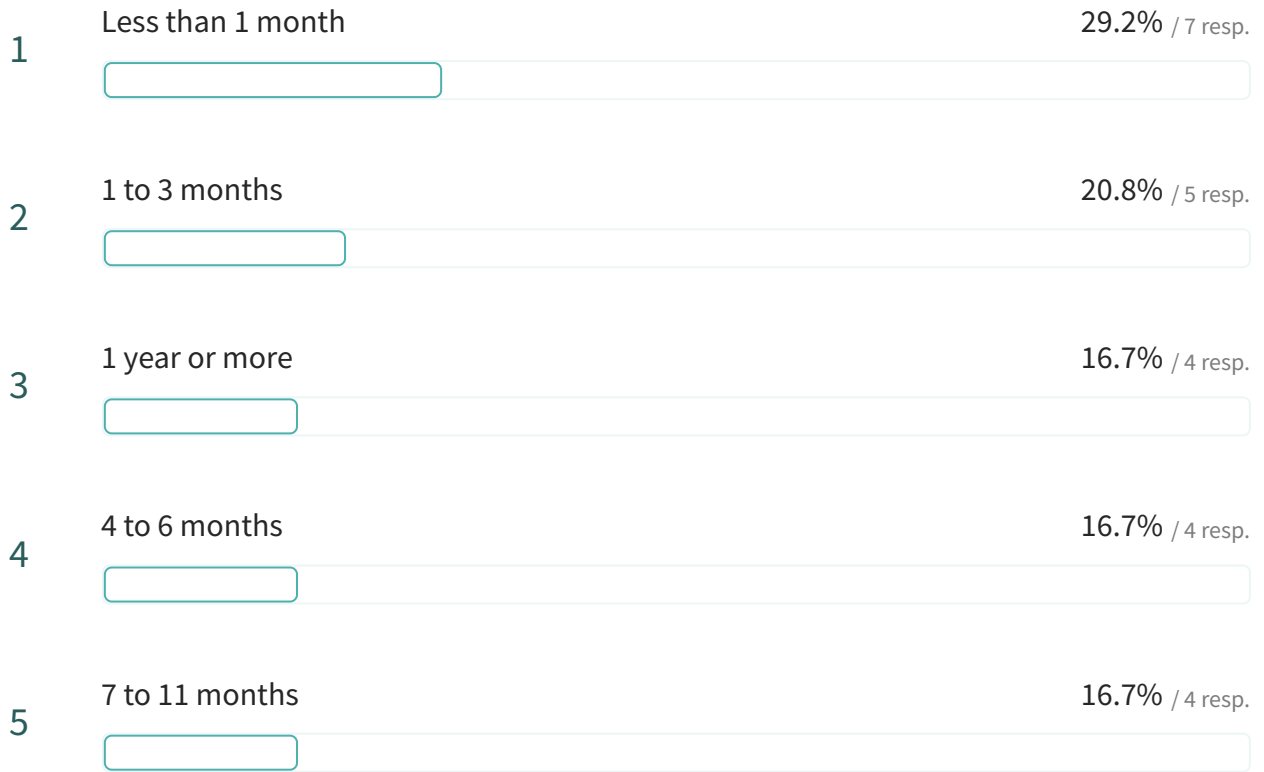
24 out of 24 answered



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Following a reduction in COVID-19 cases and loosening of social distancing requirements, how quickly do you think it will take for your business to return to pre-COVID levels?

24 out of 24 answered

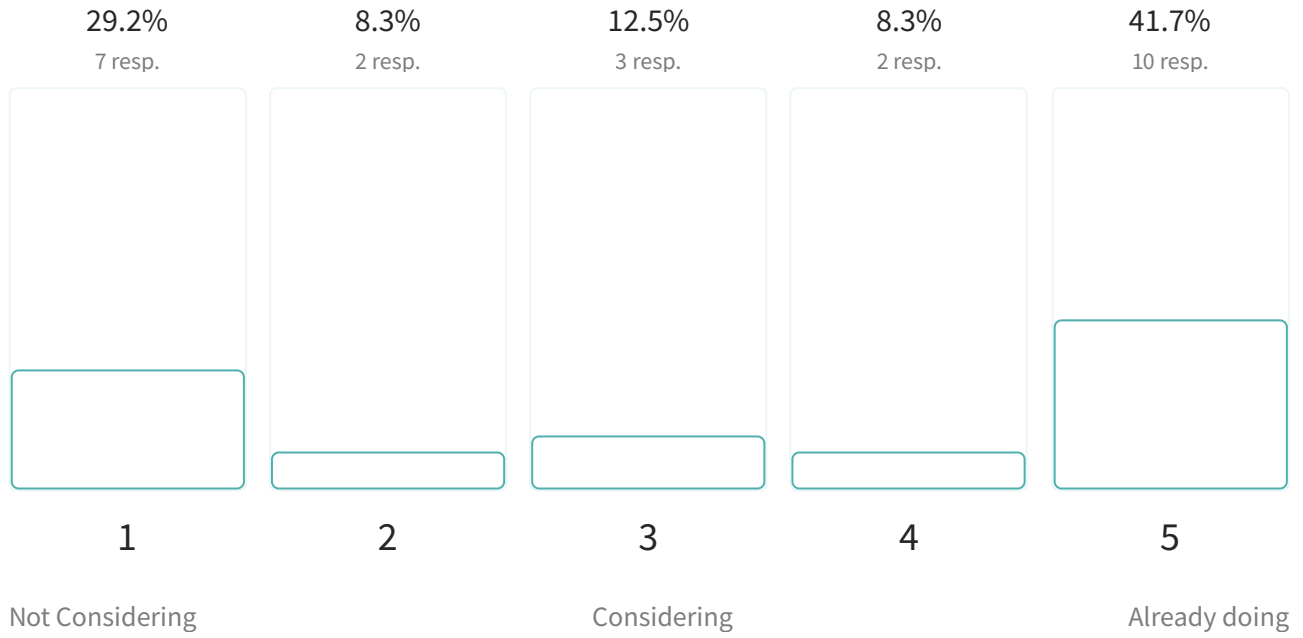


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## Move to more online business

24 out of 24 answered

### 3.2 Average rating

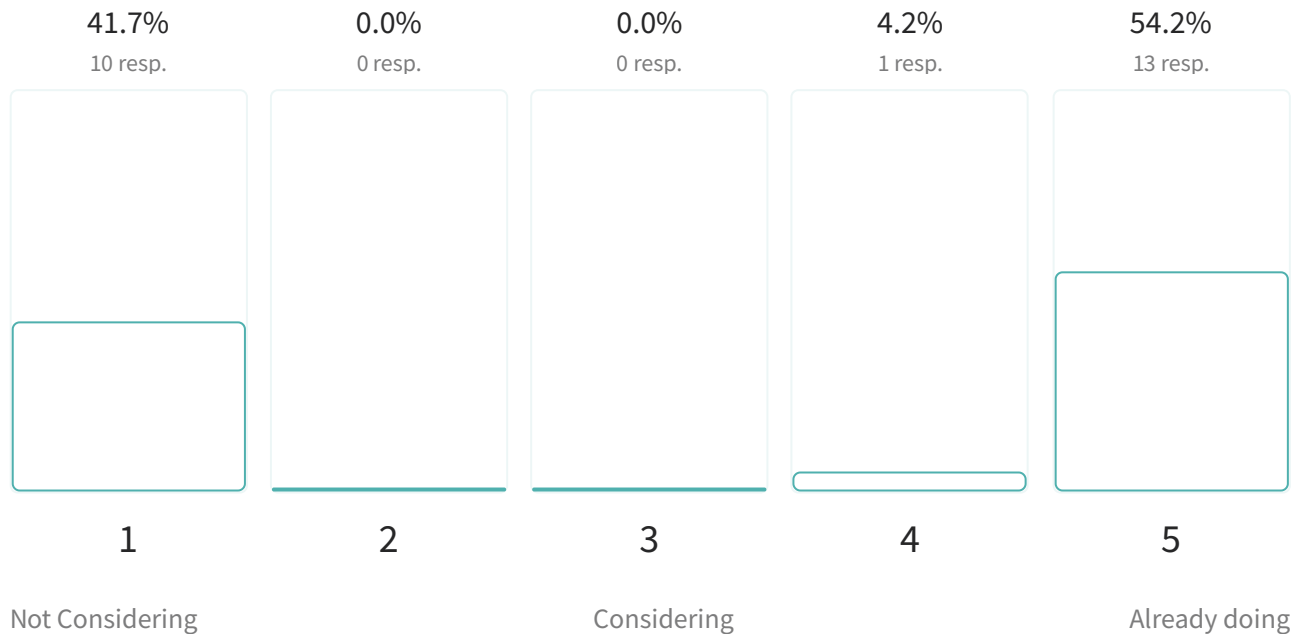


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## Offering carryout/delivery

24 out of 24 answered

### 3.3 Average rating

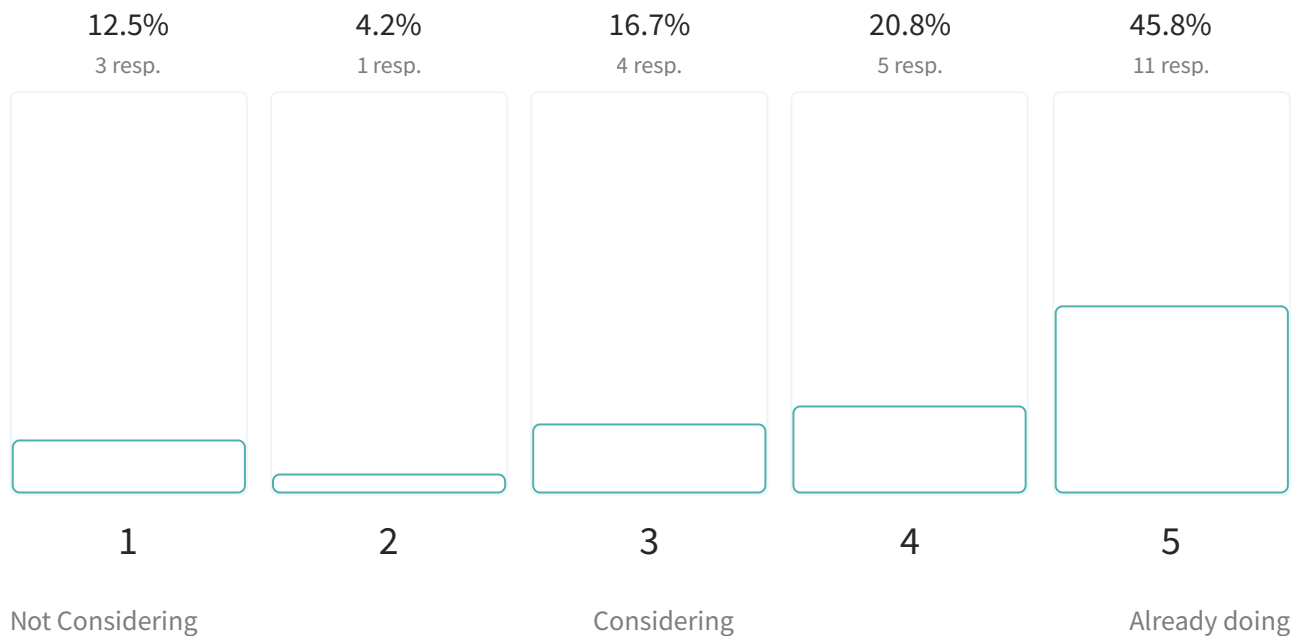


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## Engaging more with social media to promote business

24 out of 24 answered

### 3.8 Average rating

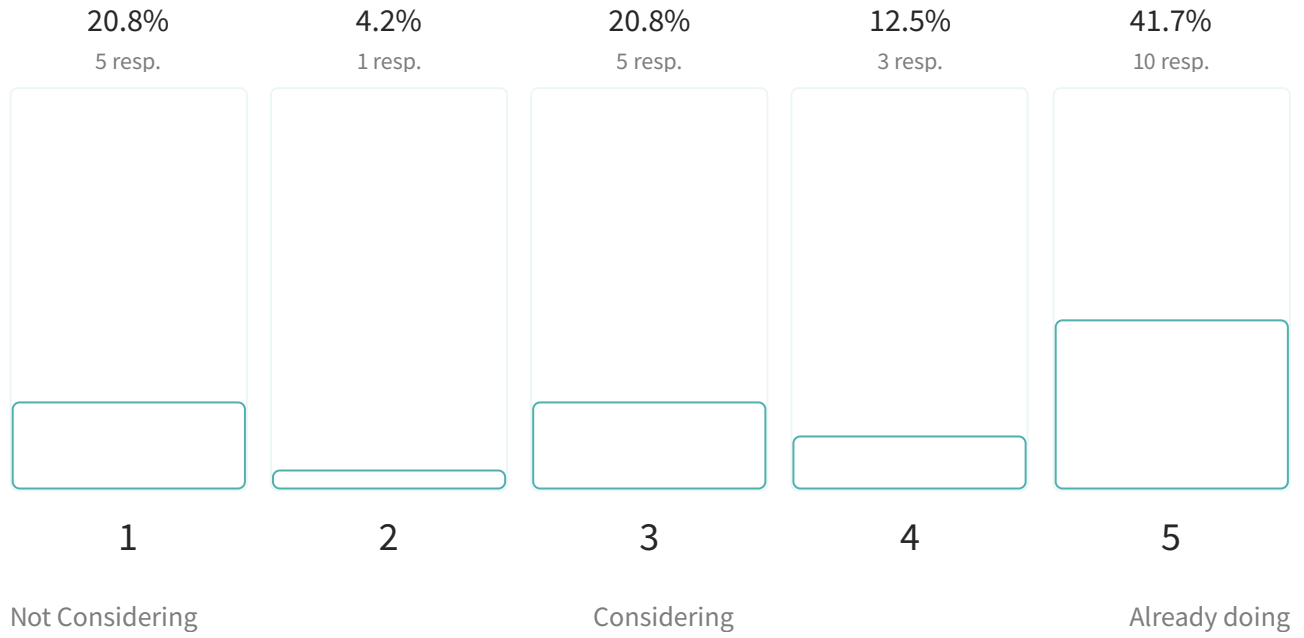


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Working with local organizations or government to promote business

24 out of 24 answered

### 3.5 Average rating



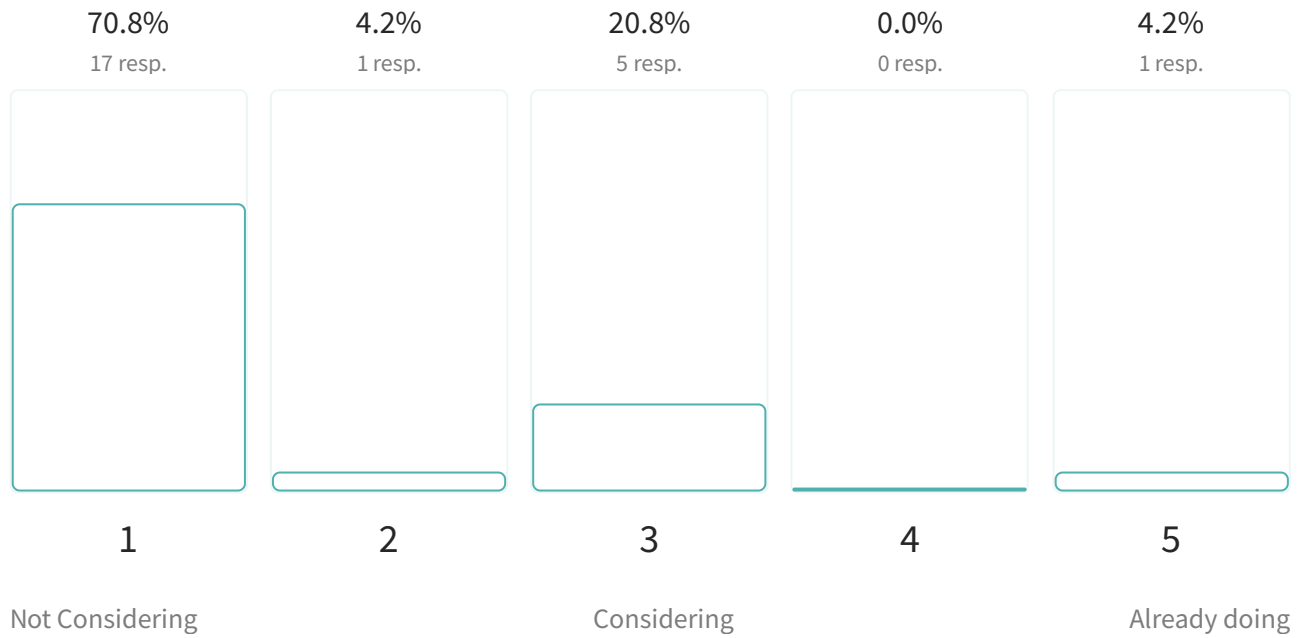


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Working with other community stakeholders to begin discussions with landlords about rent abatement or mortgage relief

24 out of 24 answered

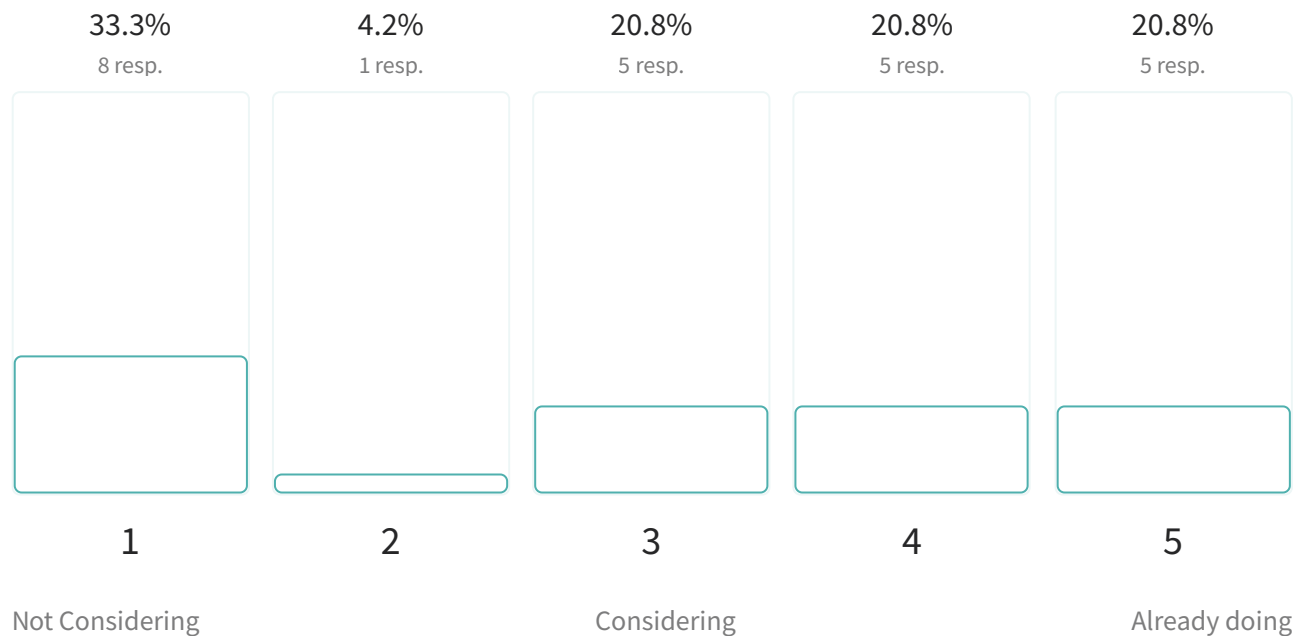
### 1.6 Average rating



Assisting employees with transitional resources (e.g. unemployment, etc.)

