

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

COUNTY OF LEBANON,
Petitioner

v.

THE HONORABLE THOMAS W. WOLF
IN HIS OFFICIAL CAPACITY AS
GOVERNOR, COMMONWEALTH OF
PENNSYLVANIA,
Respondent

:
: PETITION FOR WRIT OF
: MANDAMUS
:
:
: ORIGINAL JURISDICTION
:
:
:
: NO.
:

NOTICE

You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this complaint and notice are served, by entering a written appearance personally or by attorney and filing in writing with the court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the court without further notice for any money claimed in the complaint or for any other claim or relief requested by the plaintiff. You may lose money or other rights important to you.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

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David R. Warner, Jr.
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Petitioner	: PETITION FOR WRIT OF
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IN HIS OFFICIAL CAPACITY AS	:
GOVERNOR, COMMONWEALTH OF	:
PENNSYLVANIA,	:
Respondent	: NO.
	:

PETITION FOR REVIEW IN THE NATURE OF A COMPLAINT FOR
DECLARATORY AND MANDAMUS RELIEF

AND NOW, comes the Petitioner, the County of Lebanon, by and through its solicitor, David R. Warner, Jr., petitioning this Honorable Court to issue a Declaratory Judgment and Writ of Mandamus upon Governor Thomas W. Wolf ordering him to release to the County of Lebanon the Federal CARES Funds allocated and appropriated for distribution to the County of Lebanon, pursuant to Act 24 of 2020, in the amount of \$12,805,164.00 and avers as follows:

I. JURISDICTION

1. This Court has Jurisdiction of the instant matter under 42 PA.C.S. § 761(a). This Petition is address to the Court’s original jurisdiction and is in the nature of a complaint for declaratory and mandamus relief.

II. PARTIES

2. Petitioner, is a political subdivision, a fifth class county, within the Commonwealth of Pennsylvania, with a mailing address of 400 South 8th Street, Room 207, Lebanon, Pennsylvania 17042, on behalf of its approximately 140,000 residents.
3. Respondent, the Honorable Thomas W. Wolf, is the Governor of the Commonwealth of Pennsylvania with a principal office address at Office of the Governor, 508 Main Capitol Building, Harrisburg, PA 17120.

III. BACKGROUND

4. The principal purpose of this Petition is to seek and obtain an order against Governor Thomas W. Wolf directing him to release the CARES funding to the County of Lebanon in accordance with Act 24 of 2020, which was signed into law on May 29, 2020 by Governor Thomas W. Wolf.
5. On or about March 6, 2020, Governor Wolf signed a Disaster Declaration to provide increased support for Pennsylvania’s response to the COVID-19 pandemic.
6. On March 27, 2020, the federal CARES Act was signed into law by President Donald J. Trump providing approximately \$2 trillion in an economic relief package aimed to assist the American people with the public health and economic impacts of COVID-19. The CARES Act provides economic assistance for local

governments and American workers, families, and small businesses, which have been devastated by the COVID-19 pandemic.

7. On May 15, 2020, the Commissioners for the County of Lebanon passed a non-binding resolution to move the County into the ‘yellow phase’ of Governor Wolf’s reopening plan, concerned with the economic impact of the continued shut-down and the arbitrary, capricious, and indiscernible manner in which Governor Wolf had begun moving some counties to the ‘yellow phase,’ and the even more unapparent manner in which some businesses had been receiving exemptions to the Governor’s “red phase” shut-down mandate. A copy of the Resolution is attached as Exhibit A.
8. On May 29, 2020, Governor Wolf signed Act 24 of 2020 which provides \$625 million in CARES Act funding by means of block grants for counties in the Commonwealth to be distributed by the Department of Community and Economic Development. The funding provided is strictly for support of COVID-19 related activities to offset the cost of direct county COVID-19 response; assist businesses and municipalities; provide behavioral health and substance use disorder treatment services; fund nonprofit assistance programs; and deploy broadband to unserved or underserved areas. A copy of Act 24 of 2020 is attached as Exhibit B.
9. Section 130-C of Act 24 of 2020, governing the County Block Grant states in Section 130-C(a) “from money appropriated for COVID Relief – County Block Grant for county block grants, each county *shall* receive an amount equal to the population proportion amount as determined by subsection (e),” (emphasis added) which subsection describes that “for the purposes of subsection (a), the population

proportion shall be determined as follows: 1) the population estimate of the county; divided by 2) the sum of the population estimates of all counties minus the sum of the population estimates of all counties that received a disbursement directly from the Federal Government through the CARES Act.

10. Further, Section 130-C(a.1) sets forth the following “Distribution.--The Department of Community and Economic Development shall distribute funding to counties on or before July 15, 2020.”
11. Additionally, Section 130-C(b) details a minimum distribution, clearly stating “no county shall receive a distribution under this section that is less than \$1,000,000.00.”
12. According to the formula for county block grant disbursement contained in Act 24 of 2020, the County of Lebanon shall receive approximately \$12.8 million dollars.
13. Act 24 of 2020 also sets forth the only criteria for when a County is to be excluded from receiving funds: “(d) Exclusion.--A county that has received a disbursement directly from the Federal Government through the CARES Act is not eligible to receive funds under this subarticle.”
14. The legislature was clear in the language chosen in the Act and was clear in the manner in which the CARES funding was to be distributed to the counties.
15. After signing Act 24 into law, the Governor, either directly or indirectly through the Department of Community and Economic Development placed further restrictions and requirements, which were not provided for by Act 24, on the distribution of the County Block Grant in COVID-19 County Relief Block Grant

Program Guidelines (hereinafter called “program guidelines”) published in June 2020. A copy of which is attached and marked as Exhibit C.

16. The additional requirements and restrictions include, in Section III, subsection E:

“Counties must have been, and remain, in compliance with all relevant laws, orders, and regulations during the period of the COVID-19 disaster emergency under the Governor’s proclamation dated March 6, 2020, and any and all subsequent renewals. The foregoing includes, but is not limited to, orders by the Governor, Secretary of Health, or other commonwealth officials empowered to act during the emergency. Authorized signatories for applicants must certify such compliance under penalty of perjury and fines pursuant to 18 Pa. C.S. § 4904 (relating to unsworn falsification to authorities). Any noncompliant county will be ineligible for funding under this program and may be required to return all, or a portion, of the funds awarded under the COVID-19 County Relief Block Grant.”
17. In all other respects, Section III of the Program Guidelines regarding eligibility and formula for funding is identical to Act 24, Section 130-C.
18. Act 24 of 2020 was passed after the County of Lebanon, through its commissioners, symbolically voted to move the County to the “yellow phase” attached as Exhibit A.
19. The additional provision requiring past, present, and future compliance with all orders and regulations during the period of the COVID-19 disaster emergency under the Governor’s emergency declaration were published and distributed after the County of Lebanon, through its Commissioners, passed a non-binding resolution to move the County to the “yellow phase.”
20. As of the date of the filing of this petition, the County of Lebanon has not received any of the funds due them pursuant to the County Block Grant, funded through the Federal CARES Act and to the best of Petitioner’s knowledge and belief, the other 66 counties in Pennsylvania have received the allocated funds.

21. On July 2, 2020, the County of Lebanon passed another resolution, a copy of which is attached as Exhibit D, acknowledging the need for continued compliance with the April 15, 2020 Order for Health Safety Measures for Businesses.
22. The Respondent, Governor Wolf, publicly stated on Thursday, July 16, 2020, he would withhold Federal CARES Act money from Lebanon County: "When they were saying, 'We're not going to abide by the restrictions we're going to make our own rules or regulations,' ... OK, then don't come say you want something from the state when you haven't followed the rules," Wolf said. There are consequences. These are the consequences, and I think I'm being consistent here," <https://www.ldnews.com/story/news/2020/07/16/tom-wolf-withholding-cares-act-pandemic-relief-funding-lebanon-county-pa-coronavirus-covid-19/5453854002/>
23. Additionally, Governor Wolf stated "That was the commissioners that the majority of people elected in Lebanon County. They represent them. I think maybe I'd think twice about reelecting them."
24. Via a spokesperson, as quoted in published media reports, Governor Wolf further stated he can withhold the funding using his Emergency Powers which authorize him to "issue, amend and rescind executive orders, proclamations and regulations which shall have the force and effect of law."
25. A spokesperson for Wolf said Thursday that the vote to move Lebanon to the yellow phase "put its business owners and residents at risk." "The governor did not make a decision to withhold the funding," spokesperson Lyndsay Kensinger said in an email. "Lebanon County's decision to violate the law deemed the county ineligible for CARES funding." Id.

26. As of the date and time of this filing, despite his public comments and communications via representatives, Petitioner has not received an official document, signed or ordered by the Governor or any official under his direction, officially denying the County of Lebanon's application for funds under Act 24 of 2020.

IV. DECLARATORY JUDGMENT

27. The averments contained in paragraphs 1-26 as if set forth herein in their entirety.

28. "[A] party may obtain a declaration of existing legal rights, duties, or status of parties by filing a petition pursuant to the Declaratory Judgments Act." *Bayada Nurses, Inc. v. Com., Dept. of Labor and Industry*, 8 A.3d 866, 874 (Pa. 2010) (citing 42 Pa.C.S. §7531 et. seq.)

29. The purpose of the Declaratory Judgments Act "is to settle and to afford relief from uncertainty and insecurity with respect to rights, status, and other legal relations, and is to be liberally construed and administered." 42 Pa.C.S. § 7541(a).

30. "In order to sustain an action under the Declaratory Judgment Act, a plaintiff must allege an interest which is direct, substantial and immediate, and must demonstrate the existence of a real or actual controversy, as the courts of this Commonwealth are generally proscribed from rendering decisions in the abstract or issuing purely advisory opinions." *Com., Office of Governor v. Donahue*, 98 A.3d 1223, 1229 (Pa. 2014).

31. The Legislature passed, and Governor Wolf signed into law, Act 24 of 2020.

32. The County of Lebanon is entitled to \$12,805,164.00 under Act 24 of 2020.

33. Governor Wolf has a constitutional and statutory responsibility to take care that the laws be faithfully executed.
34. Governor Wolf's decision to add additional eligibility language to those passed and signed into law, by him, in Act 24 of 2020, is a gross abuse of power and not supported by the Emergency Powers Act.
35. The Emergency Powers Act must be interpreted to allow the Governor to amend existing regulations predate the emergency declaration in order to address the existing emergency. Those executive orders, proclamations, and regulations passed prior to the existence of an emergency are amendable under the emergency powers precisely because those orders, proclamations, and regulations passed before the emergency existed could not have anticipated or planned for their application during the events requiring the declaration of an emergency.
36. Those regulations, statutes, and acts passed through the legislative process and signed by the Governor during the existence of the Emergency, to address the emergency situation specifically are not hampered by the same shortcomings and the Governor should not be able to capriciously circumvent the entire legislative process, on a whim, because of the existence of an emergency declaration.
37. The Governor, during debate and passage of Act 24 of 2020, could have, as in the course of any legislation, provided criticism, suggestions, guidance, and concern to the legislative chambers to address prior to the Act being presented for his signature, or could have vetoed the legislation and requested the additional language that he now seeks to include into the eligibility section of the Act.

38. Further, the County of Lebanon was excluded with no ability to come into compliance with these new guidelines due to the fact that the vote to move the County into the “yellow phase” occurred prior to the enactment of Act 24, and prior to the additional guidance provided by the program guidelines.
39. Additionally, the County of Lebanon, as a political entity responsible for the operation of numerous offices, locations, and employees, has continued to comply with all of the Governor and Secretary of Health’s orders in the operation of its functions and duties.
40. Governor Wolf’s refusal to release Act 24’s designated funds to the County of Lebanon, effectively consolidates complete legislative power in the executive branch during a declared state of emergency with no check or limit by the legislature, which fundamentally flies in the face of Pennsylvania’s system of government, creating a de-facto King with the ability to revoke, amend, or enact any provision of any legislation passed through the bicameral legislature and presented to and signed by himself at his own whim.