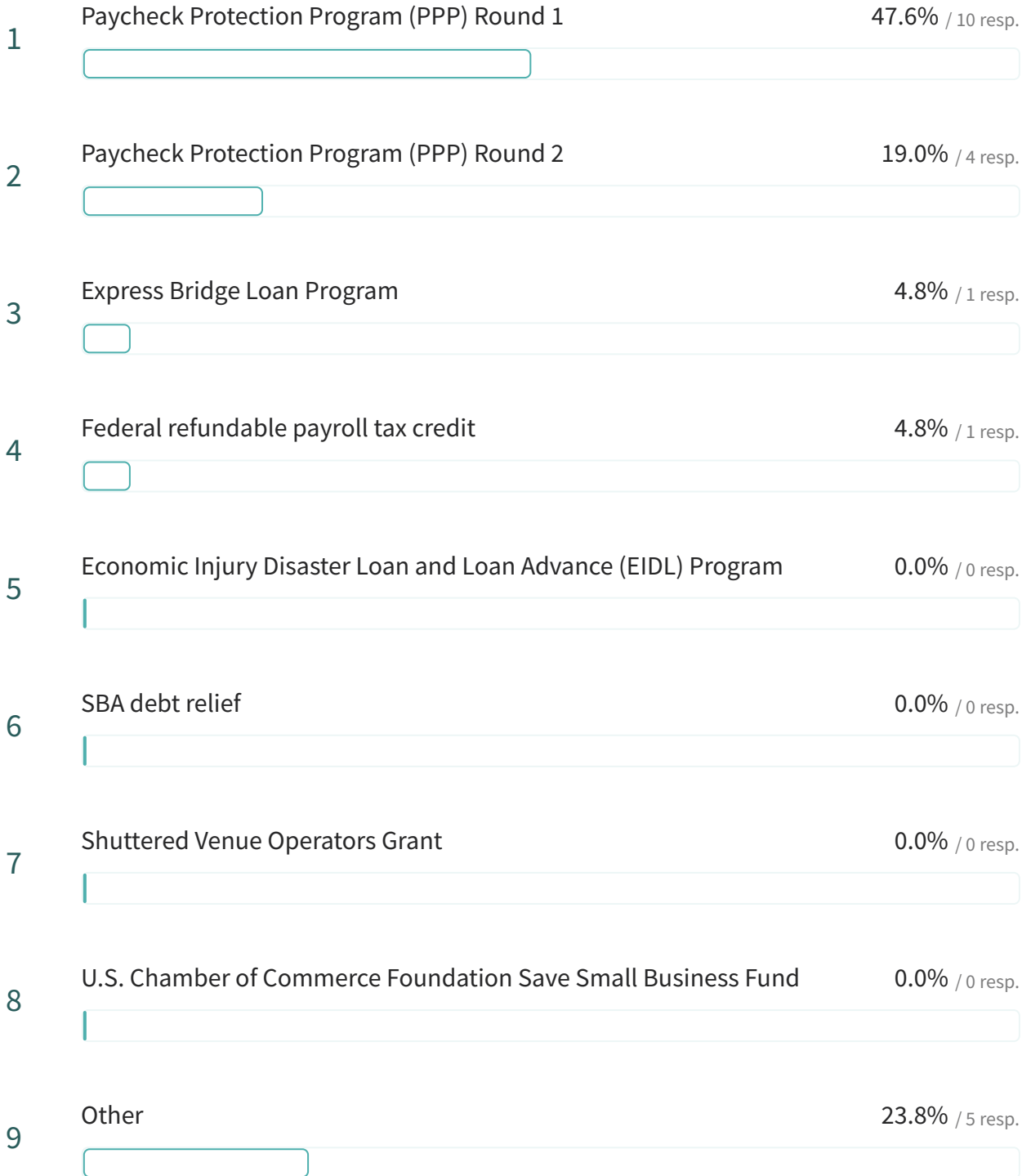
24 out of 24 answered

## 2.9 Average rating



Federal Assistance

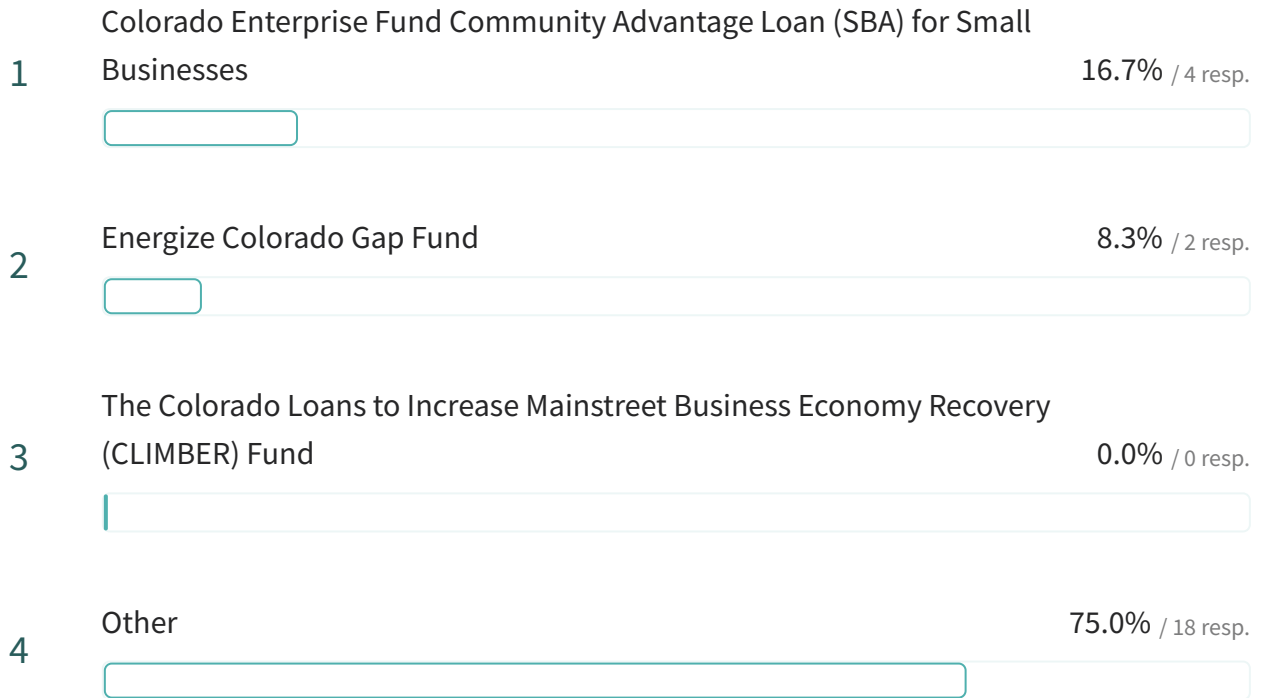
21 out of 24 answered



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State Assistance

24 out of 24 answered



Local Assistance

24 out of 24 answered

- 1 Colorado Department of Local Affairs (DOLA) / San Miguel County Small Business Relief Program 8.3% / 2 resp.
- 2 Town of Mountain Village Marketing Assistance Fund 8.3% / 2 resp.
- 3 Town of Mountain Village PPE assistance program 8.3% / 2 resp.
- 4 Town of Mountain Village Temporary Structure Rental Program 8.3% / 2 resp.
- 5 First Southwest Community Fund 4.2% / 1 resp.
- 6 San Miguel Property Tax Deferral 4.2% / 1 resp.
- 7 Region 10 Loan Program for Business Disruptions 0.0% / 0 resp.
- 8 Telluride Regional Emergency Loan Fund 0.0% / 0 resp.
- 9 Telluride Regional Loan Fund 0.0% / 0 resp.
- 10 Town of Mountain Village Outdoor Heating Assistance Fund 0.0% / 0 resp.



11 Town of Mountain Village Restaurant Grant Program (all funds have been exhausted) 0.0% / 0 resp.



12 Town of Mountain Village Sales Tax, Accommodations Tax and Restaurant and Bar Tax Deferral (ended) 0.0% / 0 resp.



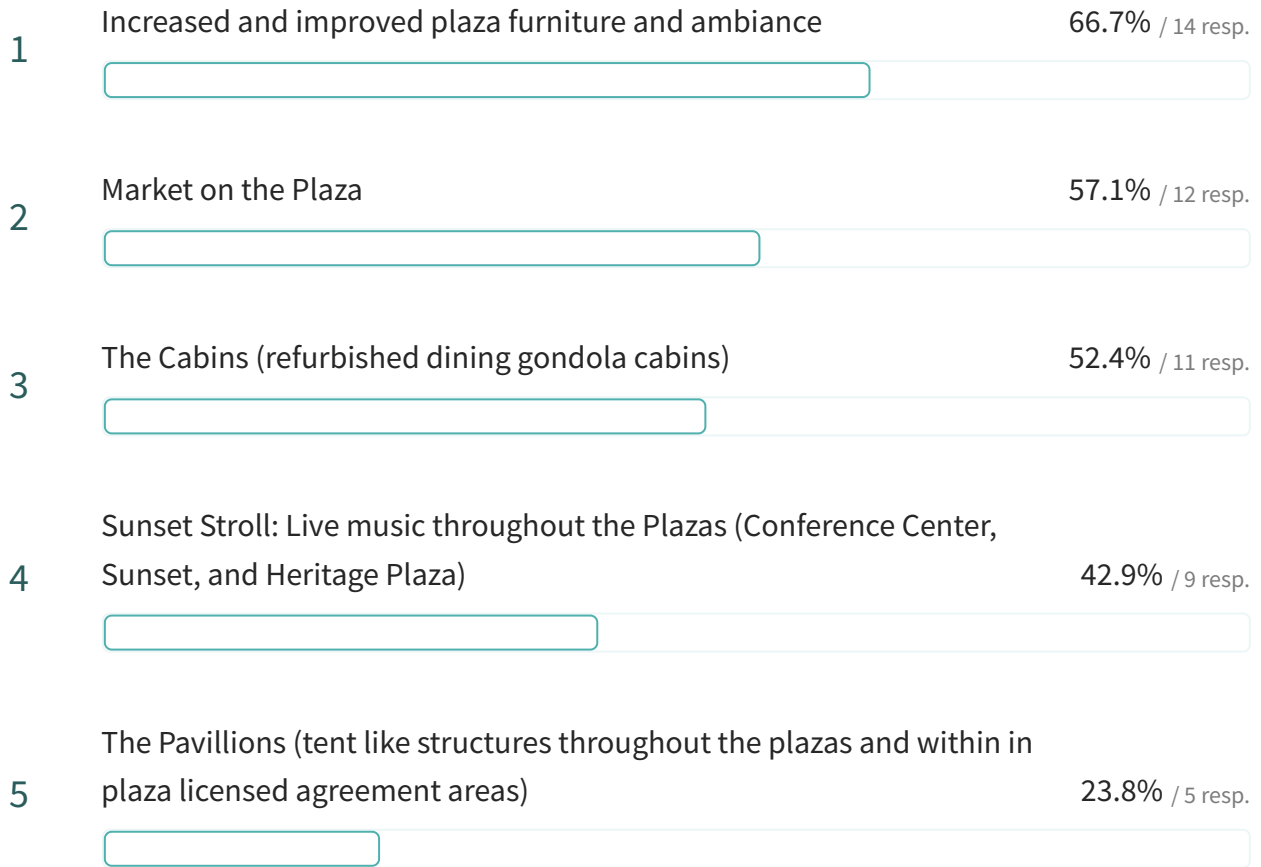
13 Other 58.3% / 14 resp.



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Which of the Mountain Village vitality efforts did you find useful for your business operations and hope to see again this summer?