V. MANDAMUS RELIEF

41. The averments contained in paragraphs 1-40 as if set forth herein in their entirety.
42. " [M]andamus is an extraordinary writ, designed to compel a public official's performance of a ministerial act, and may issue only where the petitioner has a clear legal right to enforce the performance of an act, the defendant has a corresponding duty to perform the act and the petitioner has no other adequate and appropriate remedy." Id. "Whether a petitioner seeks a writ of mandamus or an injunction, 'his

threshold burden is to establish a clear legal right to relief.'" Id. (quoting Rosario v. Beard, 920 A.2d 931, 934 (Pa.Cmwlth 2007)).

43. The County of Lebanon is without any redress beyond this writ of mandamus as by the Governor's own argument, he has the ability to circumvent, amend, or revoke any subsequent legislation that may be passed to address this denial of funding.

44. Every day that Governor Wolf fails to release the Federal CARES Act provided funding through Act 24's County Block Grant results in irreparable harm to the County of Lebanon, its economy, residents, businesses, and non-profit entities.

45. The CARES Act and Act 24 has timing requirements and deadlines, which required the prompt use of the funds and return of unused funds to with triggering dates beginning in December 2020.

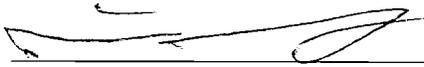
VI. STATEMENT OF RELIEF SOUGHT

WHEREFORE, the Petitioner, the County of Lebanon, respectfully requests this Honorable Court:

- a. Enter judgment declaring Governor Thomas W. Wolf is in violation of Act 24 of 2020 and his duties as Governor of the Commonwealth of Pennsylvania, and order him, in his official capacity, to immediately direct and order distribution of the sum of \$12,805,164.00 pursuant to Act 24 of 2020 to the County of Lebanon.
- b. issue a Writ of Mandamus upon Governor Thomas W. Wolf, in his official capacity, to immediately direct and order distribution of the sum of \$12,805,164.00 pursuant to Act 24 of 2020 to the County of Lebanon.

Respectfully submitted this 21st day of July, 2020

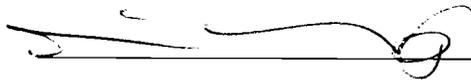
I certify that this filing complies with the provisions of the *Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts* that require filing confidential information and documents differently than non-confidential information and documents.



David R. Warner, Jr.
Supreme Court ID No. 206212
County of Lebanon
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Lebanon, PA 17042
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VERIFICATION

Scott R. Hines, does hereby verify that he is a Solicitor for the County of Lebanon, Petitioner in the within action, and that the facts set forth in the foregoing PETITION are true and correct to the best of his knowledge, information and belief, and that he is authorized to and makes this Verification for and on the County of Lebanon and that he understands that false statements herein are made subject to the penalties of 18 Pa.C.S.A. §4904 relating to unsworn falsifications to authorities.



Dated: 7/21/2020



Lebanon County Commissioners

Room 207, Municipal Building • 400 South Eighth Street • Lebanon, Pennsylvania 17042-6794
Phone: 717-228-4427 • Fax: 717-274-8094 • Website: www.lebcounty.org

Robert J. Phillips
William E. Ames
Jo Ellen Litz
County Commissioners

Jamie A. Wolgemuth
Chief Clerk/County Administrator
David R. Warner, Jr.
County Solicitor

RESOLUTION 05-15-20

Effective immediately, by this Resolution, Lebanon County public and private sector will operate under the "Yellow Phase" of the "Plan for Pennsylvania", as put forth by the Governor, in response to the COVID-19 pandemic;

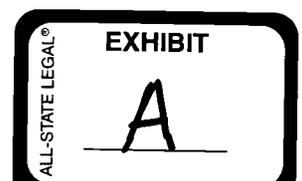
FURTHER, the undersigned Board of Commissioners of the County of Lebanon, Pennsylvania declare that, effective Monday, May 18, 2020 the County will expand publicly accessed services at the Municipal Building and some satellite offices, on a limited basis; and

WHEREAS, while Lebanon County Government services are being expanded, this resolution is not a binding or directive on any private sector enterprise that operates within Lebanon County. Limitations on businesses still exist at the civil and state level and it is incumbent upon those businesses to know the risks, especially if subject to state regulation or licensure; and

WHEREAS, business conducted with Lebanon County Government under the "Yellow Phase" must act in accordance with the following safety measures:

1. Individuals must wear a mask whenever they are on County-directed facility grounds and/or while conducting business with County employees.
2. Common areas in County-directed facilities, such as breakrooms and assembly rooms, will be adequately furnished with sanitizing supplies.
3. Individuals must schedule an appointment with County Departments for in-person transactions.
4. Departments shall stagger appointments in a manner determined by the head of the department.
5. Individuals entering County facilities must submit to medical screening procedures conducted by the Lebanon County Sheriff's Department or departmental personnel.

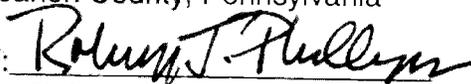
WHEREAS, Lebanon County residents have met the challenges set forth by the Governor's original stated intent to mitigate the spread of the virus and to flatten the curve of the COVID-19 pandemic. Testing was increased to the highest percentage among surrounding counties, our residents socially distanced, sheltered in place when asked, and businesses closed their doors. Our case numbers have steadily declined. Now, it is time to move on, together; and



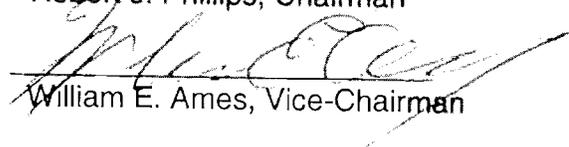
WHEREAS, the undersigned County Commissioners empathize with the residents and business owners who wish to return to work so that they can provide for their families and to minimize the economic devastation on their finances, while following established safety guidelines and continuing to work with the healthcare system to provide needed support in specific areas of the County that are still experiencing a COVID-19 onset; and

NOW, THEREFORE, BE IT RESOLVED, that the undersigned Lebanon County Commissioners declare that Lebanon County will operate under the "Yellow Phase" of the "Plan for Pennsylvania" while adhering to all established safety guidelines and that, together, we will emerge from this pandemic with both our physical health and a thriving business sector.