21 out of 24 answered

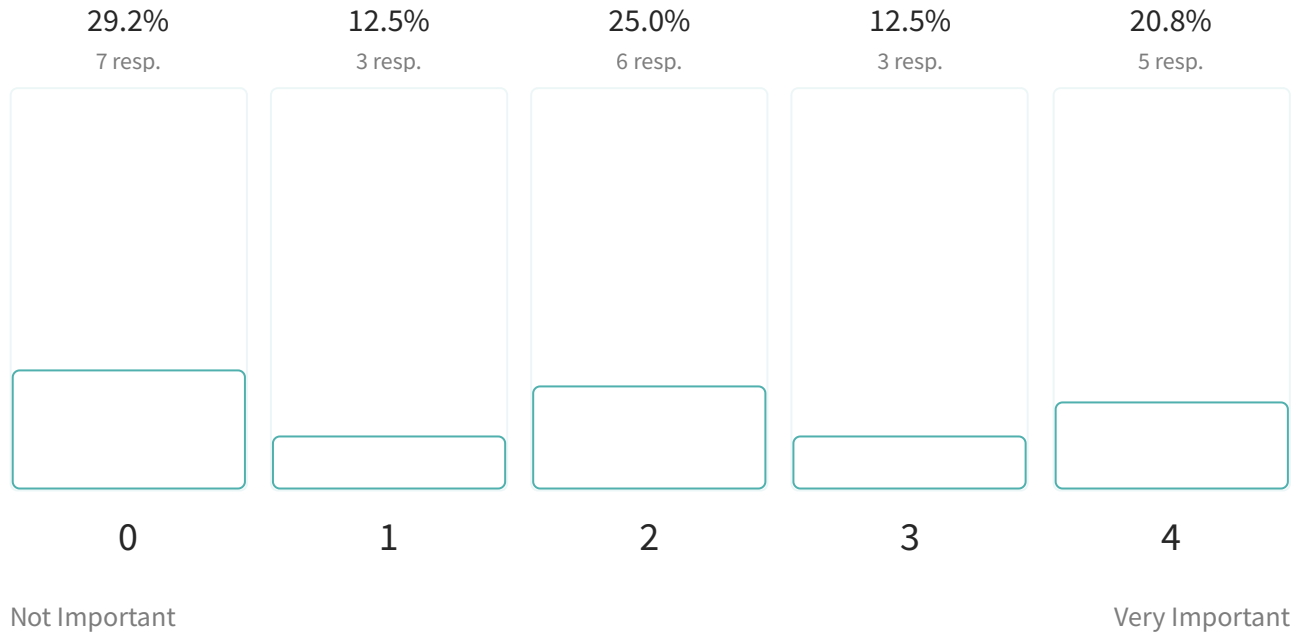


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## Low Interest Loans

24 out of 24 answered

### 1.8 Average rating



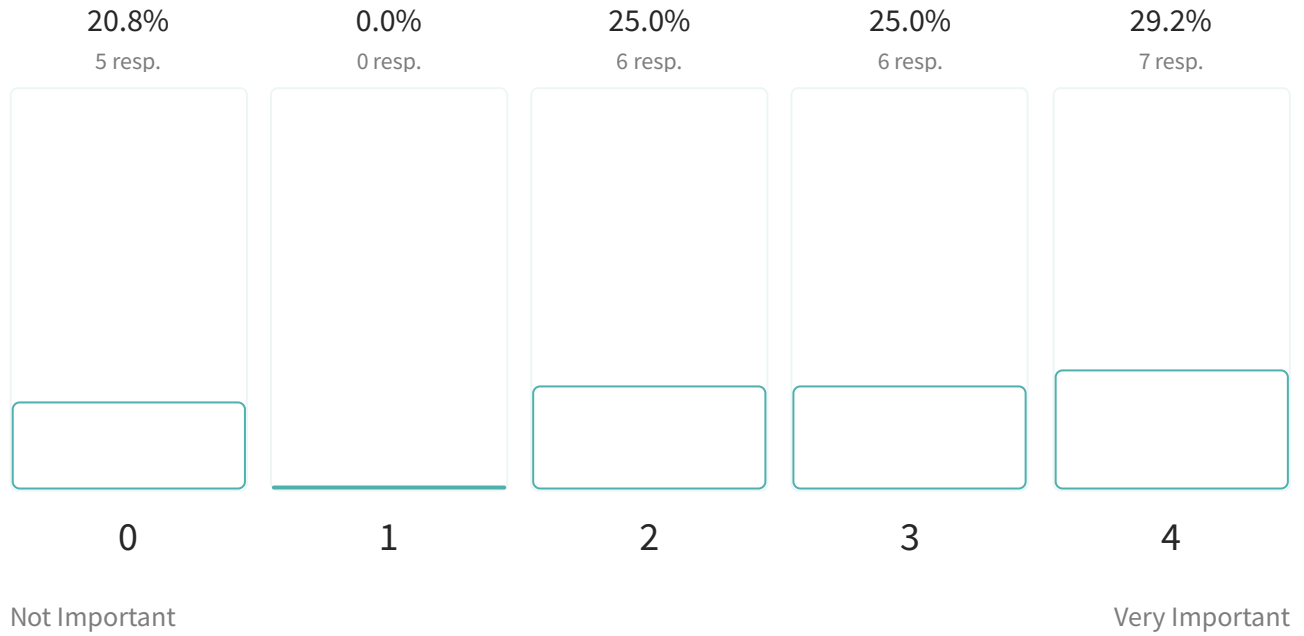


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## Grants

24 out of 24 answered

### 2.4 Average rating

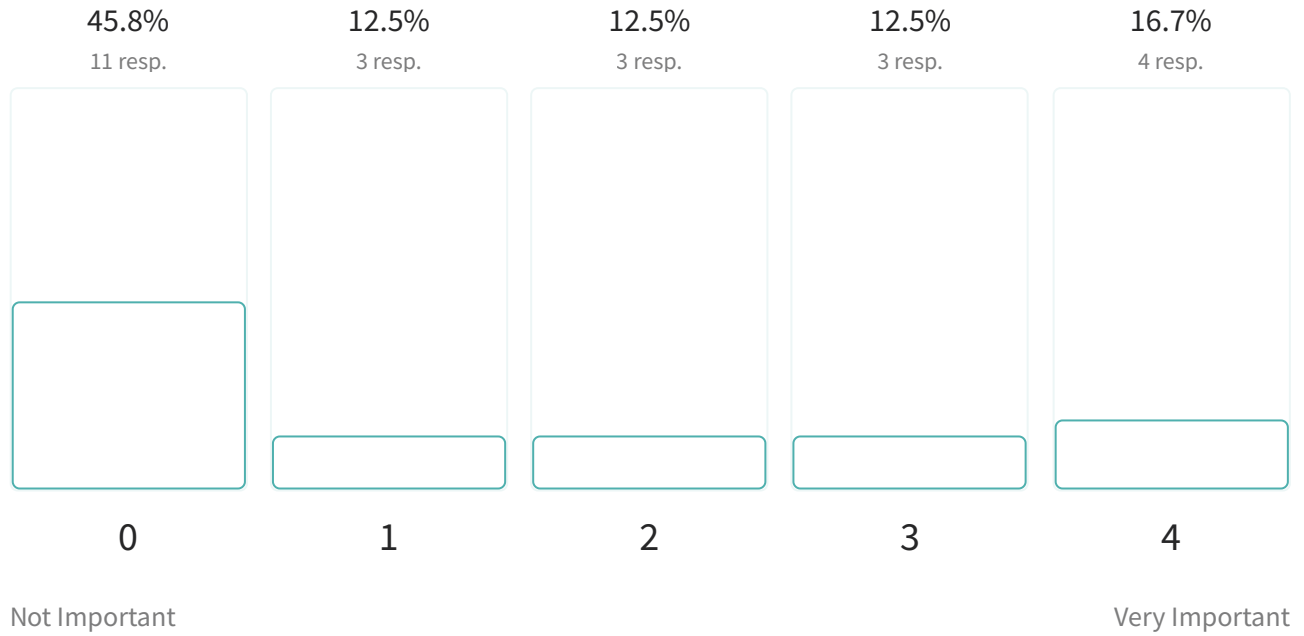


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## Payment deferrals

24 out of 24 answered

### 1.4 Average rating

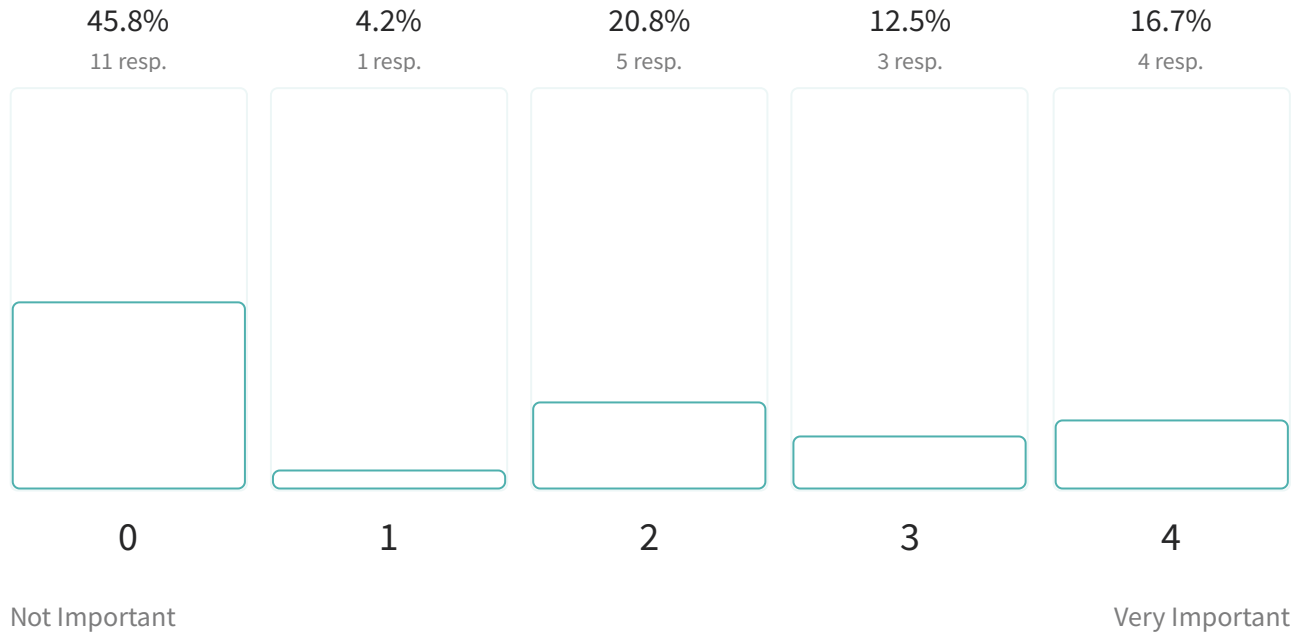


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## Line of credit

24 out of 24 answered

### 1.5 Average rating

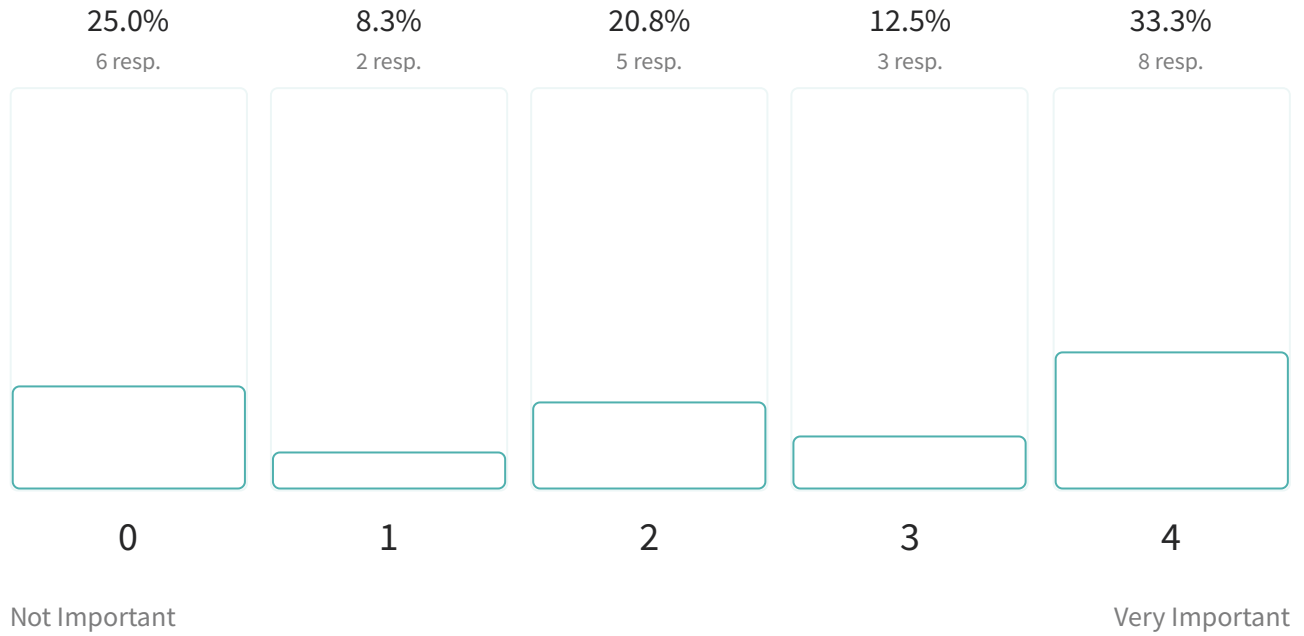


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## Regulatory relief

24 out of 24 answered

### 2.2 Average rating

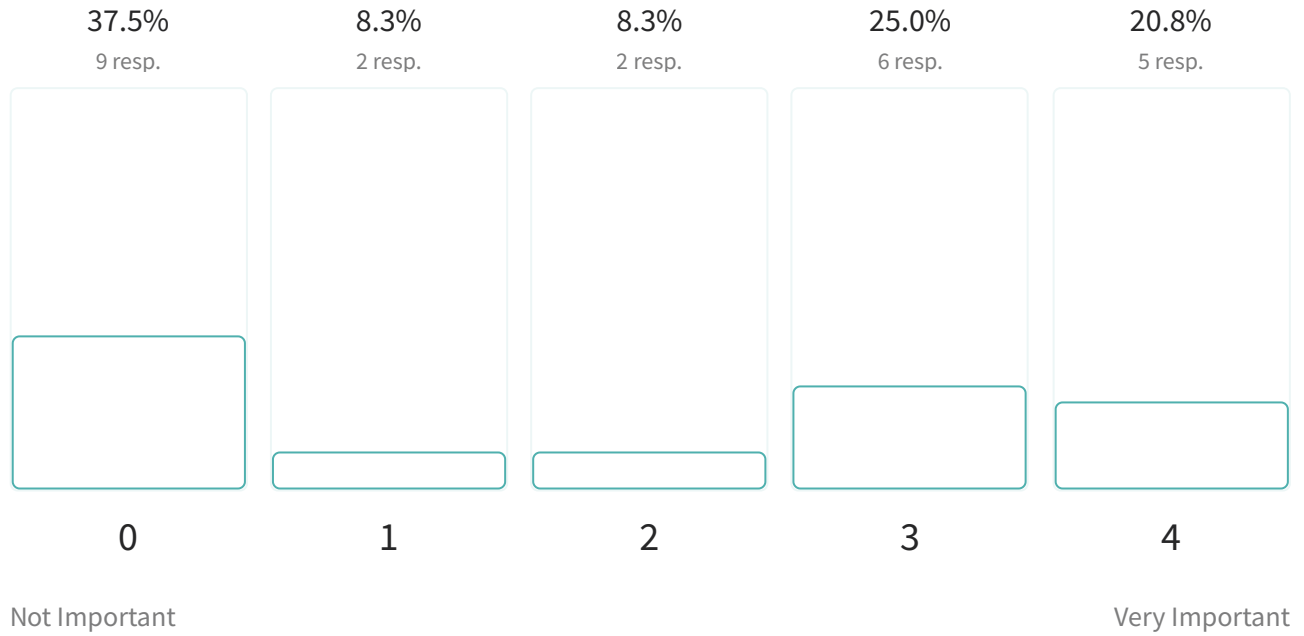


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New employee or staffing assistance

24 out of 24 answered

### 1.8 Average rating

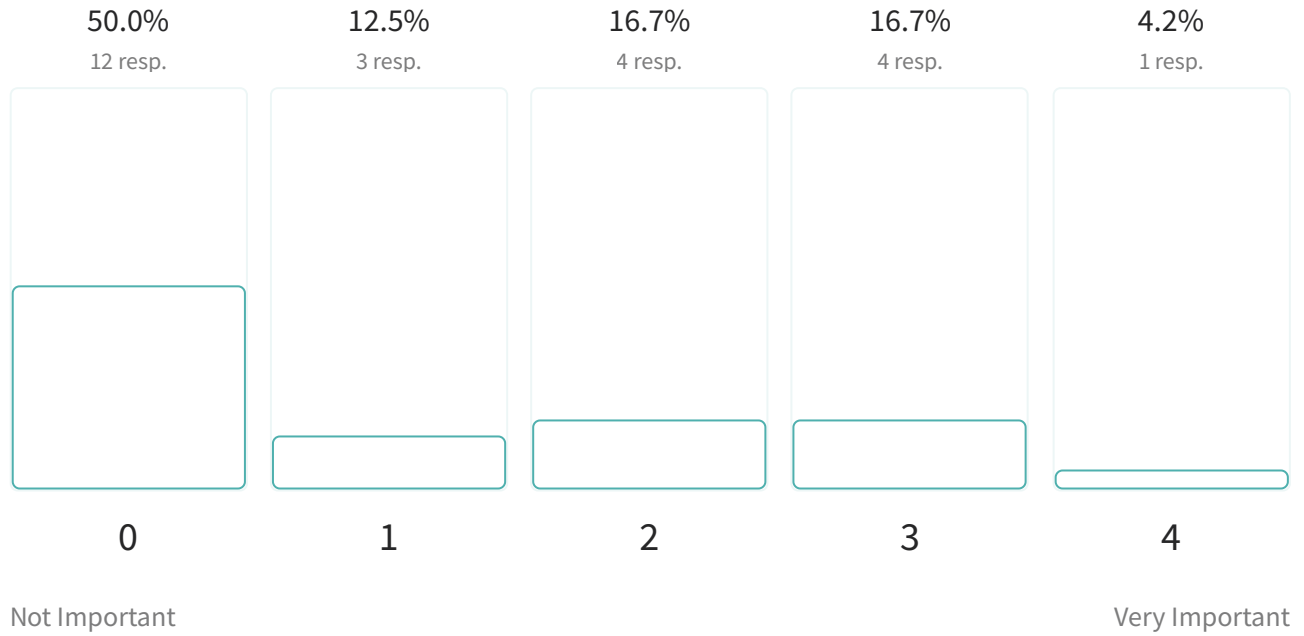


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## Training assistance for employees for working in the new environment post COVID-19

24 out of 24 answered

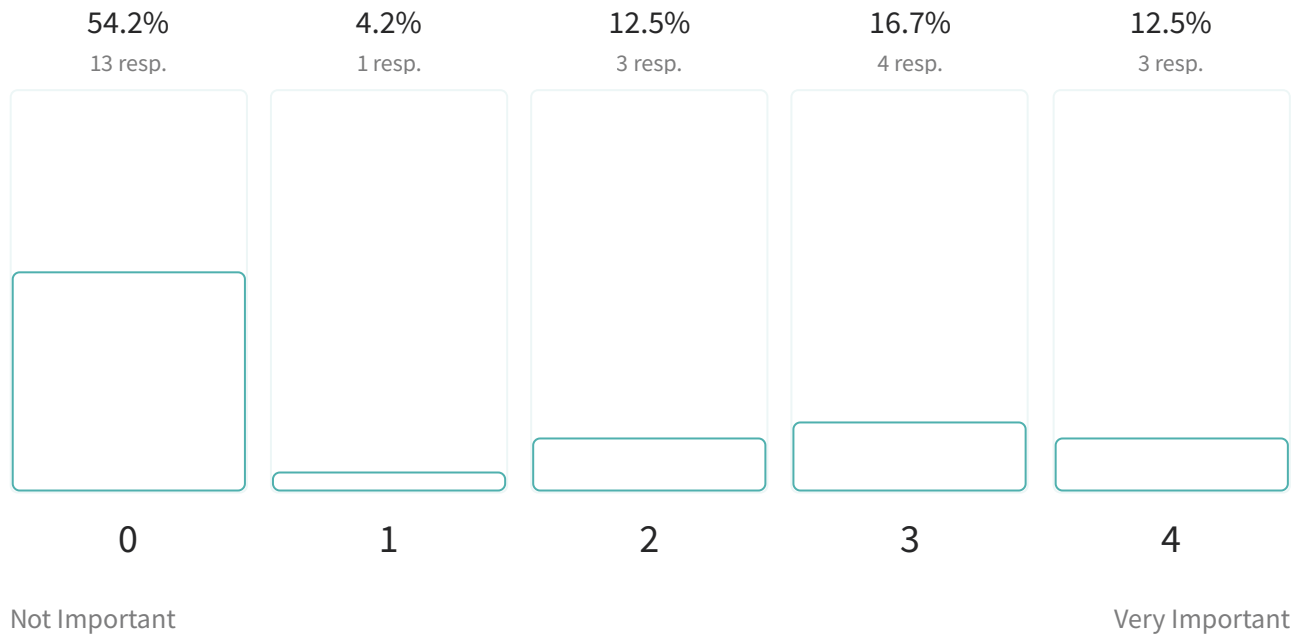
### 1.1 Average rating



## Sales tax deferral

24 out of 24 answered

### 1.3 Average rating

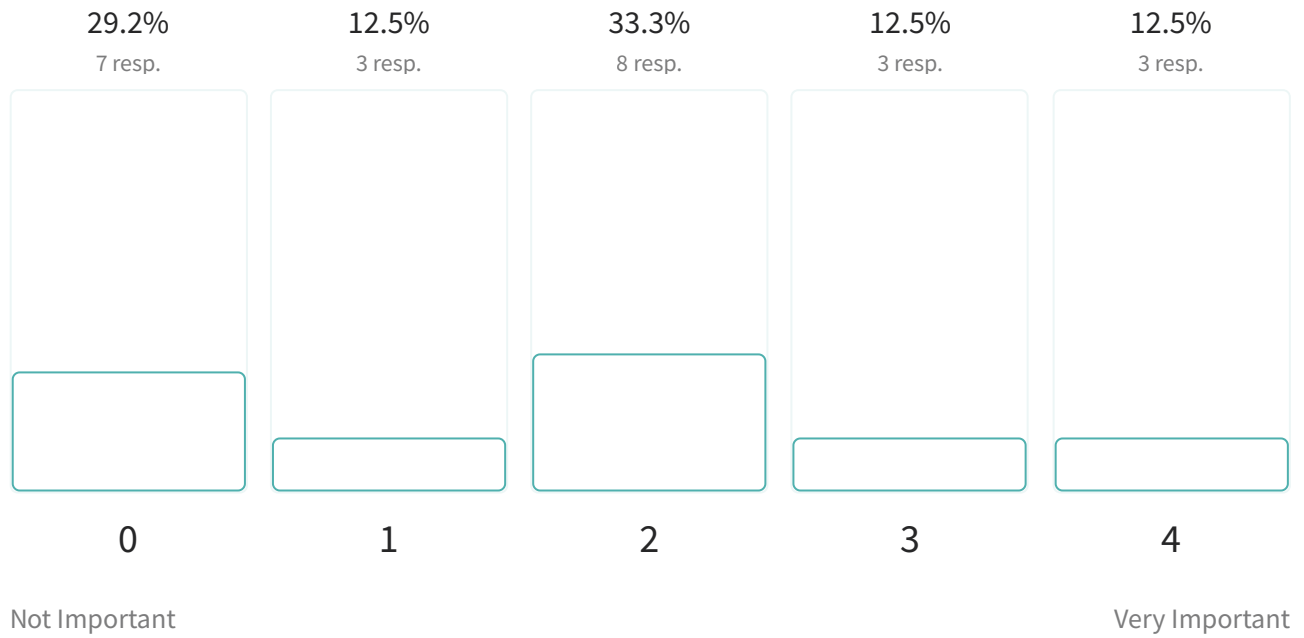


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Marketing/Advertising Assistance

24 out of 24 answered

### 1.7 Average rating

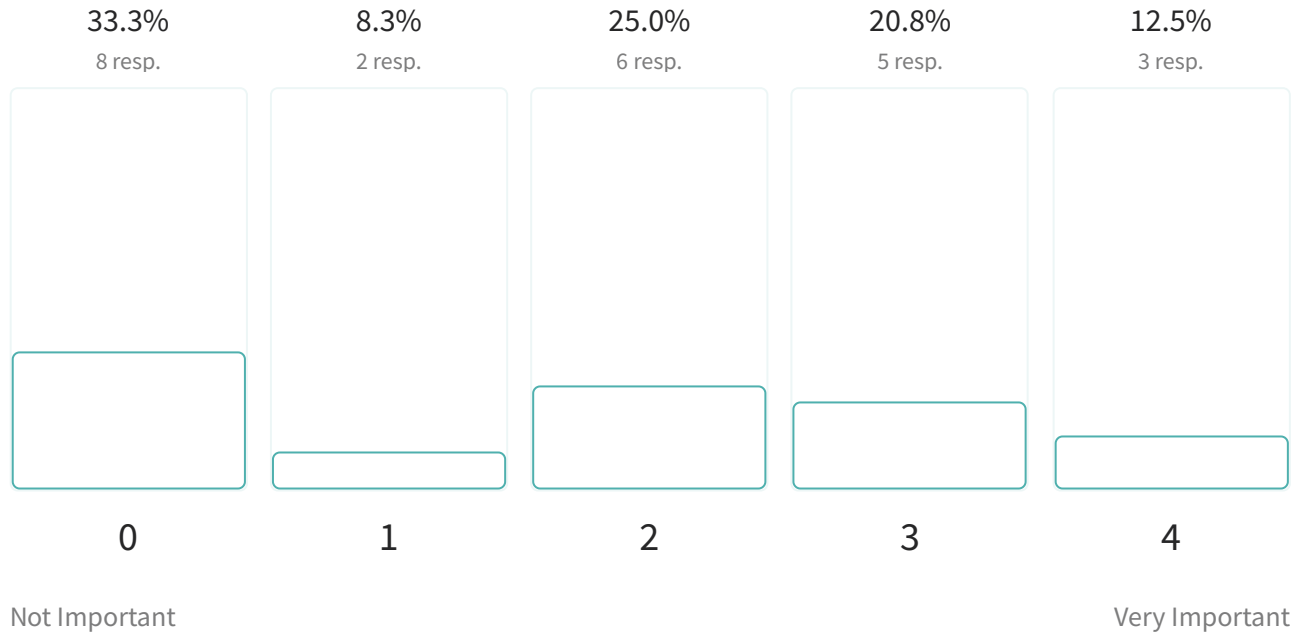




## Rent Assistance

24 out of 24 answered

### 1.7 Average rating

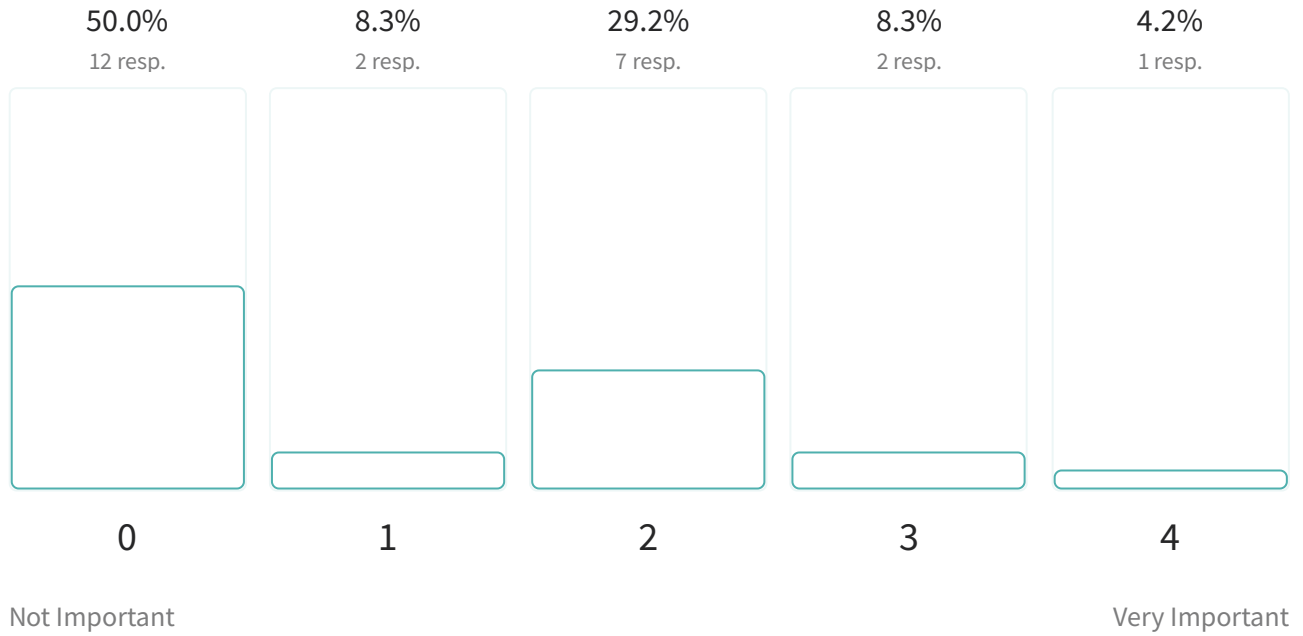


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One on one consulting

24 out of 24 answered

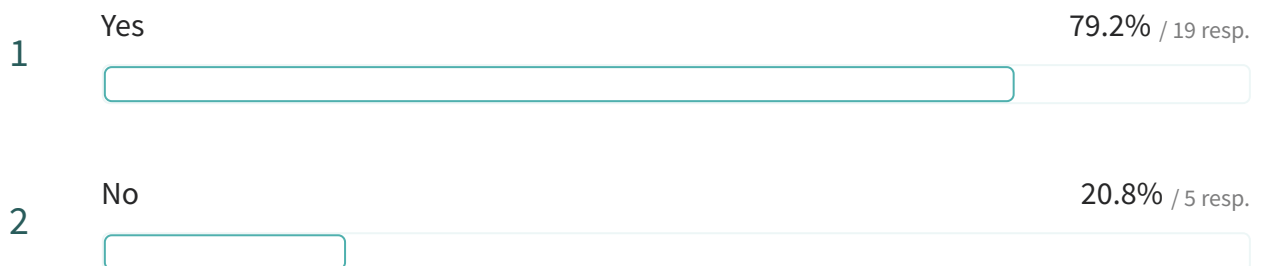
### 1.1 Average rating



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Would you be willing to participate in follow-up questions as issues change, if applicable?

24 out of 24 answered



# 2021 BDAC Budget

Agenda Item #5

	<b>TMV Budget</b>	<b>TMV Actuals</b>
Ajax Cleaning for Cabins (Jan-April)	\$ 20,000.00	
Propane for Heaters	\$ 42,000.00	
PPE (N95 Masks)	\$ 10,000.00	
<b>Total</b>	<b>\$ 72,000.00</b>	
CVRF Fund Rollover	\$ 278,959.07	
TMVOA Funds	\$ 201,021.15	
Council Approved Budget	\$ 100,000.00	
<b>Total</b>	<b>\$ 579,980.22</b>	
<b>Surplus (Deficit)</b>	<b>\$ 507,980.22</b>	



## 2020 **DRAFT** COVID-19 Work Plan

### Business Development Advisory Committee

The COVID-19 Work Plan has been compiled as a tool to help the Business Development Advisory Committee (BDAC) plan for future potential impacts to local businesses, help with the strategic allocation of resources to aid in recovery, and guide communication around specific decisions and actions. Specific elements found within the Work Plan are intended to help identify changing business climates over time and to help target specific activities and goals to best suit issues as they evolve.

Finalizing a work program helps the Committee prioritize work. It does not mandate project completion, nor does it preclude work on other projects not identified. Having this flexibility, together with support from the Council and other stakeholders, helps the Committee best serve the community.

**Typically, much more work is identified on a work program than can be accomplished in any given year.** Given the complexities facing the Town of Mountain Village and the local business community, staff will work to prioritize any feasible project Town Council determines useful in assisting local business that is deemed effective in assisting local businesses in a fiscally responsible way.

#### **Work Program Priorities:**

**High Priority** tasks include the major projects identified below and other potential projects that must be addressed Early/Late Spring in anticipation for some relaxation of the San Miguel Public Health Order. Some high priority tasks will continue into Summer of 2020 and beyond because they are multi-year tasks

**Low Priority** tasks are projects that were previously researched by the Council and the Committee but there are insufficient staffing resources or funding to address them. These are projects that can potentially advance to a higher priority as we begin to understand opportunities individually. Also, they be addressed at a later time in FY 2020-2021, or they may drop off the work program entirely.

**All items that are currently being accomplished are highlighted.**

#### **HIGH PRIORITIES**

1. Economic Development Incentives – Town Resources

Priority Ranking	Action Item	Sub-Action Item	Team Member(s)	Date Completed
1	Demographic & Data Assistance	<ul style="list-style-type: none"> <li>Survey business to understand current needs and hardships</li> </ul>	Zoe Dohnal/ John Miller	4.27.20
2	Focused Merchant Meetings	<ul style="list-style-type: none"> <li>Ensure merchants are sharing information on operation strategies.</li> <li>Position TMV and TMVOA to answer any questions and provide appropriate resources.</li> </ul>	Zoe Dohnal	5.12.20 Ongoing
3	Fee waivers and payment deferrals	<ul style="list-style-type: none"> <li>Sales tax deferral</li> <li>Business license waivers</li> </ul>		5.20.20
4	E-newsletter / blog	<ul style="list-style-type: none"> <li>Business e-newsletter (incorporated into the COVID-19 e-newsletter)</li> </ul>	Zoe Dohnal	On-going
6	Village Center outdoor space enhancement	<ul style="list-style-type: none"> <li>Additional outdoor seating areas – lighting, canopies, etc.</li> <li>Potential pop-up structures</li> </ul>	JD Wise	To be completed in the next few months

## 2. Business Retention

Priority Ranking	Action Item	Sub-Action Item	Team Member(s)	Date Completed
1	Ecommerce Assistance	<ul style="list-style-type: none"> <li>Providing resources to businesses to help them succeed in the 'new normal'. This will include consulting on website creation, marketing assistance, and training.</li> </ul>	Zoe Dohnal	On-going
2	Marketing Assistance Fund	<ul style="list-style-type: none"> <li>Provide a marketing grant for applicable business. This is an investment in setting business up for future success.</li> </ul>	Zoe Dohnal	
3	Customer Incentive Program	<ul style="list-style-type: none"> <li>Work with TMVOA to create a weekly summer event to engage and intice customers</li> </ul>	Zoe Dohnal	
4	Delivery Assistance	<ul style="list-style-type: none"> <li>Assist local delivery for resturants.</li> </ul>	Dan Caton / Garrett Brafford	To be completed in the next few months

5	Help with supplies	<ul style="list-style-type: none"> <li>Assisting businesses with PPE and other inventory shortages</li> </ul>	JD Wise	On-going
6	Business Recognition Program	<ul style="list-style-type: none"> <li>Formal recognition among those businesses/ employees that contributed to the economic well-being of the town and have demonstrated a commitment to the vitality. This award is not on a consistent timeline. The community can submit a nomination through an online form on the TMV website</li> </ul>	Zoe Dohnal and MD	On-going

### 3. Employee Development and Job Training

Priority Ranking	Budget	Action Item	Sub-Action Item	Team Member(s)	Date Completed
1		Job Training	Training for new skills in our COVID new normal (also being contemplated by San Miguel County and the Telluride Medical Center).	Sherri Reeder and Laila Benitez	To be completed in the next few months
2		Job Training	Telluride Foundation and the Southwest Business Recovery group opportunities	Zoe Dohnal with Telluride Foundations partners	Long term
3		Job Training	Open TSG hospitality classes to the public	Sherri Reeder	Long term

### 4. Marketing Opportunities and Public Outreach

Priority Ranking	Budget	Action Item	Sub-Action Item	Team Member(s)	Date Completed
1		TMV Website Enhancement	Develop a marketing strategy to help Mountain Village businesses during their recovery period.	Zoe Dohnal	On-going
2		TMV Website Enhancement	Building out the TMV business resource page and directory	Zoe Dohnal	Ongoing

### 5. Grant Applications that would benefit the Town's Incentives

Priority Ranking	Budget	Action Item	Sub-Action Item	Team Member(s)	Date Completed
1		DOLA Grants	Revitalizing Mainstreet Grant	Zoe Dohnal	Ongoing
2		GOGO Grants			Ongoing
3		Other Grants	CVRF Funding		Ongoing

### 6. COVID Economic Development Incentives – State and Regional Resources

Priority Ranking	Budget	Action Item	Sub-Action Item	Team Member(s)	Date Completed
1		Colorado Department of Economics and International Trade	<a href="https://choosecolorado.com/covid19/">https://choosecolorado.com/covid19/</a>	Zoe Dohnal	Ongoing

## LOW PRIORITIES

### 7. Economic Development Incentives – State and Regional Resources

Postponed Action Items:

- Understand policy barriers to why people choose where they locate their business
- [Colorado Business Resource Book](#)
- [SBDC Consulting](#)
- [Colorado Office of Economic Development & International Trade - PROGRAMS](#)
  - [Job Growth Incentive Tax Credit \(JGITC\)](#)
  - [Colorado Microloans](#)
  - [Colorado Capital Access \(CCA\)](#)
  - [Global Consultant Network](#)
  - [Job Growth Incentive Tax Credit](#)
- [Regional Tourism Act](#)
- [Sales and Use Tax Refunds](#)
- [Space to Create](#)
- [Strategic Fund](#)
- [Transferable Tax Credit](#)
- [Venture Capital Authority](#)
- [Cash Collateral Support](#)
- [Region10 Business Loan Fund](#)
- [Colorado First and Existing Industry Customized Job Training Grant Programs](#)

### 8. Economic Development Incentives – Private/ Commercial Resources

Postponed Action Items:

- Utilizing TSG resources
- Utilizing Madeline resources



## 2020 **DRAFT** Work Plan

### Business Development Advisory Committee

Below is the proposed 2020 Work Program for discussion at the February 11, 2020 Business Development Advisory Committee meeting. We believe priority projects should primarily include:

- Business Attraction and Retention
- Job Creation and Job Training
- Economic Development Incentives
- Marketing Opportunities

Finalizing a work program helps the Committee prioritize work. It does not mandate project completion, nor does it preclude work on other projects not identified. Having this flexibility, together with support from the Council and other stakeholders, helps the Committee best serve the community.

**Typically, much more work is identified on a work program than can be accomplished in any given year.** However, staff will begin lower priority projects in the table below if Work Program items are completed early. At this time, we anticipate that resources available will remain stable over the next year and we will plan for one meeting quarterly, adjusting as needed.

#### **Work Program Priorities:**

**High Priority** tasks include the major projects identified below and other potential projects that must be addressed this year. Some high priority tasks will continue into 2021 and beyond because they are multi-year tasks.

**Medium Priority** tasks are projects and topics that are not scheduled to begin until later in 2020 or are tasks where there are insufficient staff resources or priority to address at this time. Some medium priority tasks need further evaluation to determine their importance. Because most of the Committee's resources will be devoted to high priority tasks, staff expects that few Tier 2 tasks will be addressed this year, and most will be carried over to 2021. Their priority in 2021 will be determined as part of next year's work program.

**Low Priority** tasks are projects and ordinance issues that were previously authorized by the Council and the Committee but there are insufficient staffing resources or funding to address them. These are projects and ordinances that can potentially advance to a medium priority as we begin to understand opportunities individually. Also, they be addressed in future years, or they may drop off the work program entirely.



# HIGH PRIORITIES

## 1. Economic Development Incentives – Town Resources

Time Frame	Action Item	Sub-Action Item	Team Member(s)	Time Spent	Date Completed
	<b>Events</b>	Lunch and Learns <ul style="list-style-type: none"> <li>Alpine Bank loan opportunities</li> <li>Region 10 available state resources</li> </ul>	Zoe Dohnal		
		Local business support activities			
		Create advertising and resources for potential events <ul style="list-style-type: none"> <li>Engage with TOT events to bring aspects to the TMV</li> </ul>	Zoe Dohnal		
		Demographic & Data Assistance			
		Business Before and After Hours <ul style="list-style-type: none"> <li>All participants receive a drink and raffle ticket. Prizes are donated by businesses each quarter.</li> </ul>			
	<b>Planning Fee Waivers</b>	Development Fee Rebate	John Miller		
		Storefront Improvement Program			
		Property tax waivers			
		Economic Incentive Fund <ul style="list-style-type: none"> <li>Retail development</li> <li>Microloans</li> </ul>			
	<b>Conference Center</b>	Co-working Space			
		Commercial Kitchen			

Notes:

- Business License Waivers
  - Sales Tax Rebates
  - Economic Incentive Fund
  - Business License for Service Class
- Parking / Transit
  - Increase Gondola Parking Garage parking
  - Make recommendations to the Parking Committee
- Housing
- Monthly Business e-newsletter / blog

## 2. Business Attraction and Retention, Helping Businesses Invest in the Town

Time Frame	Action Item	Sub-Action Item	Team Member(s)	Time Spent	Date Completed
	<b>CDC and Code Process Amendments</b>	<ul style="list-style-type: none"> <li>Streamline Planning approvals</li> <li>Updating sign regulations</li> <li>Commercial space restrictions on pedestrian corridors.</li> </ul>	John Miller		

	<b>Understanding the Current State of Businesses</b>	Economic Study	Garrett Brafford		
		Subarea Plan	Laila Benitez		
		EDDI Report	Zoe Dohnal		

Notes:

- Quality of Life Incentives
  - Recreation Amenity Pass for Locals
- Retention
  - Business Recognition Program
    - Formal recognition among those businesses/ employees that contributed to the economic well-being of the town and have demonstrated a commitment to the vitality. This award is not on a consistent timeline. Community go submit nomination through an online form on the TMV website
  - Tiered Reimbursements
    - A pay-for-performance program that pays out annually to qualified businesses. This could include wage reimbursement, property tax reimbursement, award for targeted job placement, relocation reimbursements. i.e. Austin Business Expansion Incentive Program.
- Small Investments in Village Center Infrastructure.
  - Planters, lights, etc.

### 3. Employee Development and Job Training

Time Frame	Action Item	Sub-Action Item	Team Member(s)	Time Spent	Date Completed
	<b>Understanding Hiring Needs</b>	Survey Businesses	Zoe Dohnal		
		Recommend improvements to hiring			
	<b>Job Training</b>	Telluride Foundation opportunities with Cheryl Miller			
		Use TCC for hospitality training/ classes.			
		Open TSG hospitality classes to the public	Sherri Reeder		
		Telluride Mountain College opportunities.			
		TIPS certification program			
		Colorado First Job Training			
		Cross-Training			
		Management Training			
		Sales tax education			

Notes:

- Recruitment Assistance
- Remote Market
  - Location Mentor Employment Program.
  - How to utilize remote workforce for MV businesses.
  - How to encourage remote workers to work out of MV.