Board of Commissioner of the
County of Lebanon
Lebanon County, Pennsylvania

BY: 

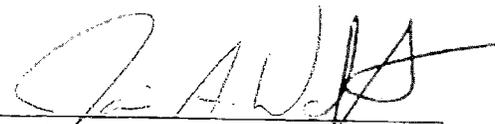
Robert J. Phillips, Chairman



William E. Ames, Vice-Chairman

Jo Ellen Litz, Secretary

ATTESTED:



Jamie Wolgemuth, Chief Clerk

FISCAL CODE - OMNIBUS AMENDMENTS

Act of May 29, 2020, P.L. 186, No. 24

CL. 72

Session of 2020

No. 2020-24

HB 2510

AN ACT

Amending the act of April 9, 1929 (P.L.343, No.176), entitled "An act relating to the finances of the State government; providing for cancer control, prevention and research, for ambulatory surgical center data collection, for the Joint Underwriting Association, for entertainment business financial management firms, for private dam financial assurance and for reinstatement of item vetoes; providing for the settlement, assessment, collection, and lien of taxes, bonus, and all other accounts due the Commonwealth, the collection and recovery of fees and other money or property due or belonging to the Commonwealth, or any agency thereof, including escheated property and the proceeds of its sale, the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth, and the settlement of claims against the Commonwealth, the resettlement of accounts and appeals to the courts, refunds of moneys erroneously paid to the Commonwealth, auditing the accounts of the Commonwealth and all agencies thereof, of all public officers collecting moneys payable to the Commonwealth, or any agency thereof, and all receipts of appropriations from the Commonwealth, authorizing the Commonwealth to issue tax anticipation notes to defray current expenses, implementing the provisions of section 7(a) of Article VIII of the Constitution of Pennsylvania authorizing and restricting the incurring of certain debt and imposing penalties; affecting every department, board, commission, and officer of the State government, every political subdivision of the State, and certain officers of such subdivisions, every person, association, and corporation required to pay, assess, or collect taxes, or to make returns or reports under the laws imposing taxes for State purposes, or to pay license fees or other moneys to the Commonwealth, or any agency thereof, every State depository and every debtor or creditor of the Commonwealth," providing for regional response health collaboration and for emergency COVID-19 response; and, in additional special funds and restricted accounts, providing for return of COVID response transfers.

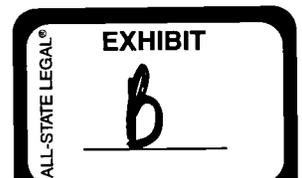
The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

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

ARTICLE I-B

REGIONAL RESPONSE HEALTH COLLABORATION

Section 101-B. Definitions.



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

"Assisted living residence." As defined in section 1001 of the act of June 13, 1967 (P.L.31, No.21), known as the Human Services Code.

"COVID-19." The novel coronavirus as identified in the Governor's Proclamation of Disaster Emergency issued on March 6, 2020, published at 50 Pa.B. 1644 (March 21, 2020).

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

"Facility." Any of the following:

- (1) An assisted living residence.
- (2) A long-term care nursing facility.
- (3) A personal care home.

"Health collaborative." A collaboration of a local health care system that provides educational support and clinical coaching in a specific region of this Commonwealth. The term includes an academic medical center located in this Commonwealth.

"Long-term care nursing facility." As defined in section 802.1 of the act of July 19, 1979 (P.L.130, No.48), known as the Health Care Facilities Act.

"Personal care home." As defined in section 1001 of the Human Services Code.

Section 102-B. Establishment.

The Regional Response Health Collaborative Program is established within the department.

Section 103-B. Duties of department.

The department shall do the following to implement the Regional Response Health Collaborative Program:

(1) Divide the Commonwealth into six geographic regions, as follows:

- (i) Northeast.
- (ii) Southeast.
- (iii) North central.
- (iv) South central.
- (v) Northwest.
- (vi) Southwest.

(2) Solicit proposals from and enter into a grant agreement with at least one eligible health collaborative applicant from each region under paragraph (1) to provide operations, management and administration to protect residents in facilities from COVID-19.

(3) Establish guidelines for each health collaborative to:

- (i) Promote health and stabilize the economy of the region by directly supporting COVID-19 readiness and response in facilities.
- (ii) Improve the quality of care related to infection prevention and other priority health care conditions common to facilities.

(iii) Expand COVID-19 testing to include asymptomatic staff and residents in facilities to expand public health surveillance.

(iv) Implement best practices in infection control, including, but not limited to:

- (A) enhanced testing capability;
- (B) infection control consultation and implementation, including contact tracing; and

(C) advanced clinical care, including onsite and telemedicine-supported clinical care, remote monitoring and physician consultation.

Section 104-B. Eligibility.

In order to be deemed an eligible applicant, a health collaborative must provide information on how it would meet the guidelines under section 103-B when submitting an application to the department.

Section 105-B. Funding.

Funding for the Regional Response Health Collaborative Program shall come from the following sources:

(1) From money appropriated for COVID Relief - Long-Term Living Programs, \$175,000,000 shall be distributed by the department for the purposes provided under section 103-B(2).

(2) An allocation of up to \$175,000,000 from funding received by the Commonwealth from the United States Department of Health and Human Services or Centers for Disease Control and Prevention for testing through Division B of Title I of the Federal Paycheck Protection Program and Health Care Enhancement Act (Public Law 116-139).