## MEDIUM PRIORITIES

### 4. Marketing Opportunities and Public Outreach

Time Frame	Action Item	Sub-Action Item	Team Member(s)	Time Spent	Date Completed
	<b>Website Enhancement</b>	Building out the TMV business resource page	Zoe Dohnal		
		Provide a menu of items of what TMV has to offer to new businesses.	Zoe Dohnal		
		Provide a clear list of the benefits to the community by attracting more business.	Zoe Dohnal		

5. Grant Applications that would benefit the Town's Incentives

Time Frame	Action Item	Sub-Action Item	Team Member(s)	Time Spent	Date Completed
	<b>DOLA Grants</b>				
	<b>GOGO Grants</b>				
	<b>Other Grants</b>				

**LOW PRIORITIES**

6. Economic Development Incentives – State and Regional Resources

Notes:

- Understand policy barriers to why people choose where they locate their business
- [Colorado Business Resource Book](#)
- [SBDC Consulting](#)
- [Colorado Office of Economic Development & International Trade - PROGRAMS](#)
  - [Job Growth Incentive Tax Credit \(JGITC\)](#)
  - [Colorado Microloans](#)
  - [Colorado Capital Access \(CCA\)](#)
  - [Global Consultant Network](#)
  - [Job Growth Incentive Tax Credit](#)
- [Regional Tourism Act](#)
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- [Strategic Fund](#)
- [Transferable Tax Credit](#)
- [Venture Capital Authority](#)
- [Cash Collateral Support](#)
- [Region10 Business Loan Fund](#)
- [Colorado First and Existing Industry Customized Job Training Grant Programs](#)

7. Economic Development Incentives – Private/ Commercial Resources

Notes:

- Utilizing TSG resources
- Utilizing Madeline resources

**PLEASE REFER TO FEDERAL GUIDANCE REGULARLY AS IT IS UPDATED OFTEN. FOR CURRENT INFORMATION, PLEASE SEE OUR RESOURCES SECTION OF OUR CORONAVIRUS RELIEF FUND WEBSITE.**

[DOLA'S Coronavirus Relief Fund Resource Website](#)

[Federal Guidance](#)

[Federal Guidance FAQ](#)

7a.	Administrative	<p><b>Administrative Expenses</b>  <b>Eligible expenses include:</b> No Specific Guidance as of 08/26/2020  <b>Ineligible expenses include:</b> Expenses that have or will be reimbursed by another federal program, reimbursement to donors, workforce bonuses other than hazard pay, severance pay and legal settlements. See Federal Guidance.</p> <p><b>Expenses on Budgeted Personnel Diverted to a Substantially Different Use due to the COVID-19 public health emergency</b>  <b>Eligible expenses include:</b> Payroll and benefit costs associated with public employees who could have been furloughed or otherwise laid off but who were instead repurposed to perform previously unbudgeted functions substantially dedicated to mitigating or responding to the COVID-19 public health emergency are covered. This would include, for example, the costs of redeploying corrections facility staff to enable compliance with COVID-19 public health precautions through work such as enhanced sanitation or enforcing social distancing measures; the costs of redeploying police to support management and enforcement of stay-at-home orders; or the costs of diverting educational support staff or faculty to develop online learning capabilities, such as through providing information technology support that is not part of the staff or faculty's ordinary responsibilities. See Federal Guidance.  <b>Ineligible expenses include:</b> Expenses that have or will be reimbursed by another federal program, reimbursement to donors, workforce bonuses other than hazard pay, severance pay and legal settlements. See Federal Guidance.</p>
7b.	Budgeted Diverted Personnel	<p><b>COVID-19 Testing and Contact Tracing</b>  <b>Eligible expenses include:</b> Costs of providing COVID-19 testing, including serological (antibody) testing. (Moved from Medical expenses.) See Federal Guidance.  <b>Ineligible expenses include:</b> Expenses that have or will be reimbursed by another federal program, reimbursement to donors, workforce bonuses other than hazard pay, severance pay and legal settlements. See Federal Guidance.</p>
7c.	COVID-19 Testing	<p><b>Economic Support Expenses incurred due to the COVID-19 public health emergency</b>  <b>Eligible expenses include:</b> Cost of provision of grants to small businesses, state, local or tribal payroll support, and unemployment insurance costs related to the COVID-19 health emergency. See Federal Guidance.  <b>Ineligible expenses include:</b> Expenses that have or will be reimbursed by another federal program, reimbursement to donors, workforce bonuses other than hazard pay, severance pay and legal settlements. See Federal Guidance.</p>
7d.	Economic Support Other	<p><b>Expenses Associated with Issuance of Tax Anticipation Notes due to the COVID-19 public health emergency</b>  <b>Eligible expenses include:</b> Costs associated with issuance of tax anticipation notes. If a government determines that the issuance of TANs is necessary due to the COVID-19 public health emergency, the government may expend payments from the Fund on the interest expense payable on TANs by the borrower and unbudgeted administrative and transactional costs, such as necessary payments to advisors and underwriters, associated with the issuance of the TANs. See Federal Guidance.  <b>Ineligible expenses include:</b> Expenses that have or will be reimbursed by another federal program, reimbursement to donors, workforce bonuses other than hazard pay, severance pay and legal settlements. See Federal Guidance.</p>
7e.	Tax Anticipation Notes	<p><b>Distance Learning Expenses incurred due to the COVID-19 public health emergency</b>  <b>Eligible expenses include:</b> Expenses to facilitate distance learning, including technological improvements, in connection with school closings to enable compliance with COVID-19 precautions. See Federal Guidance.  <b>Ineligible expenses include:</b> Expenses that have or will be reimbursed by another federal program, reimbursement to donors, workforce bonuses other than hazard pay, severance pay and legal settlements. See Federal Guidance.</p>
7f.	Distance Learning	<p><b>Food Program Expenses incurred due to the COVID-19 public health emergency</b>  <b>Eligible expenses include:</b> Expenses for food delivery to residents, including, for example, senior citizens and other vulnerable populations, to enable compliance with COVID-19 public health precautions. (Moved from Public Health expenses.) See Federal Guidance.  <b>Ineligible expenses include:</b> Expenses that have or will be reimbursed by another federal program, reimbursement to donors, workforce bonuses other than hazard pay, severance pay and legal settlements. See Federal Guidance.</p>
7g.	Food Programs	<p><b>Housing Support Expenses incurred due to the COVID-19 public health emergency</b>  <b>Eligible expenses include:</b> Grants to prevent eviction and assist in preventing homelessness that are a necessary expense incurred due to the COVID-19 public health emergency and that meet the other requirements for the use of Fund payments under section 601(d) of the Social Security Act outlined in the Guidance are eligible. As a general matter, providing assistance to recipients to enable them to meet property tax requirements would not be an eligible use of funds, but exceptions may be made in the case of assistance designed to prevent foreclosures. (Moved from Economic Support.) See Federal Guidance.  <b>Ineligible expenses include:</b> Expenses that have or will be reimbursed by another federal program, reimbursement to donors, workforce bonuses other than hazard pay, severance pay and legal settlements. See Federal Guidance.</p>
7h.	Housing Support	<p><b>Expenses on Improving Telework Capabilities of Public Employees due to the COVID-19 public health emergency</b>  <b>Eligible expenses include:</b> Expenses to improve telework capabilities for public employees to enable compliance with COVID-19 public health precautions. Telework expenditures must be limited to those that are necessary due to the public health emergency. See Federal Guidance.  <b>Ineligible expenses include:</b> Expenses that have or will be reimbursed by another federal program, reimbursement to donors, workforce bonuses other than hazard pay, severance pay and legal settlements. See Federal Guidance.</p>
7i.	Telework	<p><b>Medical Expenses incurred due to the COVID-19 public health emergency</b>  <b>Eligible expenses include:</b> COVID-19-related expenses of public hospitals, clinics, and similar facilities, establishing temporary public medical facilities and other measures to increase COVID-19 treatment capacity, including treatment costs, emergency medical response expenses, including transportation related to COVID-19, and expenses for establishing and operating public telemedicine capabilities for COVID-19 related treatment. See Federal Guidance.  <b>Ineligible expenses include:</b> Expenses that have or will be reimbursed by another federal program, reimbursement to donors, workforce bonuses other than hazard pay, severance pay and legal settlements. See Federal Guidance.</p>
7j.	Medical	<p><b>Nursing Home Assistance Expenses incurred due to the COVID-19 public health emergency</b>  <b>Eligible expenses include:</b> Expenses for disinfection of public areas and other facilities, e.g., nursing homes, in response to the COVID-19 public health emergency. (Moved from Public Health expenses.) See Federal Guidance.  <b>Ineligible expenses include:</b> Expenses that have or will be reimbursed by another federal program, reimbursement to donors, workforce bonuses other than hazard pay, severance pay and legal settlements. See Federal Guidance.</p>
7k.	Nursing Home Assistance	<p><b>Payroll Expenses for Public Health and Safety Employees due to the COVID-19 public health emergency</b>  <b>Eligible expenses include:</b> Payroll for public health and public safety employees whose services are substantially dedicated to mitigating or responding to the COVID-19 public health emergency. See Federal Guidance.  <b>Ineligible expenses include:</b> Expenses that have or will be reimbursed by another federal program, reimbursement to donors, workforce bonuses other than hazard pay, severance pay and legal settlements. See Federal Guidance.</p>
7l.	Payroll PH and Safety	<p><b>Personal Protective Equipment expenses incurred due to the COVID-19 public health emergency</b>  <b>Eligible expenses include:</b> Expenses for acquisition and distribution of medical and protective supplies, including personal protective equipment, for medical personnel, police officers, social workers, child protection services, and child welfare officers, direct service providers for older adults and individuals with disabilities in community settings, and other public health or safety workers in connection with the COVID-19 public health emergency. (Partially moved from Public Health expenses.) See Federal Guidance.  <b>Ineligible expenses include:</b> Expenses that have or will be reimbursed by another federal program, reimbursement to donors, workforce bonuses other than hazard pay, severance pay and legal settlements. See Federal Guidance.</p>
7m.	PPE	<p><b>Public Health Expenses incurred due to the COVID-19 public health emergency</b>  <b>Eligible expenses include:</b> Expenses for COVID-19-related: communication and enforcement by State, territorial, local, and Tribal governments of public health orders, acquisition and distribution of medical and protective supplies, including sanitizing products for medical personnel, police officers, social workers, child protection services, and child welfare officers, direct service providers for older adults and individuals with disabilities in community settings, and other public health or safety workers, technical assistance to local authorities or other entities on mitigation of COVID-19-related threats to public health and safety, public safety measures undertaken in response to COVID-19, quarantining individuals, maintaining state prisons and county jails, including as relates to sanitation and improvement of social distancing measures, providing paid sick and paid family and medical leave to public employees to enable compliance, and for care for homeless populations provided to mitigate COVID-19 effects and enable compliance with COVID-19 public health precautions. See Federal Guidance.  <b>Ineligible expenses include:</b> Expenses that have or will be reimbursed by another federal program, reimbursement to donors, workforce bonuses other than hazard pay, severance pay and legal settlements. See Federal Guidance.</p>
7n.	Public Health	<p><b>Economic Support Expenses for small businesses incurred due to the COVID-19 public health emergency</b>  <b>Eligible expenses include:</b> Expenditures related to the provision of grants to small businesses to reimburse the costs of business interruption caused by required closures. Governments have discretion in offering programs aimed at assisting small businesses with the costs of business interruption caused by required closures. The amount of a grant to a small business to reimburse the costs of business interruption caused by required closures would also be an eligible expenditure under section 601(d) of the Social Security Act, as outlined in the Guidance. Costs are eligible in the absence of a stay-at-home order if such expenditures are determined by the government to be necessary. (Moved from Economic Support) See Federal Guidance.  <b>Ineligible expenses include:</b> Expenses that have or will be reimbursed by another federal program, reimbursement to donors, workforce bonuses other than hazard pay, severance pay and legal settlements. See Federal Guidance.</p>
7o.	Small Business Assistance	<p><b>Economic Support Expenses for unemployment expenses incurred due to the COVID-19 public health emergency</b>  <b>Eligible expenses include:</b> Unemployment insurance costs related to the COVID-19 public health emergency if such costs will not be reimbursed by the federal government pursuant to the CARES Act or otherwise. (Moved from Economic Support.) See Federal Guidance.  <b>Ineligible expenses include:</b> Expenses that have or will be reimbursed by another federal program, reimbursement to donors, workforce bonuses other than hazard pay, severance pay and legal settlements. See Federal Guidance.</p>
7p.	Unemployment Benefits	<p><b>Economic Support Expenses for workers compensation benefit expenses incurred due to the COVID-19 public health emergency</b>  <b>Eligible expenses include:</b> Increased workers compensation cost to the government due to the COVID-19 public health emergency incurred during the period beginning March 1, 2020, and ending December 30, 2020, is an eligible expense. (Moved from Public Health expenses.) See Federal Guidance.  <b>Ineligible expenses include:</b> Expenses that have or will be reimbursed by another federal program, reimbursement to donors, workforce bonuses other than hazard pay, severance pay and legal settlements. See Federal Guidance.</p>
7q.	Workers' Compensation	<p><b>Other Related Expenses incurred due to the COVID-19 public health emergency, to include other eligible expenses that are not captured in the available expenditure categories</b>  <b>Eligible expenses include:</b> Any other COVID-19-related expenses reasonably necessary to the function of government that satisfy the Fund's eligibility criteria not otherwise listed on the combined reimbursement form. See Federal Guidance.  <b>Ineligible expenses include:</b> Expenses that have or will be reimbursed by another federal program, reimbursement to donors, workforce bonuses other than hazard pay, severance pay and legal settlements. See Federal Guidance.</p>
7r.	Other	

**ADDRESSES:** Direct all written comments to Kinna Brewington, Internal Revenue Service, room 6526, 1111 Constitution Avenue NW, Washington, DC 20224.

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information or copies of the form should be directed to Kerry Dennis, at (202) 317-5751 or Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW, Washington DC 20224, or through the internet, at [Kerry.Dennis@irs.gov](mailto:Kerry.Dennis@irs.gov).

**SUPPLEMENTARY INFORMATION:** *Title:* Sales of Business Property.

*OMB Number:* 1545-0184.

*Form Number:* Form 4797.

*Abstract:* Form 4797 is used by taxpayers to report sales, exchanges, or involuntary conversions of assets used in a trade or business. It is also used to compute ordinary income from recapture and the recapture of prior year losses under section 1231 of the Internal Revenue Code.

*Current Actions:* There is no change in the paperwork burden previously approved by OMB. The forms are being submitted for renewal purposes only.

*Type of Review:* Extension of a currently approved collection.

*Affected Public:* Business or other for-profit organizations, individuals or households, and farms.

*Estimated Number of Respondents:* 325,000.

*Estimated Time per Response:* 50 hours, 38 minutes.

*Estimated Total Annual Burden Hours:* 16,454,750.

The following paragraph applies to all the collections of information covered by this notice.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained if their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

*Request for Comments:* Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the

quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: January 12, 2021.

**Chakinna B. Clemons,**  
*Supervisory Tax Analyst.*

[FR Doc. 2021-00841 Filed 1-14-21; 8:45 am]

**BILLING CODE 4830-01-P**

## DEPARTMENT OF THE TREASURY

### Coronavirus Relief Fund for States, Tribal Governments, and Certain Eligible Local Governments

**AGENCY:** Department of the Treasury.

**ACTION:** Coronavirus Relief Fund program guidance.

**SUMMARY:** The Department of the Treasury (Treasury) is re-publishing in final form the guidance it previously made available on its website regarding the Coronavirus Relief Fund for States, tribal governments, and certain eligible local governments.

**FOR FURTHER INFORMATION CONTACT:** Stephen T. Milligan, Deputy Assistant General Counsel (Banking & Finance), 202-622-4051.

**SUPPLEMENTARY INFORMATION:** Section 601 of the Social Security Act, as added by section 5001(a) of Division A of the Coronavirus Aid, Relief, and Economic Security Act ("CARES Act") established the Coronavirus Relief Fund (the "Fund") and appropriated \$150 billion for payments by Treasury to States, tribal governments, and certain local governments.

The Secretary of the Treasury has adopted this guidance for recipients of payments from the Fund pursuant to his authority under the Social Security Act to adopt rules and regulations as may be necessary to the efficient administration of the functions with which he is charged under the Social Security Act. 42 U.S.C. 1302(a). This guidance primarily concerns the use of payments from the Fund set forth in section 601(d) of the Social Security Act. Treasury's Office of Inspector General (OIG) will use this guidance in its audits of recipients' use of funds. Section 601(f)(2) of the Social Security Act provides that if the Treasury OIG determines that a recipient of payments from the Fund has failed to comply with the use of funds provisions of section

601(d), the amount equal to the amount of funds used in violation of such subsection shall be booked as a debt of such entity owed to the federal government.

The guidance published below is unchanged from the last version of the guidance dated September 2, 2020,<sup>1</sup> and the frequently asked questions document dated October 19, 2020,<sup>2</sup> each of which was published on Treasury's website, except for the following changes. The introduction of the guidance and frequently asked questions have been modified to reflect this publication in the **Federal Register**; the guidance and frequently asked questions have been revised throughout to reflect that the end date of the period during which eligible expenses may be incurred has been extended to December 31, 2021;<sup>3</sup> footnote 2 of the guidance has been revised to reflect additional restrictions imposed by section 5001(b) of Division A the CARES Act; FAQ A.59 has been updated to correct the cross-reference to Treasury OIG's FAQs; and the application of FAQ B.6 has been clarified. Treasury is also adding to the guidance instructions regarding the return to Treasury of unused Coronavirus Relief Fund payments.

### Administrative Procedure Act

The Administrative Procedure Act (APA) provides that the notice, public comment, and delayed effective date requirements of 5 U.S.C. 553 do not apply "to the extent that there is involved . . . a matter relating to agency management or personnel or to public property, loans, grants, benefits, or contracts." 5 U.S.C. 553(a). The rule involves a matter relating to public property, loans, grants, benefits, or contracts and is therefore exempt under the terms of the APA.

<sup>1</sup> As noted previously on Treasury's website, on June 30, 2020, the guidance provided under "Costs incurred during the period that begins on March 1, 2020, and ends on December 30, 2020" was updated. On September 2, 2020, the "Supplemental Guidance on Use of Funds to Cover Payroll and Benefits of Public Employees" and "Supplemental Guidance on Use of Funds to Cover Administrative Costs" sections were added.

<sup>2</sup> As noted previously on Treasury's website, on August 10, 2020, the frequently asked questions were revised to add Questions A.49-52. On September 2, 2020, Questions A.53-56 were added and Questions A.34 and A.38 were revised. On October 19, 2020, Questions A.57-59 and B.13 were added and Questions A.42, 49, and 53 were revised.

<sup>3</sup> Section 1001 of Division N of the Consolidated Appropriations Act, 2021 amended section 601(d)(3) of the Social Security Act by extending the end of the covered period for Coronavirus Relief Fund expenditures from December 30, 2020 to December 31, 2021.

### Regulatory Flexibility Analysis

The Regulatory Flexibility Act does not apply to a rulemaking when a general notice of proposed rulemaking is not required.

### Paperwork Reduction Act

The final rule contains no requirements subject to the Paperwork Reduction Act.

### Authority and Issuance

42 U.S.C. 1302(a).

### Coronavirus Relief Fund Guidance for State, Territorial, Local, and Tribal Governments

The purpose of this document is to provide guidance to recipients of the funding available under section 601(a) of the Social Security Act, as added by section 5001 of the Coronavirus Aid, Relief, and Economic Security Act (“CARES Act”). The CARES Act established the Coronavirus Relief Fund (the “Fund”) and appropriated \$150 billion to the Fund. Under the CARES Act, the Fund is to be used to make payments for specified uses to States and certain local governments; the District of Columbia and U.S. Territories (consisting of the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands); and Tribal governments.

The CARES Act provides that payments from the Fund may only be used to cover costs that—

1. are necessary expenditures incurred due to the public health emergency with respect to the Coronavirus Disease 2019 (COVID–19);
2. were not accounted for in the budget most recently approved as of March 27, 2020 (the date of enactment of the CARES Act) for the State or government; and
3. were incurred during the period that begins on March 1, 2020, and ends on December 31, 2021.<sup>1</sup>

The guidance that follows sets forth the Department of the Treasury’s interpretation of these limitations on the permissible use of Fund payments.

#### *Necessary Expenditures Incurred Due to the Public Health Emergency*

The requirement that expenditures be incurred “due to” the public health emergency means that expenditures must be used for actions taken to respond to the public health emergency.

<sup>1</sup> See Section 601(d) of the Social Security Act, as added by section 5001 of the CARES Act and as amended by section 1001 of Division N of the Consolidated Appropriations Act, 2021.

These may include expenditures incurred to allow the State, territorial, local, or Tribal government to respond directly to the emergency, such as by addressing medical or public health needs, as well as expenditures incurred to respond to second-order effects of the emergency, such as by providing economic support to those suffering from employment or business interruptions due to COVID–19-related business closures. Funds may not be used to fill shortfalls in government revenue to cover expenditures that would not otherwise qualify under the statute. Although a broad range of uses is allowed, revenue replacement is not a permissible use of Fund payments.

The statute also specifies that expenditures using Fund payments must be “necessary.” The Department of the Treasury understands this term broadly to mean that the expenditure is reasonably necessary for its intended use in the reasonable judgment of the government officials responsible for spending Fund payments.

#### *Costs Not Accounted for in the Budget Most Recently Approved as of March 27, 2020*

The CARES Act also requires that payments be used only to cover costs that were not accounted for in the budget most recently approved as of March 27, 2020. A cost meets this requirement if either (a) the cost cannot lawfully be funded using a line item, allotment, or allocation within that budget or (b) the cost is for a substantially different use from any expected use of funds in such a line item, allotment, or allocation.