ARTICLE I-C
EMERGENCY COVID-19 RESPONSE
SUBARTICLE A
PRELIMINARY PROVISIONS

Section 101-C. Definitions.

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

"Account." The COVID-19 Response Restricted Account established under section 110-C.

"CARES Act." The Coronavirus Aid, Relief, and Economic Security Act (Public Law 116-136, 134 Stat. 281).

"Human Services Code." The act of June 13, 1967 (P.L.31, No.21), known as the Human Services Code.

SUBARTICLE B
COVID-19 RESPONSE RESTRICTED ACCOUNT

Section 110-C. COVID-19 Response Restricted Account.

The COVID-19 Response Restricted Account is established in the General Fund as a restricted account. Money received by the Commonwealth from the Federal Government under Division A of Title V of the CARES Act shall be deposited into the account. All money in the account shall be appropriated by the General Assembly.

Section 111-C. Money in account.

(a) Continuation.--Except as provided under subsection (b), all money in the account, including, but not limited to, money credited to the account under section 110-C, prior year encumbrances and any earned interest, shall not lapse or be transferred to any other fund or account.

(b) County Block Grants.--Money in the account that remains unexpended from the State Treasury as of December 1, 2020, shall be transferred by the State Treasurer to the Department of Community and Economic Development for distribution to counties eligible to receive funds under subarticle (d).

(c) Distribution.--By December 15, 2020, money transferred under subsection (b) shall be distributed by the Department of Community and Economic Development to each county eligible to receive funds under subarticle (d) on a pro rata basis using the population proportion amount calculated under section 130-C(e).

(d) Use of funds.--Money transferred to the Department of Community and Economic Development and distributed to counties under subsection (c) may be used only for eligible uses under section 131-C.

(e) Notification by treasurer.--By November 29, 2020, the State Treasurer shall notify the chairperson and minority chairperson of the Appropriations Committee of the Senate and the chairperson and minority chairperson of the Appropriations Committee of the House of Representatives of the amount of money in the account that is estimated to remain unexpended as of December 1, 2020, and will be transferred to the Department of Community and Economic Development.

(f) Notification.--By December 31, 2020, the Secretary of Community and Economic Development shall notify the chairperson and minority chairperson of the Appropriations Committee of the Senate and the chairperson and minority chairperson of the Appropriations Committee of the House of Representatives of the amount of money distributed to each county under subsection (c).

SUBARTICLE C

DEPARTMENT OF AGRICULTURE

Section 120-C. Dairy Assistance.

(a) COVID Dairy Assistance.--Money appropriated for COVID Relief - Dairy Assistance Program shall be used to make payments to each dairy farm that experienced a loss from the production of milk that was discarded during the proclamation of disaster emergency issued by the Governor on March 6, 2020, published at 50 Pa.B. 1644 (March 21, 2020), and any renewal of the state of disaster emergency, and applies for assistance. The payment under this section shall be determined as follows:

(1) A minimum COVID Dairy Assistance payment equal to \$1,500; and

(2) A pro rata share of any funds remaining after payments under paragraph (1) based upon the volume of the dairy farm's milk that was discarded during the disaster emergency compared to the total volume of milk discarded during the disaster emergency.

(b) Application.--The Department of Agriculture shall develop an application for dairy farmers to apply for assistance under this section within 15 days of the effective date of this section. The application shall be made available and posted on the Department of Agriculture's publicly accessible Internet website and be in a form that can be completed and returned by the dairy farmer electronically or through United States mail. The deadline for submitting applications to the department shall be September 30, 2020.

(c) Methodology.--The Department of Agriculture, in consultation with the Milk Marketing Board, shall determine the method to calculate the volume of discarded milk.

(d) Payments.--Payments under this section shall be made no later than November 30, 2020.

(e) Report.--By December 31, 2020, the Department of Agriculture shall issue a report to the chairperson and minority chairperson of the Appropriations Committee of the Senate and the chairperson and minority chairperson of the Appropriations Committee of the House of Representatives and post the report on the Department of Agriculture's publicly accessible Internet website. The report shall include the following information:

(1) The total number of dairy farms that applied for assistance under this section.

(2) The total amount of discarded milk for which assistance under this section was sought.

(3) The average amount of discarded milk per dairy farm that applied for assistance under this section.

(4) An estimate of the total value of discarded milk for which assistance was sought under this section.

(5) The average value of discarded milk per dairy farm that applied for assistance under this section.

(6) The total number of dairy farms that received assistance under this section by county.

(7) The total dollar value of assistance payments under this section by county.

(f) Definitions.--For the purpose of this section, "discarded milk" shall be defined as the volume of milk produced compared to the volume of milk that was hauled to a processor.

Section 121-C. Pennsylvania Agricultural Surplus System.

From money appropriated for COVID Relief - Dairy Assistance Program, no more than \$5,000,000 may be administered by the Department of Agriculture under the provisions of the act of November 23, 2010 (P.L.1134, No.113), known as the Pennsylvania Agricultural Surplus System Act. The money shall be used to donate, sell or otherwise provide dairy products to charitable food organizations in existence within this Commonwealth.

Section 122-C. State Food Purchase Program.

Money appropriated for COVID Relief - State Food Purchase Program shall be used for grants to counties for the purchase of food to be provided to needy persons in this Commonwealth, which shall be administered by the Department of Agriculture under the provisions of the act of December 11, 1992 (P.L.807, No.129), known as the State Food Purchase Program Act. This amount may include no more than \$5,000,000 to be used to donate, sell or otherwise provide food products to charitable food organizations in existence within this Commonwealth under the provisions of the act of November 23, 2010 (P.L.1134, No.113), known as the Pennsylvania Agricultural Surplus System Act.

SUBARTICLE D

DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT

Section 130-C. County Block Grant.

(a) General rule.--From money appropriated for COVID Relief - County Block Grant for county block grants, each county shall receive an amount equal to the population proportion amount as determined by subsection (e).

(a.1) Distribution.--The Department of Community and Economic Development shall distribute funding to counties on or before July 15, 2020.

(b) Minimum distribution.--No county shall receive a distribution under this section that is less than \$1,000,000.

(c) Proration.--The distribution to a county shall be adjusted on a pro rata basis to the extent necessary to meet the minimum distribution requirements under subsection (b) and not exceed the total amount appropriated for county block grants.

(d) Exclusion.--A county that has received a disbursement directly from the Federal Government through the CARES Act is not eligible to receive funds under this subarticle.

(e) Population proportion amount.--For the purposes of subsection (a), the population proportion shall be determined as follows:

(1) the population estimate of the county; divided by

(2) the sum of the population estimates of all counties minus the sum of the population estimates of all counties that received a disbursement directly from the Federal Government through the CARES Act.

(f) Population estimate.--For purposes of this section, a county's population shall be equal to the published estimate by the United States Census Bureau Population Estimates Program for calendar year 2019.

Section 131-C. Eligible uses of funds.

Funds appropriated to a county for COVID Relief - County Block Grant shall only be used for the following purposes:

(1) Offsetting the cost of direct county response, planning and outreach efforts related to COVID-19, including the purchase of personal protective equipment. A county may incur direct administrative costs for the County Block Grant Program under this subarticle not to exceed 2% of the amount received or \$200,000, whichever is less.

(2) Small business grant programs to support businesses with fewer than 100 employees with priority given to those businesses that did not receive a loan or grant through the Federal Paycheck Protection Program or the Economic Injury Disaster Loan Program established under the CARES Act and to support businesses and other entities that are primarily engaged in the tourism industry, including State and county fairs, regardless of the number of employees the business or other entity has. Counties may utilize Community Development Financial Institutions to administer all or a portion of their small business grant programs.

(3) Grant programs to support the following entities for costs related to assisting businesses during the COVID-19 disaster emergency:

- (i) Certified Economic Development Organizations.
- (ii) Local Development Districts.
- (iii) Industrial Resource Centers.
- (iv) Small Business Development Centers.
- (v) Economic Development Corporations.

(4) Assistance to cities, boroughs, incorporated towns or townships located within the county for response and planning efforts related to COVID-19, including the purchase of personal protective equipment.

(5) Behavioral health and substance use disorder treatment services.

(6) Nonprofit assistance programs for entities that are an exempt organization under section 501(c)(3) or 501(c)(19) of the Internal Revenue Code of 1986 (Public Law 99-514, 26 U.S.C. § 1 et seq.).

(7) Broadband Internet deployment with priority given to unserved or underserved areas.

Section 132-C. Cultural and museum preservation grants.

(a) Use of funds.--From money appropriated for COVID Relief - Cultural and Museum Preservation Grant Program, \$20,000,000 shall be transferred to the authority and shall be used to make grants under this subarticle.

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

"Authority." The Commonwealth Financing Authority.

"Eligible cultural organization." A facility or organization meeting the criteria for grants under subsection (f) and that was

subject to closure by the proclamation of disaster emergency issued by the Governor on March 6, 2020, published at 50 Pa.B. 1644 (March 21, 2020), and any renewal of the state of disaster emergency, and that experienced a loss of revenue related to the closure.

"Museum." An institution that cares for and presents owned or borrowed collections of artifacts and other objects of artistic, cultural, historical or scientific importance that presents the collection to the public for the purpose of education and enjoyment and that was subject to closure by the proclamation of disaster emergency issued by the Governor on March 6, 2020, published at 50 Pa.B. 1644 (March 21, 2020), and any renewal of the state of disaster emergency, and that experienced a loss of revenue related to the closure. The term shall include each organization within a tax-exempt organization that meets the criteria of this definition.

"Program." The COVID-19 Cultural and Museum Preservation Grant Program established under subsection (c).

(c) Establishment of program.--The authority shall establish the COVID-19 Cultural and Museum Preservation Grant Program.

(d) Purpose of program.--The program shall receive applications and award grants to eligible cultural organizations and museums in accordance with this section.

(d.1) Application.--The authority shall develop an application for eligible cultural organizations and museums to apply for grants under this section within 30 days of the effective date of this section. The application shall be made available and posted on the authority's publicly accessible Internet website and be in a form that can be completed electronically or through the United States mail.

(d.2) Deadline.--No application for a grant under this section may be submitted after September 30, 2020.

(e) Guidelines.--The authority shall establish guidelines that are consistent with the provisions of this section within 30 days of the effective date of this section. The guidelines shall be:

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

(2) posted on the authority's publicly accessible Internet website.

(f) Program requirements.--

(1) An eligible cultural organization or museum must be one of the following categories:

(i) Children's museum.

(ii) General museum with at least two equally significant disciplines.

(iii) History museum or historical site.

(iv) Military or maritime museum.

(v) Natural history museum.

(vi) Accredited zoo.

(vii) Planetarium.

(viii) Science and technology center.

(ix) Orchestra.

(x) Art museum.

(xi) Performing arts organization.

(2) An eligible cultural organization or museum must provide evidence that the eligible cultural organization or museum has received funding prior to the effective date of this section from the Pennsylvania Historical and Museum Commission or the Department of Community and Economic Development.

(g) Grant limits.--The authority may award a grant to an eligible cultural organization or museum not to exceed \$500,000.

(h) Award of grants.--The authority shall award grants and make grant payments under this section no later than November 30, 2020.

(i) Expiration.--This section shall expire once all funds transferred to the authority under subsection (a) have been exhausted or December 1, 2020, whichever occurs first.

Section 133-C. Food Access Initiative.

From money appropriated to the Department of Community and Economic Development for COVID Relief - Food Access Initiative, \$10,000,000 shall be distributed to the Food Access Initiative.

SUBARTICLE E

DEPARTMENT OF EDUCATION

Section 140-C. Department of Education.