The “most recently approved” budget refers to the enacted budget for the relevant fiscal period for the particular government, without taking into account subsequent supplemental appropriations enacted or other budgetary adjustments made by that government in response to the COVID–19 public health emergency. A cost is not considered to have been accounted for in a budget merely because it could be met using a budgetary stabilization fund, rainy day fund, or similar reserve account.

#### *Costs Incurred During the Period That Begins on March 1, 2020, and Ends on December 31, 2021*

Finally, the CARES Act provides that payments from the Fund may only be used to cover costs that were incurred during the period that begins on March 1, 2020, and ends on December 31, 2021 (the “covered period”). Putting this requirement together with the other provisions discussed above, section

601(d) may be summarized as providing that a State, local, or tribal government may use payments from the Fund only to cover previously unbudgeted costs of necessary expenditures incurred due to the COVID–19 public health emergency during the covered period.

Initial guidance released on April 22, 2020, provided that the cost of an expenditure is incurred when the recipient has expended funds to cover the cost. Upon further consideration and informed by an understanding of State, local, and tribal government practices, Treasury is clarifying that for a cost to be considered to have been incurred, performance or delivery must occur during the covered period but payment of funds need not be made during that time (though it is generally expected that this will take place within 90 days of a cost being incurred). For instance, in the case of a lease of equipment or other property, irrespective of when payment occurs, the cost of a lease payment shall be considered to have been incurred for the period of the lease that is within the covered period but not otherwise. Furthermore, in all cases it must be necessary that performance or delivery take place during the covered period. Thus the cost of a good or service received during the covered period will not be considered eligible under section 601(d) if there is no need for receipt until after the covered period has expired.

Goods delivered in the covered period need not be used during the covered period in all cases. For example, the cost of a good that must be delivered in December in order to be available for use in January could be covered using payments from the Fund. Additionally, the cost of goods purchased in bulk and delivered during the covered period may be covered using payments from the Fund if a portion of the goods is ordered for use in the covered period, the bulk purchase is consistent with the recipient’s usual procurement policies and practices, and it is impractical to track and record when the items were used. A recipient may use payments from the Fund to purchase a durable good that is to be used during the current period and in subsequent periods if the acquisition in the covered period was necessary due to the public health emergency.

Given that it is not always possible to estimate with precision when a good or service will be needed, the touchstone in assessing the determination of need for a good or service during the covered period will be reasonableness at the time delivery or performance was sought, e.g., the time of entry into a procurement contract specifying a time

for delivery. Similarly, in recognition of the likelihood of supply chain disruptions and increased demand for certain goods and services during the COVID-19 public health emergency, if a recipient enters into a contract requiring the delivery of goods or performance of services by December 31, 2021, the failure of a vendor to complete delivery or services by December 31, 2021, will not affect the ability of the recipient to use payments from the Fund to cover the cost of such goods or services if the delay is due to circumstances beyond the recipient's control.

This guidance applies in a like manner to costs of subrecipients. Thus, a grant or loan, for example, provided by a recipient using payments from the Fund must be used by the subrecipient only to purchase (or reimburse a purchase of) goods or services for which receipt both is needed within the covered period and occurs within the covered period. The direct recipient of payments from the Fund is ultimately responsible for compliance with this limitation on use of payments from the Fund.

#### *Nonexclusive Examples of Eligible Expenditures*

Eligible expenditures include, but are not limited to, payment for:

1. Medical expenses such as:
  - COVID-19-related expenses of public hospitals, clinics, and similar facilities.
  - Expenses of establishing temporary public medical facilities and other measures to increase COVID-19 treatment capacity, including related construction costs.
  - Costs of providing COVID-19 testing, including serological testing.
  - Emergency medical response expenses, including emergency medical transportation, related to COVID-19.
  - Expenses for establishing and operating public telemedicine capabilities for COVID-19-related treatment.
2. Public health expenses such as:
  - Expenses for communication and enforcement by State, territorial, local, and Tribal governments of public health orders related to COVID-19.
  - Expenses for acquisition and distribution of medical and protective supplies, including sanitizing products and personal protective equipment, for medical personnel, police officers, social workers, child protection services, and child welfare officers, direct service providers for older adults and individuals with disabilities in community settings, and other public health or safety workers in connection

with the COVID-19 public health emergency.

- Expenses for disinfection of public areas and other facilities, e.g., nursing homes, in response to the COVID-19 public health emergency.
  - Expenses for technical assistance to local authorities or other entities on mitigation of COVID-19-related threats to public health and safety.
  - Expenses for public safety measures undertaken in response to COVID-19.
  - Expenses for quarantining individuals.
3. Payroll expenses for public safety, public health, health care, human services, and similar employees whose services are substantially dedicated to mitigating or responding to the COVID-19 public health emergency.
  4. Expenses of actions to facilitate compliance with COVID-19-related public health measures, such as:
    - Expenses for food delivery to residents, including, for example, senior citizens and other vulnerable populations, to enable compliance with COVID-19 public health precautions.
    - Expenses to facilitate distance learning, including technological improvements, in connection with school closings to enable compliance with COVID-19 precautions.
    - Expenses to improve telework capabilities for public employees to enable compliance with COVID-19 public health precautions.
    - Expenses of providing paid sick and paid family and medical leave to public employees to enable compliance with COVID-19 public health precautions.
    - COVID-19-related expenses of maintaining state prisons and county jails, including as relates to sanitation and improvement of social distancing measures, to enable compliance with COVID-19 public health precautions.
    - Expenses for care for homeless populations provided to mitigate COVID-19 effects and enable compliance with COVID-19 public health precautions.
  5. Expenses associated with the provision of economic support in connection with the COVID-19 public health emergency, such as:
    - Expenditures related to the provision of grants to small businesses to reimburse the costs of business interruption caused by required closures.
    - Expenditures related to a State, territorial, local, or Tribal government payroll support program.
    - Unemployment insurance costs related to the COVID-19 public health emergency if such costs will not be reimbursed by the federal government pursuant to the CARES Act or otherwise.

6. Any other COVID-19-related expenses reasonably necessary to the function of government that satisfy the Fund's eligibility criteria.

#### *Nonexclusive Examples of Ineligible Expenditures*<sup>2</sup>

The following is a list of examples of costs that would not be eligible expenditures of payments from the Fund.

1. Expenses for the State share of Medicaid.<sup>3</sup>
2. Damages covered by insurance.
3. Payroll or benefits expenses for employees whose work duties are not substantially dedicated to mitigating or responding to the COVID-19 public health emergency.

<sup>2</sup> In addition, pursuant to section 5001(b) of Division A of the CARES Act, payments from the Fund are subject to the requirements contained in the Further Appropriations Act of 2020 (Pub. L. 116-94) for funds for programs authorized under section 330 through 340 of the Public Health Service Act (42 U.S.C. 254 through 256). Section 5001(b) thereby applies to payments from the Fund the general restrictions on the Department of Health and Human Services' appropriations. Of particular relevance for the Fund, payments may not be expended for an abortion, for health benefits coverage—meaning a package of services covered by a managed health care provider or organization pursuant to a contract or other arrangement—that includes coverage of abortion, for the creation of a human embryo or embryos for research purposes, or for research in which a human embryo is destroyed, discarded, or knowingly subjected to risk of injury or death greater than that allowed for research on fetuses in utero under 45 CFR 46.204(b) and 42 U.S.C. 289g(b)). The prohibition on payment for abortions and health benefits coverage that includes coverage of abortion does not apply to an abortion if the pregnancy is the result of an act of rape or incest; or in the case where a woman suffers from a physical disorder, physical injury, or physical illness, including a life-endangering physical condition caused by or arising from the pregnancy itself, that would, as certified by a physician, place the woman in danger of death unless an abortion is performed. These provisions do not prohibit the expenditure by a State, locality, entity, or private person of State, local, or private funds (other than a State's or locality's contribution of Medicaid matching funds). These provisions do not restrict the ability of a managed care provider from offering abortion coverage or the ability of a State or locality to contract separately with such a provider for such coverage with State funds (other than a State's or locality's contribution of Medicaid matching funds). Furthermore, no government which receives payments from the Fund may discriminate against a health care entity on the basis that the entity does not provide, pay for, provide coverage of, or refer for abortions. Except with respect to certain law enforcement and adjudication activities, no funds may be used to maintain or establish a computer network unless such network blocks the viewing, downloading, and exchanging of pornography. No payments from the Fund may be provided to the Association of Community Organizations for Reform Now (ACORN) or any of its affiliates, subsidiaries, allied organizations, or successors. For the full text of these requirements, see Title V of Public Law 116-94 (133 Stat. 2605 *et seq.*), available at <https://www.congress.gov/116/plaws/pub94/PLAW-116publ94.pdf>.

<sup>3</sup> See 42 CFR 433.51 and 45 CFR 75.306.

4. Expenses that have been or will be reimbursed under any federal program, such as the reimbursement by the federal government pursuant to the CARES Act of contributions by States to State unemployment funds.

5. Reimbursement to donors for donated items or services.

6. Workforce bonuses other than hazard pay or overtime.

7. Severance pay.

8. Legal settlements.

### Supplemental Guidance on Use of Funds To Cover Payroll and Benefits of Public Employees

As discussed in the Guidance above, the CARES Act provides that payments from the Fund must be used only to cover costs that were not accounted for in the budget most recently approved as of March 27, 2020. As reflected in the Guidance and FAQs, Treasury has not interpreted this provision to limit eligible costs to those that are incremental increases above amounts previously budgeted. Rather, Treasury has interpreted this provision to exclude items that were already covered for their original use (or a substantially similar use). This guidance reflects the intent behind the Fund, which was not to provide general fiscal assistance to state governments but rather to assist them with COVID-19-related necessary expenditures. With respect to personnel expenses, though the Fund was not intended to be used to cover government payroll expenses generally, the Fund was intended to provide assistance to address increased expenses, such as the expense of hiring new personnel as needed to assist with the government's response to the public health emergency and to allow recipients facing budget pressures not to have to lay off or furlough employees who would be needed to assist with that purpose.

#### Substantially Different Use

As stated in the Guidance above, Treasury considers the requirement that payments from the Fund be used only to cover costs that were not accounted for in the budget most recently approved as of March 27, 2020, to be met if either (a) the cost cannot lawfully be funded using a line item, allotment, or allocation within that budget or (b) the cost is for a *substantially different use* from any expected use of funds in such a line item, allotment, or allocation.

Treasury has provided examples as to what would constitute a substantially different use. Treasury provided (in FAQ A.3) that costs incurred for a substantially different use would

include, for example, the costs of redeploying educational support staff or faculty to develop online learning capabilities, such as through providing information technology support that is not part of the staff or faculty's ordinary responsibilities.

#### Substantially Dedicated

Within this category of substantially different uses, as stated in the Guidance above, Treasury has included payroll and benefits expenses for public safety, public health, health care, human services, and similar employees whose services are *substantially dedicated* to mitigating or responding to the COVID-19 public health emergency. The *full amount* of payroll and benefits expenses of substantially dedicated employees may be covered using payments from the Fund. Treasury has not developed a precise definition of what "substantially dedicated" means given that there is not a precise way to define this term across different employment types. The relevant unit of government should maintain documentation of the "substantially dedicated" conclusion with respect to its employees.

If an employee is not substantially dedicated to mitigating or responding to the COVID-19 public health emergency, his or her payroll and benefits expenses may not be covered *in full* with payments from the Fund. A *portion* of such expenses may be able to be covered, however, as discussed below.

#### Public Health and Public Safety

In recognition of the particular importance of public health and public safety workers to State, local, and tribal government responses to the public health emergency, Treasury has provided, as an administrative accommodation, that a State, local, or tribal government may presume that public health and public safety employees meet the substantially dedicated test, unless the chief executive (or equivalent) of the relevant government determines that specific circumstances indicate otherwise. This means that, if this presumption applies, work performed by such employees is considered to be a substantially different use than accounted for in the most recently approved budget as of March 27, 2020. All costs of such employees may be covered using payments from the Fund for services provided during the period that begins on March 1, 2020, and ends on December 31, 2021.

In response to questions regarding which employees are within the scope of this accommodation, Treasury is supplementing this guidance to clarify

that public safety employees would include police officers (including state police officers), sheriffs and deputy sheriffs, firefighters, emergency medical responders, correctional and detention officers, and those who directly support such employees such as dispatchers and supervisory personnel. Public health employees would include employees involved in providing medical and other health services to patients and supervisory personnel, including medical staff assigned to schools, prisons, and other such institutions, and other support services essential for patient care (e.g., laboratory technicians) as well as employees of public health departments directly engaged in matters related to public health and related supervisory personnel.

#### Not Substantially Dedicated

As provided in FAQ A.47, a State, local, or tribal government may also track time spent by employees related to COVID-19 and apply Fund payments on that basis but would need to do so consistently within the relevant agency or department. This means, for example, that a government could cover payroll expenses allocated on an hourly basis to employees' time dedicated to mitigating or responding to the COVID-19 public health emergency. This result provides equitable treatment to governments that, for example, instead of having a few employees who are substantially dedicated to the public health emergency, have many employees who have a minority of their time dedicated to the public health emergency.

#### Covered Benefits

Payroll and benefits of a substantially dedicated employee may be covered using payments from the Fund to the extent incurred between March 1 and December 31, 2021.

Payroll includes certain hazard pay and overtime, but not workforce bonuses. As discussed in FAQ A.29, hazard pay may be covered using payments from the Fund if it is provided for performing hazardous duty or work involving physical hardship that in each case is related to COVID-19. This means that, whereas payroll and benefits of an employee who is substantially dedicated to mitigating or responding to the COVID-19 public health emergency may generally be covered in full using payments from the Fund, hazard pay specifically may only be covered to the extent it is related to COVID-19. For example, a recipient may use payments from the Fund to cover hazard pay for a police officer coming in close contact with members of the public to enforce public health or



public safety orders, but across-the-board hazard pay for all members of a police department regardless of their duties would not be able to be covered with payments from the Fund. This position reflects the statutory intent discussed above; the Fund was intended to be used to help governments address the public health emergency both by providing funds for incremental expenses (such as hazard pay related to COVID-19) and to allow governments not to have to furlough or lay off employees needed to address the public health emergency but was not intended to provide across-the-board budget support (as would be the case if hazard pay regardless of its relation to COVID-19 or workforce bonuses were permitted to be covered using payments from the Fund).

Relatedly, both hazard pay and overtime pay for employees that are not substantially dedicated may only be covered using the Fund if the hazard pay and overtime pay is for COVID-19-related duties. As discussed above, governments may allocate payroll and benefits of such employees with respect to time worked on COVID-19-related matters.

Covered benefits include, but are not limited to, the costs of all types of leave (vacation, family-related, sick, military, bereavement, sabbatical, jury duty), employee insurance (health, life, dental, vision), retirement (pensions, 401(k)), unemployment benefit plans (federal and state), workers compensation insurance, and Federal Insurance Contributions Act (FICA) taxes (which includes Social Security and Medicare taxes).

**Supplemental Guidance on Use of Funds To Cover Administrative Costs**

*General*

Payments from the Fund are not administered as part of a traditional grant program and the provisions of the Uniform Guidance, 2 CFR part 200, that

are applicable to indirect costs do not apply. Recipients may not apply their indirect costs rates to payments received from the Fund.

Recipients may, if they meet the conditions specified in the guidance for tracking time consistently across a department, use payments from the Fund to cover the portion of payroll and benefits of employees corresponding to time spent on administrative work necessary due to the COVID-19 public health emergency. (In other words, such costs would be eligible direct costs of the recipient). This includes, but is not limited to, costs related to disbursing payments from the Fund and managing new grant programs established using payments from the Fund.

As with any other costs to be covered using payments from the Fund, any such administrative costs must be incurred by December 31, 2021, with an exception for certain compliance costs as discussed below. Furthermore, as discussed in the Guidance above, as with any other cost, an administrative cost that has been or will be reimbursed under any federal program may not be covered with the Fund. For example, if an administrative cost is already being covered as a direct or indirect cost pursuant to another federal grant, the Fund may not be used to cover that cost.

*Compliance Costs Related to the Fund*

As previously stated in FAQ B.11, recipients are permitted to use payments from the Fund to cover the expenses of an audit conducted under the Single Audit Act, subject to the limitations set forth in 2 CFR 200.425. Pursuant to that provision of the Uniform Guidance, recipients and subrecipients subject to the Single Audit Act may use payments from the Fund to cover a reasonably proportionate share of the costs of audits attributable to the Fund.

To the extent a cost is incurred by December 31, 2021, for an eligible use consistent with section 601 of the Social

Security Act and Treasury’s guidance, a necessary administrative compliance expense that relates to such underlying cost may be incurred after December 31, 2021. Such an expense would include, for example, expenses incurred to comply with the Single Audit Act and reporting and recordkeeping requirements imposed by the Office of Inspector General. A recipient with such necessary administrative expenses, such as an ongoing audit continuing past December 31, 2021, that relates to Fund expenditures incurred during the covered period, must report to the Treasury Office of Inspector General by the quarter ending September 2022 an estimate of the amount of such necessary administrative expenses.

**Instructions for State, Territorial, Local, and Tribal Governments To Return Unused Coronavirus Relief Fund Payments to the Department of the Treasury**

Any remaining amount of payments from the Fund not used for eligible expenses incurred during the covered period must be returned to Treasury in one of three ways, set forth below.

Please note that these instructions are for Fund recipients to return the balance of unused Fund payments to Treasury. If the Treasury Office of Inspector General determines that a Fund recipient has failed to comply with the use restrictions set forth in section 601(d) of the Social Security Act, the Fund recipient should follow the instructions provided by the Treasury Office of Inspector General for satisfaction of the related debt rather than following these instructions.

1. *Fedwire receipts*—Treasury can accept Fedwire payments for the return of funds to Treasury.

Please provide the following instructions to your Financial Institution for the remittance of Fedwire payments to the *Department of the Treasury*.

**FEDWIRE INSTRUCTIONS**

Fedwire field tag	Fedwire field name	Required information
{1510}	Type/Subtype	1000
{2000}	Amount	(enter payment amount)
{3400}	Receiver ABA routing number*	021030004
{3400}	Receiver ABA short name	TREAS NYC
{3600}	Business Function Code	CTR
{4200}	Beneficiary Identifier (account number)	820010001000
{4200}	Beneficiary Name	DEPARTMENT OF THE TREASURY
{5000}	Originator	(enter the name of the originator of the payment)
{6000}	Originator to Beneficiary Information—Line 1	(enter information to identify the purpose of the payment)
{6000}	Originator to Beneficiary Information—Line 2	(enter information to identify the purpose of the payment)
{6000}	Originator to Beneficiary Information—Line 3	(enter information to identify the purpose of the payment)

FEDWIRE INSTRUCTIONS—Continued

Fedwire field tag	Fedwire field name	Required information
{6000} .....	Originator to Beneficiary Information—Line 4 .....	(enter information to identify the purpose of the payment)

\* The financial institution address for Treasury’s routing number is 33 Liberty Street, New York, NY 10045.

2. ACH receipts —Treasury can accept ACH payment for the return of funds to Treasury.

Please provide the following instructions to your Financial Institution for the remittance of

Automated Clearing House (ACH) credits to the *Department of the Treasury*.