(a) General rule.--This section shall apply to appropriations to the Department of Education.

(b) Pre-K Counts Program.--Subject to subsection (d), from money appropriated for the COVID Relief - Pre-K Counts Program, \$7,000,000 shall be distributed to the Pre-K Counts Program.

(c) Head Start State Supplemental Assistance Program.--Subject to subsection (d), from money appropriated for the COVID Relief - Head Start Supplemental Assistance Program, \$2,000,000 shall be distributed to the Head Start State Supplemental Assistance Program.

(d) Applicability.--The following shall apply:

(1) An eligible person or entity receiving a payment under this section must be in operation as of March 31, 2020.

(2) A person or entity receiving a payment under this section shall provide documentation to the Department of Education, upon request, for purposes of an audit review.

(3) A payment received under this section may only be used to cover necessary COVID-19-related costs, including, but not limited to, a cost:

(i) not otherwise reimbursed by Federal, State or another source of funding; and

(ii) incurred during the period between March 1, 2020, and November 30, 2020.

SUBARTICLE F

DEPARTMENT OF HEALTH

Section 150-C. Department of Health.

(a) General rule.--Subject to subsection (b), from money appropriated for the COVID Relief - Community-Based Health Care Centers, \$10,000,000 shall be used for making payments to community-based health care centers as a one-time payment to each facility, which shall be determined as follows:

(1) Divide:

(i) the facility's Coronavirus Aid, Relief, and Economic Security Act Supplemental Funding grant award from Health Resources and Services Administration; by

(ii) The total of all community-based health care centers' Coronavirus Aid, Relief, and Economic Security Act Supplemental Funding grant award from Health Resources and Services Administration.

(2) Multiply the quotient under paragraph (1) by \$10,000,000.

(b) Limitations.--The following shall apply:

(1) An eligible person or entity receiving a payment under this section must be in operation as of March 31, 2020.

(2) A person or entity receiving a payment under this section shall provide documentation to the Department of Health, upon request, for purposes of an audit review.

(3) A payment received under this section may only be used to cover necessary COVID-19-related costs, including, but not limited to, those:

(i) not otherwise reimbursed by Federal, State or another source of funding.

(ii) incurred during the period between March 1, 2020, and November 30, 2020.

SUBARTICLE G

DEPARTMENT OF HUMAN SERVICES

Section 160-C. Use of money.

(a) Uses.--The following shall apply:

(1) Subject to paragraph (11), from money appropriated for COVID Relief - Long-Term Living Programs, \$457,000,000 shall be used for the following purposes:

(i) The sum of \$245,000,000, for the purpose of making payments to nonpublic and county nursing facilities, which shall be allocated as follows:

(A) Of the amount under this subparagraph, \$196,000,000 shall be distributed as a one-time payment to each nonpublic and county nursing facility, which shall be determined as follows:

(I) Divide:

(a) the facility's number of medical assistance days for the third quarter of calendar year 2019 as reported under Article VIII-A of the act of June 13, 1967 (P.L.31, No.21), known as the Human Services Code; by

(b) the total number of medical assistance days for all facilities for the third quarter of calendar year 2019 as reported under Article VIII-A of the Human Services Code.

(II) Multiply:

(a) the quotient under subclause (I); by

(b) \$196,000,000.

(B) Of the amount under this subparagraph, \$49,000,000 shall be distributed as a one-time payment to each nonpublic and county nursing facility, which shall be determined as follows:

(I) Divide:

(a) the number of the facility's licensed beds as of March 31, 2020; by

(b) the total licensed beds of all nonpublic and county nursing facilities as of March 31, 2020.

(II) Multiply:

(a) the quotient under subclause (I); by

(b) \$49,000,000.

(ii) The sum of \$140,000,000 for the purpose of making payments for personal assistance services provided by home health care agencies, home care agencies and direct care workers employed through the participant-directed employer model. Each home health care provider, home care provider or direct care worker employed through the participant-directed employer model shall receive a one-time payment, which shall be determined as follows:

(A) Of the amount under this subparagraph, \$112,000,000 shall be distributed as a one-time payment to a home health care provider or home care provider, which shall be determined as follows:

(I) Divide:

(a) the provider's number of medical assistance 15-minute units, excluding overtime, invoiced in the third quarter of calendar year 2019; by

(b) the total medical assistance 15-minute units for all home health care providers and home care providers, excluding overtime, invoiced in the third quarter of calendar year 2019.

(II) Multiply:

(a) the quotient under subclause (I); by

(b) \$112,000,000.

(B) Of the amount under this subparagraph, \$28,000,000 shall be distributed as a one-time payment to each direct care worker employed through the participant-directed employer model who provides personal assistance services, which shall be determined as follows:

(I) Divide:

(a) the number of medical assistance personal assistance 15-minute units provided by a direct care worker employed through the participant-directed employer model, excluding overtime, invoiced in the third quarter of calendar year 2019; by

(b) all medical assistance personal assistance 15-minute units provided by all direct care workers employed through the participant-directed employer model, excluding overtime, invoiced in the third quarter of calendar year 2019.

(II) Multiply:

(a) the quotient under subclause (I); by

(b) \$28,000,000.

(iii) The sum of \$50,000,000 for the purpose of making payments to assisted living residences and personal care homes, which shall be allocated as follows:

(A) Of the amount under this subparagraph, \$45,000,000 shall be distributed as a one-time payment to each assisted living residence and personal care home, which shall be determined as follows:

(I) Divide:

(a) the occupancy of the assisted living residence or personal care home, as determined by the Department of Human Services' most recent inspection on or before April 1, 2020; by

(b) the total occupancy of all assisted living residences, including those with a special care designation, and personal care homes, as determined by the Department of Human Services' most recent inspections on or before April 1, 2020.

(II) Multiply:

- (a) the quotient under subclause (I); by
- (b) \$45,000,000.