ACH CREDIT INSTRUCTIONS

NACHA record type code	NACHA field	NACHA data element name	Required information
5 .....	3	Company Name .....	(enter the name of the payor)
5 .....	6	Standard Entry Class Code .....	CCD
5 .....	9	Effective Entry Date .....	(enter intended settlement date)
6 .....	2	Transaction Code * .....	22
6 .....	3 & 4	Receiving DFI Identification (ABA routing #) .....	051036706
6 .....	5	DFI Account Number .....	820010001000
6 .....	6	Amount .....	(enter payment amount)
6 .....	8	Receiving Company Name .....	Department of the Treasury

\* ACH debits are not permitted to this ABA routing number. All debits received will be automatically returned.

3. *Check receipts (not preferred)*—Checks may be sent to one of the following addresses (depending on the method of delivery).

U.S. MAIL/PARCEL DELIVERY ADDRESS

U.S. Mail address—processing	Parcel delivery address—processing
Fiscal Accounting Program, Admin & Training Group. Avery Street A3–G, Bureau of the Fiscal Service, P.O. Box 1328, Parkersburg, WV 26106–1328.	Fiscal Accounting Program, Admin & Training Group. Avery Street A3–G, Fiscal Service Warehouse & Operations Center Dock 1, 257 Bosley Industrial Park Drive, Parkersburg WV 26106.

Frequently Asked Questions

The following answers to frequently asked questions supplement Treasury’s Coronavirus Relief Fund Guidance for State, Territorial, Local, and Tribal Governments.

A. Eligible Expenditures

1. Are governments required to submit proposed expenditures to Treasury for approval?

No. Governments are responsible for making determinations as to what expenditures are necessary due to the public health emergency with respect to COVID–19 and do not need to submit any proposed expenditures to Treasury.

2. The Guidance says that funding can be used to meet payroll expenses for public safety, public health, health care, human services, and similar employees whose services are substantially dedicated to mitigating or responding to the COVID–19 public health emergency. How does a government determine whether payroll expenses for a given employee satisfy the “substantially dedicated” condition?

The Fund is designed to provide ready funding to address unforeseen financial needs and risks created by the COVID–19 public health emergency. For this reason, and as a matter of administrative convenience in light of the emergency nature of this program, a State, territorial, local, or Tribal government may presume that payroll costs for public health and public safety employees are payments for services substantially dedicated to mitigating or responding to the COVID–19 public health emergency, unless the chief executive (or equivalent) of the relevant government determines that specific circumstances indicate otherwise.

3. The Guidance says that a cost was not accounted for in the most recently approved budget if the cost is for a substantially different use from any expected use of funds in such a line item, allotment, or allocation. What would qualify as a “substantially different use” for purposes of the Fund eligibility?

Costs incurred for a “substantially different use” include, but are not

necessarily limited to, costs of personnel and services that were budgeted for in the most recently approved budget but which, due entirely to the COVID–19 public health emergency, have been diverted to substantially different functions. This would include, for example, the costs of redeploying corrections facility staff to enable compliance with COVID–19 public health precautions through work such as enhanced sanitation or enforcing social distancing measures; the costs of redeploying police to support management and enforcement of stay-at-home orders; or the costs of diverting educational support staff or faculty to develop online learning capabilities, such as through providing information technology support that is not part of the staff or faculty’s ordinary responsibilities.

Note that a public function does not become a “substantially different use” merely because it is provided from a different location or through a different manner. For example, although developing online instruction capabilities may be a substantially different use of funds, online instruction itself is not a substantially different use of public funds than classroom instruction.

4. May a State receiving a payment transfer funds to a local government?

Yes, provided that the transfer qualifies as a necessary expenditure incurred due to the public health emergency and meets the other criteria of section 601(d) of the Social Security

Act. Such funds would be subject to recoupment by the Treasury Department if they have not been used in a manner consistent with section 601(d) of the Social Security Act.

5. May a unit of local government receiving a Fund payment transfer funds to another unit of government?

Yes. For example, a county may transfer funds to a city, town, or school district within the county and a county or city may transfer funds to its State, provided that the transfer qualifies as a necessary expenditure incurred due to the public health emergency and meets the other criteria of section 601(d) of the Social Security Act outlined in the Guidance. For example, a transfer from a county to a constituent city would not be permissible if the funds were intended to be used simply to fill shortfalls in government revenue to cover expenditures that would not otherwise qualify as an eligible expenditure.

6. Is a Fund payment recipient required to transfer funds to a smaller, constituent unit of government within its borders?

No. For example, a county recipient is not required to transfer funds to smaller cities within the county's borders.

7. Are recipients required to use other federal funds or seek reimbursement under other federal programs before using Fund payments to satisfy eligible expenses?

No. Recipients may use Fund payments for any expenses eligible under section 601(d) of the Social Security Act outlined in the Guidance. Fund payments are not required to be used as the source of funding of last resort. However, as noted below, recipients may not use payments from the Fund to cover expenditures for which they will receive reimbursement.

8. Are there prohibitions on combining a transaction supported with Fund payments with other CARES Act funding or COVID-19 relief Federal funding?

Recipients will need to consider the applicable restrictions and limitations of such other sources of funding. In addition, expenses that have been or will be reimbursed under any federal program, such as the reimbursement by the federal government pursuant to the CARES Act of contributions by States to State unemployment funds, are not eligible uses of Fund payments.

9. Are States permitted to use Fund payments to support state unemployment insurance funds generally?

To the extent that the costs incurred by a state unemployment insurance fund are incurred due to the COVID-19 public health emergency, a State may use Fund payments to make payments to its respective state unemployment insurance fund, separate and apart from such State's obligation to the unemployment insurance fund as an employer. This will permit States to use Fund payments to prevent expenses related to the public health emergency from causing their state unemployment insurance funds to become insolvent.

10. Are recipients permitted to use Fund payments to pay for unemployment insurance costs incurred by the recipient as an employer?

Yes, Fund payments may be used for unemployment insurance costs incurred by the recipient as an employer (for example, as a reimbursing employer) related to the COVID-19 public health emergency if such costs will not be reimbursed by the federal government pursuant to the CARES Act or otherwise.

11. The Guidance states that the Fund may support a "broad range of uses" including payroll expenses for several classes of employees whose services are "substantially dedicated to mitigating or responding to the COVID-19 public health emergency." What are some examples of types of covered employees?

The Guidance provides examples of broad classes of employees whose payroll expenses would be eligible expenses under the Fund. These classes of employees include public safety, public health, health care, human services, and similar employees whose services are substantially dedicated to mitigating or responding to the COVID-19 public health emergency. Payroll and benefit costs associated with public employees who could have been furloughed or otherwise laid off but who were instead repurposed to perform previously unbudgeted functions substantially dedicated to mitigating or responding to the COVID-19 public health emergency are also covered. Other eligible expenditures include payroll and benefit costs of educational support staff or faculty responsible for developing online learning capabilities necessary to continue educational instruction in response to COVID-19-related school closures. Please see the Guidance for a discussion of what is

meant by an expense that was not accounted for in the budget most recently approved as of March 27, 2020.

12. In some cases, first responders and critical health care workers that contract COVID-19 are eligible for workers' compensation coverage. Is the cost of this expanded workers compensation coverage eligible?

Increased workers compensation cost to the government due to the COVID-19 public health emergency incurred during the period beginning March 1, 2020, and ending December 31, 2021, is an eligible expense.

13. If a recipient would have decommissioned equipment or not renewed a lease on particular office space or equipment but decides to continue to use the equipment or to renew the lease in order to respond to the public health emergency, are the costs associated with continuing to operate the equipment or the ongoing lease payments eligible expenses?

Yes. To the extent the expenses were previously unbudgeted and are otherwise consistent with section 601(d) of the Social Security Act outlined in the Guidance, such expenses would be eligible.

14. May recipients provide stipends to employees for eligible expenses (for example, a stipend to employees to improve telework capabilities) rather than require employees to incur the eligible cost and submit for reimbursement?

Expenditures paid for with payments from the Fund must be limited to those that are necessary due to the public health emergency. As such, unless the government were to determine that providing assistance in the form of a stipend is an administrative necessity, the government should provide such assistance on a reimbursement basis to ensure as much as possible that funds are used to cover only eligible expenses.

15. May Fund payments be used for COVID-19 public health emergency recovery planning?

Yes. Expenses associated with conducting a recovery planning project or operating a recovery coordination office would be eligible, if the expenses otherwise meet the criteria set forth in section 601(d) of the Social Security Act outlined in the Guidance.

16. Are expenses associated with contact tracing eligible?

Yes, expenses associated with contact tracing are eligible.

17. To what extent may a government use Fund payments to support the operations of private hospitals?

Governments may use Fund payments to support public or private hospitals to the extent that the costs are necessary expenditures incurred due to the COVID-19 public health emergency, but the form such assistance would take may differ. In particular, financial assistance to private hospitals could take the form of a grant or a short-term loan.

18. May payments from the Fund be used to assist individuals with enrolling in a government benefit program for those who have been laid off due to COVID-19 and thereby lost health insurance?

Yes. To the extent that the relevant government official determines that these expenses are necessary and they meet the other requirements set forth in section 601(d) of the Social Security Act outlined in the Guidance, these expenses are eligible.

19. May recipients use Fund payments to facilitate livestock depopulation incurred by producers due to supply chain disruptions?

Yes, to the extent these efforts are deemed necessary for public health reasons or as a form of economic support as a result of the COVID-19 health emergency.

20. Would providing a consumer grant program to prevent eviction and assist in preventing homelessness be considered an eligible expense?

Yes, assuming that the recipient considers the grants to be a necessary expense incurred due to the COVID-19 public health emergency and the grants meet the other requirements for the use of Fund payments under section 601(d) of the Social Security Act outlined in the Guidance. As a general matter, providing assistance to recipients to enable them to meet property tax requirements would not be an eligible use of funds, but exceptions may be made in the case of assistance designed to prevent foreclosures.

21. May recipients create a "payroll support program" for public employees?

Use of payments from the Fund to cover payroll or benefits expenses of public employees are limited to those employees whose work duties are substantially dedicated to mitigating or responding to the COVID-19 public health emergency.

22. *May recipients use Fund payments to cover employment and training programs for employees that have been furloughed due to the public health emergency?*

Yes, this would be an eligible expense if the government determined that the costs of such employment and training programs would be necessary due to the public health emergency.

23. *May recipients use Fund payments to provide emergency financial assistance to individuals and families directly impacted by a loss of income due to the COVID-19 public health emergency?*

Yes, if a government determines such assistance to be a necessary expenditure. Such assistance could include, for example, a program to assist individuals with payment of overdue rent or mortgage payments to avoid eviction or foreclosure or unforeseen financial costs for funerals and other emergency individual needs. Such assistance should be structured in a manner to ensure as much as possible, within the realm of what is administratively feasible, that such assistance is necessary.

24. The Guidance provides that eligible expenditures may include expenditures related to the provision of grants to small businesses to reimburse the costs of business interruption caused by required closures. What is meant by a "small business," and is the Guidance intended to refer only to expenditures to cover administrative expenses of such a grant program?

Governments have discretion to determine what payments are necessary. A program that is aimed at assisting small businesses with the costs of business interruption caused by required closures should be tailored to assist those businesses in need of such assistance. The amount of a grant to a small business to reimburse the costs of business interruption caused by required closures would also be an eligible expenditure under section 601(d) of the Social Security Act, as outlined in the Guidance.

25. The Guidance provides that expenses associated with the provision of economic support in connection with the public health emergency, such as expenditures related to the provision of grants to small businesses to reimburse the costs of business interruption caused by required closures, would constitute eligible expenditures of Fund payments. Would such expenditures be eligible in the absence of a stay-at-home order?

Fund payments may be used for economic support in the absence of a stay-at-home order if such expenditures are determined by the government to be necessary. This may include, for example, a grant program to benefit small businesses that close voluntarily to promote social distancing measures or that are affected by decreased customer demand as a result of the COVID-19 public health emergency.

26. May Fund payments be used to assist impacted property owners with the payment of their property taxes?

Fund payments may not be used for government revenue replacement, including the provision of assistance to meet tax obligations.

27. *May Fund payments be used to replace foregone utility fees? If not, can Fund payments be used as a direct subsidy payment to all utility account holders?*

Fund payments may not be used for government revenue replacement, including the replacement of unpaid utility fees. Fund payments may be used for subsidy payments to electricity account holders to the extent that the subsidy payments are deemed by the recipient to be necessary expenditures incurred due to the COVID-19 public health emergency and meet the other criteria of section 601(d) of the Social Security Act outlined in the Guidance. For example, if determined to be a necessary expenditure, a government could provide grants to individuals facing economic hardship to allow them to pay their utility fees and thereby continue to receive essential services.

28. *Could Fund payments be used for capital improvement projects that broadly provide potential economic development in a community?*

In general, no. If capital improvement projects are not necessary expenditures incurred due to the COVID-19 public health emergency, then Fund payments may not be used for such projects.

However, Fund payments may be used for the expenses of, for example, establishing temporary public medical facilities and other measures to increase

COVID-19 treatment capacity or improve mitigation measures, including related construction costs.

29. The Guidance includes workforce bonuses as an example of ineligible expenses but provides that hazard pay would be eligible if otherwise determined to be a necessary expense. Is there a specific definition of “hazard pay”?

Hazard pay means additional pay for performing hazardous duty or work involving physical hardship, in each case that is related to COVID-19.

30. The Guidance provides that ineligible expenditures include “[p]ayroll or benefits expenses for employees whose work duties are not substantially dedicated to mitigating or responding to the COVID-19 public health emergency.” Is this intended to relate only to public employees?

Yes. This particular nonexclusive example of an ineligible expenditure relates to public employees. A recipient would not be permitted to pay for payroll or benefit expenses of private employees and any financial assistance (such as grants or short-term loans) to private employers are not subject to the restriction that the private employers’ employees must be substantially dedicated to mitigating or responding to the COVID-19 public health emergency.

31. *May counties pre-pay with CARES Act funds for expenses such as a one or two-year facility lease, such as to house staff hired in response to COVID-19?*

A government should not make prepayments on contracts using payments from the Fund to the extent that doing so would not be consistent with its ordinary course policies and procedures.

32. *Must a stay-at-home order or other public health mandate be in effect in order for a government to provide assistance to small businesses using payments from the Fund?*

No. The Guidance provides, as an example of an eligible use of payments from the Fund, expenditures related to the provision of grants to small businesses to reimburse the costs of business interruption caused by required closures. Such assistance may be provided using amounts received from the Fund in the absence of a requirement to close businesses if the relevant government determines that such expenditures are necessary in response to the public health emergency.

33. Should States receiving a payment transfer funds to local governments that did not receive payments directly from Treasury?

Yes, provided that the transferred funds are used by the local government for eligible expenditures under the statute. To facilitate prompt distribution of Title V funds, the CARES Act authorized Treasury to make direct payments to local governments with populations in excess of 500,000, in amounts equal to 45% of the local government’s per capita share of the statewide allocation. This statutory structure was based on a recognition that it is more administratively feasible to rely on States, rather than the federal government, to manage the transfer of funds to smaller local governments. Consistent with the needs of all local governments for funding to address the public health emergency, States should transfer funds to local governments with populations of 500,000 or less, using as a benchmark the per capita allocation formula that governs payments to larger local governments. This approach will ensure equitable treatment among local governments of all sizes.

For example, a State received the minimum \$1.25 billion allocation and had one county with a population over 500,000 that received \$250 million directly. The State should distribute 45 percent of the \$1 billion it received, or \$450 million, to local governments within the State with a population of 500,000 or less.

34. May a State impose restrictions on transfers of funds to local governments?

Yes, to the extent that the restrictions facilitate the State’s compliance with the requirements set forth in section 601(d) of the Social Security Act outlined in the Guidance and other applicable requirements such as the Single Audit Act, discussed below. Other restrictions, such as restrictions on reopening that do not directly concern the use of funds, are not permissible.

35. If a recipient must issue tax anticipation notes (TANs) to make up for tax due date deferrals or revenue shortfalls, are the expenses associated with the issuance eligible uses of Fund payments?

If a government determines that the issuance of TANs is necessary due to the COVID-19 public health emergency, the government may expend payments from the Fund on the interest expense payable on TANs by the borrower and unbudgeted administrative and transactional costs, such as necessary

payments to advisors and underwriters, associated with the issuance of the TANs.

36. May recipients use Fund payments to expand rural broadband capacity to assist with distance learning and telework?

Such expenditures would only be permissible if they are necessary for the public health emergency. The cost of projects that would not be expected to increase capacity to a significant extent until the need for distance learning and telework have passed due to this public health emergency would not be necessary due to the public health emergency and thus would not be eligible uses of Fund payments.

37. Are costs associated with increased solid waste capacity an eligible use of payments from the Fund?

Yes, costs to address increase in solid waste as a result of the public health emergency, such as relates to the disposal of used personal protective equipment, would be an eligible expenditure.

38. May payments from the Fund be used to cover across-the-board hazard pay for employees working during a state of emergency?

No. Hazard pay means additional pay for performing hazardous duty or work involving physical hardship, in each case that is related to COVID-19. Payments from the fund may only be used to cover such hazard pay.

39. May Fund payments be used for expenditures related to the administration of Fund payments by a State, territorial, local, or Tribal government?

Yes, if the administrative expenses represent an increase over previously budgeted amounts and are limited to what is necessary. For example, a State may expend Fund payments on necessary administrative expenses incurred with respect to a new grant program established to disburse amounts received from the Fund.

40. May recipients use Fund payments to provide loans?

Yes, if the loans otherwise qualify as eligible expenditures under section 601(d) of the Social Security Act as implemented by the Guidance. Any amounts repaid by the borrower before December 31, 2021, must be either returned to Treasury upon receipt by the unit of government providing the loan or used for another expense that qualifies as an eligible expenditure under section 601(d) of the Social

Security Act. Any amounts not repaid by the borrower until after December 31, 2021, must be returned to Treasury upon receipt by the unit of government lending the funds.

41. May Fund payments be used for expenditures necessary to prepare for a future COVID-19 outbreak?

Fund payments may be used only for expenditures necessary to address the current COVID-19 public health emergency. For example, a State may spend Fund payments to create a reserve of personal protective equipment or develop increased intensive care unit capacity to support regions in its jurisdiction not yet affected, but likely to be impacted by the current COVID-19 pandemic.

42. May funds be used to satisfy non-federal matching requirements under the Stafford Act?

Yes, payments from the Fund may be used to meet the non-federal matching requirements for Stafford Act assistance, including FEMA's Emergency Management Performance Grant (EMPG) and EMPG Supplemental programs, to the extent such matching requirements entail COVID-19-related costs that otherwise satisfy the Fund's eligibility criteria and the Stafford Act. Regardless of the use of Fund payments for such purposes, FEMA funding is still dependent on FEMA's determination of eligibility under the Stafford Act.

43. Must a State, local, or tribal government require applications to be submitted by businesses or individuals before providing assistance using payments from the Fund?

Governments have discretion to determine how to tailor assistance programs they establish in response to the COVID-19 public health emergency. However, such a program should be structured in such a manner as will ensure that such assistance is determined to be necessary in response to the COVID-19 public health emergency and otherwise satisfies the requirements of the CARES Act and other applicable law. For example, a per capita payment to residents of a particular jurisdiction without an assessment of individual need would not be an appropriate use of payments from the Fund.

44. May Fund payments be provided to non-profits for distribution to individuals in need of financial assistance, such as rent relief?

Yes, non-profits may be used to distribute assistance. Regardless of how the assistance is structured, the

financial assistance provided would have to be related to COVID-19.

45. May recipients use Fund payments to remarket the recipient's convention facilities and tourism industry?

Yes, if the costs of such remarketing satisfy the requirements of the CARES Act. Expenses incurred to publicize the resumption of activities and steps taken to ensure a safe experience may be needed due to the public health emergency. Expenses related to developing a long-term plan to reposition a recipient's convention and tourism industry and infrastructure would not be incurred due to the public health emergency and therefore may not be covered using payments from the Fund.

46. May a State provide assistance to farmers and meat processors to expand capacity, such as to cover overtime for USDA meat inspectors?

If a State determines that expanding meat processing capacity, including by paying overtime to USDA meat inspectors, is a necessary expense incurred due to the public health emergency, such as if increased capacity is necessary to allow farmers and processors to donate meat to food banks, then such expenses are eligible expenses, provided that the expenses satisfy the other requirements set forth in section 601(d) of the Social Security Act outlined in the Guidance.

47. The guidance provides that funding may be used to meet payroll expenses for public safety, public health, health care, human services, and similar employees whose services are substantially dedicated to mitigating or responding to the COVID-19 public health emergency. May Fund payments be used to cover such an employee's entire payroll cost or just the portion of time spent on mitigating or responding to the COVID-19 public health emergency?

As a matter of administrative convenience, the entire payroll cost of an employee whose time is substantially dedicated to mitigating or responding to the COVID-19 public health emergency is eligible, provided that such payroll costs are incurred by December 31, 2021. An employer may also track time spent by employees related to COVID-19 and apply Fund payments on that basis but would need to do so consistently within the relevant agency or department.

48. May Fund payments be used to cover increased administrative leave costs of public employees who could not telework in the event of a stay at home order or a case of COVID-19 in the workplace?

The statute requires that payments be used only to cover costs that were not accounted for in the budget most recently approved as of March 27, 2020. As stated in the Guidance, a cost meets this requirement if either (a) the cost cannot lawfully be funded using a line item, allotment, or allocation within that budget or (b) the cost is for a substantially different use from any expected use of funds in such a line item, allotment, or allocation. If the cost of an employee was allocated to administrative leave to a greater extent than was expected, the cost of such administrative leave may be covered using payments from the Fund.

49. Are States permitted to use Coronavirus Relief Fund payments to satisfy non-federal matching requirements under the Stafford Act, including "lost wages assistance" authorized by the Presidential Memorandum on Authorizing the Other Needs Assistance Program for Major Disaster Declarations Related to Coronavirus Disease 2019 (August 8, 2020)?

Yes. As previous guidance has stated, payments from the Fund may be used to meet the non-federal matching requirements for Stafford Act assistance to the extent such matching requirements entail COVID-19-related costs that otherwise satisfy the Fund's eligibility criteria and the Stafford Act. States are fully permitted to use payments from the Fund to satisfy 100% of their cost share for lost wages assistance recently made available under the Stafford Act. If a State makes a payment to an individual under the "lost wages assistance" program and later determines that such individual was ineligible for the program, the ineligibility determination has the following consequences:

- The State incurs an obligation to FEMA in the amount of the payment to the ineligible individual. A State's obligation to FEMA for making an improper payment to an individual under the "lost wages assistance" program is not incurred due to the public health emergency and, therefore, payments made pursuant to this obligation would not be an eligible use of the Fund.
- The "lost wages assistance" payment to the ineligible individual would be deemed to be an ineligible

expense for purposes of the Fund, and any amount charged to the Fund (*e.g.*, to satisfy the initial non-federal matching requirement) would be subject to recoupment.

50. At what point would costs be considered to be incurred in the case of a grant made by a State, local, or tribal government to cover interest and principal amounts of a loan, such as might be provided as part of a small business assistance program in which the loan is made by a private institution?

A grant made to cover interest and principal costs of a loan, including interest and principal due after the period that begins on March 1, 2020, and ends on December 31, 2021 (the “covered period”), will be considered to be incurred during the covered period if (i) the full amount of the loan is advanced to the borrower within the covered period and (ii) the proceeds of the loan are used by the borrower to cover expenses incurred during the covered period. In addition, if these conditions are met, the amount of the grant will be considered to have been used during the covered period for purposes of the requirement that expenses be incurred within the covered period. Such a grant would be analogous to a loan provided by the Fund recipient itself that incorporates similar loan forgiveness provisions. As with any other assistance provided by a Fund recipient, such a grant would need to be determined by the recipient to be necessary due to the public health emergency.

51. If governments use Fund payments as described in the Guidance to establish a grant program to support businesses, would those funds be considered gross income taxable to a business receiving the grant under the Internal Revenue Code (Code)?

Please see the answer provided by the Internal Revenue Service (IRS) available at <https://www.irs.gov/newsroom/cares-act-coronavirus-relief-fund-frequently-asked-questions>.

52. If governments use Fund payments as described in the Guidance to establish a loan program to support businesses, would those funds be considered gross income taxable to a business receiving the loan under the Code?

Please see the answer provided by the IRS available at <https://www.irs.gov/newsroom/cares-act-coronavirus-relief-fund-frequently-asked-questions>.

53. May Fund recipients incur expenses associated with the safe reopening of schools?

Yes, payments from the Fund may be used to cover costs associated with providing distance learning (*e.g.*, the cost of laptops to provide to students) or for in-person learning (*e.g.*, the cost of acquiring personal protective equipment for students attending schools in-person or other costs associated with meeting Centers for Disease Control guidelines).

Treasury recognizes that schools are generally incurring an array of COVID-19-related expenses to either provide distance learning or to re-open. To this end, as an administrative convenience, Treasury will presume that expenses of up to \$500 per elementary and secondary school student are eligible expenditures, such that schools do not need to document the specific use of funds up to that amount.

If a Fund recipient avails itself of the presumption in accordance with the previous paragraph with respect to a school, the recipient may not also cover the costs of additional re-opening aid to that school other than those associated with the following, in each case for the purpose of addressing COVID-19:

- Expanding broadband capacity;
- hiring new teachers;
- developing an online curriculum;
- acquiring computers and similar digital devices;
- acquiring and installing additional ventilation or other air filtering equipment;
- incurring additional transportation costs; or
- incurring additional costs of providing meals.

Across all levels of government, the presumption is limited to \$500 per student, *e.g.*, if a school is funded by a state and a local government, the presumption claimed by each recipient must add up to no more than \$500. Furthermore, if a Fund recipient uses the presumption with respect to a school, any other Fund recipients providing aid to that school may not use the Fund to cover the costs of additional aid to schools other than with respect to the specific costs listed above.

The following examples help illustrate how the presumption may or may not be used:

*Example 1:* State A may transfer Fund payments to each school district in the State totaling \$500 per student. State A does not need to document the specific use of the Fund payments by the school districts within the State.

*Example 2:* Suppose State A from example 1 transferred Fund payments to the school districts in the State in the

amount of \$500 per elementary and secondary school student. In addition, because State A is availing itself of the \$500 per elementary and secondary school student presumption, State A also may use Fund payments to expand broadband capacity and to hire new teachers, but it may not use Fund payments to acquire additional furniture.

54. May Fund recipients upgrade critical public health infrastructure, such as providing access to running water for individuals and families in rural and tribal areas to allow them to maintain proper hygiene and defend themselves against the virus?

Yes, fund recipients may use payments from the Fund to upgrade public health infrastructure, such as providing individuals and families access to running water to help reduce the further spread of the virus. As required by the CARES Act, expenses associated with such upgrades must be incurred by December 31, 2021. Please see Treasury’s Guidance as updated on June 30 regarding when a cost is considered to be incurred for purposes of the requirement that expenses be incurred within the covered period.

55. How does a government address the requirement that the allowable expenditures are not accounted for in the budget most recently approved as of March 27, 2020, once the government enters its new budget year on July 1, 2020 (for governments with June 30 fiscal year ends) or October 1, 2020 (for governments with September 30 year ends)?

As provided in the Guidance, the “most recently approved” budget refers to the enacted budget for the relevant fiscal period for the particular government, without taking into account subsequent supplemental appropriations enacted or other budgetary adjustments made by that government in response to the COVID-19 public health emergency. A cost is not considered to have been accounted for in a budget merely because it could be met using a budgetary stabilization fund, rainy day fund, or similar reserve account.

Furthermore, the budget most recently approved as of March 27, 2020, provides the spending baseline against which expenditures should be compared for purposes of determining whether they may be covered using payments from the Fund. This spending baseline will carry forward to a subsequent budget year if a Fund recipient enters a different budget year between March 27, 2020 and December 31, 2021. The

spending baseline may be carried forward without adjustment for inflation.

56. Does the National Environmental Policy Act, 42 U.S.C. 4321 et seq. (NEPA) apply to projects supported by payments from the Fund?

NEPA does not apply to Treasury's administration of the Fund. Projects supported with payments from the Fund may still be subject to NEPA review if they are also funded by other federal financial assistance programs

57. Public universities have incurred expenses associated with providing refunds to students for education-related expenses, including tuition, room and board, meal plans, and other fees (such as activities fees). Are these types of public university student refunds eligible uses of Fund payments?

If the responsible government official determines that expenses incurred to refund eligible higher education expenses are necessary and would be incurred due to the public health emergency, then such expenses would be eligible as long as the expenses satisfy the other criteria set forth in section 601(d) of the Social Security Act. Eligible higher education expenses may include, in the reasonable judgment of the responsible government official, refunds to students for tuition, room and board, meal plan, and other fees (such as activities fees). Fund payments may not be used for expenses that have been or will be reimbursed by another federal program (including, for example, the Higher Education Emergency Relief Fund administered by the Department of Education).

58. May payments from the Fund be used for real property acquisition and improvements and to purchase equipment to address the COVID-19 public health emergency?

The expenses of acquiring or improving real property and of acquiring equipment (e.g., vehicles) may be covered with payments from the Fund in certain cases. For example, Treasury's initial guidance referenced coverage of the costs of establishing temporary public medical facilities and other measures to increase COVID-19 treatment capacity, including related construction costs, as an eligible use of funds. Any such use must be consistent with the requirements of section 601(d) of the Social Security Act as added by the CARES Act.

As with all uses of payments from the Fund, the use of payments to acquire or improve property is limited to that which is necessary due to the COVID-

19 public health emergency. In the context of acquisitions of real estate and acquisitions of equipment, this means that the acquisition itself must be necessary. In particular, a government must (i) determine that it is not able to meet the need arising from the public health emergency in a cost-effective manner by leasing property or equipment or by improving property already owned and (ii) maintain documentation to support this determination. Likewise, an improvement, such as the installation of modifications to permit social distancing, would need to be determined to be necessary to address the COVID-19 public health emergency.

Previous guidance regarding the requirement that payments from the Fund may only be used to cover costs that were incurred during the period that begins on March 1, 2020, and ends on December 31, 2021 focused on the acquisition of goods and services and leases of real property and equipment, but the same principles apply to acquisitions and improvements of real property and acquisitions of equipment. Such acquisitions and improvements must be completed and the acquired or improved property or acquisition of equipment be put to use in service of the COVID-19-related use for which it was acquired or improved by December 30. Finally, as with all costs covered with payments from the Fund, such costs must not have been previously accounted for in the budget most recently approved as of March 27, 2020.

59. If a small business received a Small Business Administration (SBA) Payment Protection Program (PPP) or Economic Injury Disaster Loan (EIDL) grant or loan due to COVID-19, may the small business also receive a grant from a unit of government using payments from the Fund?

Receiving a PPP or EIDL grant or loan for COVID-19 would not necessarily make a small business ineligible to receive a grant from Fund payments made to a recipient. As discussed in previous Treasury guidance on use of the Fund, a recipient's small business assistance program should be tailored to assist those businesses in need of such assistance. In assessing the business' need for assistance, the recipient would need to take into account the business' receipt of the PPP or EIDL loan or grant. If the business has received a loan from the SBA that may be forgiven, the recipient should assume for purposes of determining the business' need that the loan will be forgiven. In determining the business' eligibility for the grant, the

recipient should not rely on self-certifications provided to the SBA.

If the grant is being provided to the small business to assist with particular expenditures, the business must not have already used the PPP or EIDL loan or grant for those expenditures. The assistance provided from the Fund would need to satisfy all of the other requirements set forth in section 601(d) of the Social Security Act as discussed in Treasury's guidance and FAQs, and the business would need to comply with all applicable requirements of the PPP or EIDL program.

Treasury's Office of Inspector General has provided the following guidance in its FAQ no. 75 on reporting and recordkeeping that would apply to the recipient:

The prime recipient is responsible for determining the level and detail of documentation needed from the sub-recipient of small business assistance to satisfy [the requirements of section 601(d) of the Social Security Act], however, there would need to be some proof that the small business was impacted by the public health emergency and was thus eligible for the CRF funds.

In the above OIG FAQ, "sub-recipient" refers to the beneficiary of the assistance, i.e., the small business.

#### *B. Questions Related to Administration of Fund Payments*

1. Do governments have to return unspent funds to Treasury?

Yes. Section 601(f)(2) of the Social Security Act, as added by section 5001(a) of the CARES Act, provides for recoupment by the Department of the Treasury of amounts received from the Fund that have not been used in a manner consistent with section 601(d) of the Social Security Act. If a government has not used funds it has received to cover costs that were incurred by December 31, 2021, as required by the statute, those funds must be returned to the Department of the Treasury.

2. What records must be kept by governments receiving payment?

A government should keep records sufficient to demonstrate that the amount of Fund payments to the government has been used in accordance with section 601(d) of the Social Security Act.

3. May recipients deposit Fund payments into interest bearing accounts?

Yes, provided that if recipients separately invest amounts received from



the Fund, they must use the interest earned or other proceeds of these investments only to cover expenditures incurred in accordance with section 601(d) of the Social Security Act and the Guidance on eligible expenses. If a government deposits Fund payments in a government's general account, it may use those funds to meet immediate cash management needs provided that the full amount of the payment is used to cover necessary expenditures. Fund payments are not subject to the Cash Management Improvement Act of 1990, as amended.

4. May governments retain assets purchased with payments from the Fund?

Yes, if the purchase of the asset was consistent with the limitations on the eligible use of funds provided by section 601(d) of the Social Security Act.

5. What rules apply to the proceeds of disposition or sale of assets acquired using payments from the Fund?

If such assets are disposed of prior to December 31, 2021, the proceeds would be subject to the restrictions on the eligible use of payments from the Fund provided by section 601(d) of the Social Security Act.

6. Are Fund payments to State, territorial, local, and tribal governments subject to the provisions of the Uniform Guidance applicable to grant agreements?

No. Fund payments made by Treasury to State, territorial, local, and Tribal governments do not entail grant agreements and thus the provisions of the Uniform Guidance (2 CFR part 200) applicable to grant agreements do not apply. The payments constitute "other financial assistance" under 2 CFR 200.40.

7. Are Fund payments considered federal financial assistance for purposes of the Single Audit Act?

Yes, Fund payments are considered to be federal financial assistance subject to the Single Audit Act (31 U.S.C. 7501–7507) and the related provisions of the Uniform Guidance, 2 CFR 200.303 regarding internal controls, §§ 200.330 through 200.332 regarding subrecipient monitoring and management, and subpart F regarding audit requirements.

8. Are Fund payments subject to other requirements of the Uniform Guidance?

Fund payments are subject to the following requirements in the Uniform Guidance (2 CFR part 200): 2 CFR 200.303 regarding internal controls, 2 CFR 200.330 through 200.332 regarding

subrecipient monitoring and management, and subpart F regarding audit requirements.

9. Is there a Catalog of Federal Domestic Assistance (CFDA) number assigned to the Fund?

Yes. The CFDA number assigned to the Fund is 21.019.

10. If a State transfers Fund payments to its political subdivisions, would the transferred funds count toward the subrecipients' total funding received from the federal government for purposes of the Single Audit Act?

Yes. The Fund payments to subrecipients would count toward the threshold of the Single Audit Act and 2 CFR part 200, subpart F re: audit requirements. Subrecipients are subject to a single audit or program-specific audit pursuant to 2 CFR 200.501(a) when the subrecipients spend \$750,000 or more in federal awards during their fiscal year.

11. Are recipients permitted to use payments from the Fund to cover the expenses of an audit conducted under the Single Audit Act?

Yes, such expenses would be eligible expenditures, subject to the limitations set forth in 2 CFR 200.425.

12. If a government has transferred funds to another entity, from which entity would the Treasury Department seek to recoup the funds if they have not been used in a manner consistent with section 601(d) of the Social Security Act?

The Treasury Department would seek to recoup the funds from the government that received the payment directly from the Treasury Department. State, territorial, local, and Tribal governments receiving funds from Treasury should ensure that funds transferred to other entities, whether pursuant to a grant program or otherwise, are used in accordance with section 601(d) of the Social Security Act as implemented in the Guidance.

13. What are the differences between a subrecipient and a beneficiary under the Fund for purposes of the Single Audit Act and 2 CFR part 200, subpart F regarding audit requirements?

The Single Audit Act and 2 CFR part 200, subpart F regarding audit requirements apply to any non-federal entity, as defined in 2 CFR 200.69, that receives payments from the Fund in the amount of \$750,000 or more. Non-federal entities include subrecipients of payments from the Fund, including recipients of transfers from a State,

territory, local government, or tribal government that received a payment directly from Treasury. However, subrecipients would not include individuals and organizations (e.g., businesses, non-profits, or educational institutions) that are beneficiaries of an assistance program established using payments from the Fund. The Single Audit Act and 2 CFR part 200, subpart F regarding audit requirements do not apply to beneficiaries.

Please see Treasury Office of Inspector General FAQs at <https://www.treasury.gov/about/organizational-structure/ig/Audit%20Reports%20and%20Testimonies/OIG-CA-20-028.pdf> regarding reporting in the GrantSolutions portal.

Dated: January 11, 2021.

**Alexandra H. Gaiser,**  
*Executive Secretary.*

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## DEPARTMENT OF VETERANS AFFAIRS

### Joint Biomedical Laboratory Research and Development and Clinical Science Research and Development Services Scientific Merit Review Board, Amended Notice of Meeting

The Department of Veterans Affairs (VA) gives notice under Federal Advisory Committee Act, 5 U.S.C. App.2, that a meeting of the Joint Biomedical Laboratory Research and Development and Clinical Science Research and Development Services Scientific Merit Review Board (JBL/CS SMRB) will be held Thursday, January 21, 2021, via WebEx. The meeting will begin at 3:00 p.m. and end at 5:00 p.m. Eastern daylight time. The meeting will have an open session from 3:00 p.m. until 3:30 p.m. and a closed session from 3:30 p.m. until 5:00 p.m.

The purpose of the open session is to meet with the JBL/CS Service Directors to discuss the overall policies and process for scientific review, as well as disseminate information among the Board members regarding the VA research priorities.

The purpose of the closed session is to provide recommendations on the scientific quality, budget, safety and mission relevance of investigator-initiated research applications submitted for VA merit review evaluation. Applications submitted for review include various medical specialties within the general areas of biomedical, behavioral and clinical science research. The JBL/CS SMRB meeting will be closed to the public for