(B) Of the amount under this subparagraph, \$5,000,000 shall be distributed as a one-time payment to each personal care home, which shall be determined as follows:

(I) Divide:

(a) the personal care facility's number of individuals for whom the facility received a payment from the Department of Human Services for Supplemental Security Income in March 2020; by

(b) the total of all personal care facilities' individuals for whom payments for Supplemental Security Income were made by the Department of Human Services in March 2020.

(II) Multiply:

- (a) the quotient under subclause (I); by
- (b) \$5,000,000.

(iv) The sum of \$13,000,000 for the purpose of making payments for adult day care services as a one-time payment to each adult day care services provider, which shall be determined as follows:

(A) Divide:

(I) the adult day care services provider's total medical assistance fee-for-service and Community HealthChoices payments for the third quarter of calendar year 2019; by

(II) the sum of all adult day care services providers' medical assistance fee-for-service and Community HealthChoices payments for the third quarter of calendar year 2019.

(B) Multiply:

- (I) the quotient under clause (A); by
- (II) \$13,000,000.

(v) The sum of \$1,000,000 for the purpose of making payments for residential habilitation services as a one-time payment to each provider, which shall be determined as follows:

(A) Divide:

(I) the residential habilitation services provider's total medical assistance fee-for-service and Community HealthChoices payments for the third quarter of calendar year 2019; by

(II) The total sum of all residential habilitation medical assistance fee-for-service and Community HealthChoices payments for the third quarter of calendar year 2019.

(B) Multiply:

- (I) the quotient under clause (A); by
- (II) \$1,000,000.

(vi) The following shall apply:

(A) The sum of \$8,000,000 for the purpose of making payments for eligible Medicaid ventilator or tracheostomy qualified medical assistance nonpublic and county nursing facilities. A nonpublic or county nursing facility will qualify for payment if, based upon The Supplemental Ventilator Care and Tracheostomy Care Payments for December 2019, the facility had:

(I) Ten or more medical assistance recipient residents who received medically necessary ventilator care or tracheostomy care; and

(II) At least 17% of the facility's medical assistance recipient resident population received medically necessary ventilator care or tracheostomy care.

(B) The amount appropriated under this subparagraph shall be distributed as a one-time payment to each qualified medical assistance nonpublic and county nursing facility, determined as follows:

(I) Divide:

(a) The facility's number of medical assistance recipient residents who received necessary ventilator care or tracheostomy care for the third quarter of calendar year 2019; by

(b) The sum of all qualified medical assistance nonpublic and county nursing facilities' number of medical assistance recipient residents who received necessary ventilator care or tracheostomy care for the third quarter of calendar year 2019.

(II) Multiply:

(a) the quotient under subclause (I); by

(b) \$8,000,000.

(2) Subject to paragraph (11), from money appropriated for COVID Relief - Community HealthChoices, \$50,000,000 shall be used for making payments to Community HealthChoices managed care organizations as a one-time payment to each organization, which shall be determined as follows:

(i) Divide:

(A) the Community HealthChoices managed care organization's number of medical assistance nursing facility clinically eligible participants as of March 31, 2020; by

(B) the total of all Community HealthChoices managed care organizations' number of medical assistance nursing facility clinically eligible recipients as of March 31, 2020.

(ii) Multiply:

(A) the quotient under subparagraph (i); by

(B) \$50,000,000.

(3) Subject to paragraph (11), from money appropriated for COVID Relief - Long-Term Care - Managed Care, \$10,000,000 shall be used for making payments to organizations that have entered into an agreement with the Department of Human Services to operate a life program, as defined under section 602 of the Human Services Code, in a specified county or set of counties, as determined by the department. Each organization shall receive a one-time payment, which shall be determined as follows:

(i) Divide:

(A) the organization's total amount reimbursed for long-term care - managed care for the first quarter of calendar year 2020; by

(B) the total amount reimbursed for long-term care - managed care for the first quarter of calendar year 2020.

(ii) Multiply:

- (A) the quotient under subparagraph (i); by
- (B) \$10,000,000.

(4) Subject to paragraph (11), from money appropriated for COVID Relief - Intellectual Disabilities - Community Waiver Program, \$259,280,000 shall be allocated for the intellectual disabilities community waiver program.

(5) Subject to paragraph (11), from money appropriated for COVID Relief - Autism Services, \$720,000 shall be allocated for autism intervention and services.

(6) Subject to paragraph (11), from money appropriated for COVID Relief - Child-Care Services, \$116,000,000 shall be allocated for child-care services. No money under this paragraph shall be made available before the Department of Human Services completes a study on the economic impacts of child-care closures during the proclamation of disaster emergency issued by the Governor on March 6, 2020, published at 50 Pa.B. 1644 (March 21, 2020), and any renewal of the state of disaster emergency. The Department of Human Services shall use the study to develop criteria for distribution of the appropriation to eligible child care providers.

(7) Subject to paragraph (11), from money appropriated for COVID Relief - Domestic Violence Programs, \$10,000,000 shall be allocated for domestic violence and housing support services.

(8) Subject to paragraph (11), from money appropriated for COVID Relief - Homeless Assistance Services, \$10,000,000 shall be allocated for the homeless assistance program. Counties that participate in the Human Services Block Grant Program under Article XIV-B of the Human Services Code must use these funds for eligible services under the homeless assistance program.

(9) Subject to paragraph (11), from money appropriated for COVID Relief - Legal Services, \$8,000,000 shall be allocated for legal services.

(10) Subject to paragraph (11), from money appropriated for COVID Relief - Critical Access Hospitals, \$10,000,000 shall be used for making payments to critical access hospitals as a one-time payment to each facility, which shall be determined as follows:

(i) Divide:

(A) The facility's fiscal year 2019-2020 allocation by;

(B) The total of all critical access hospitals allocations for fiscal year 2019-2020.

(ii) Multiply:

(A) the quotient under subparagraph (i); by

(B) \$10,000,000.

(11) The following apply:

(i) An eligible person or entity receiving a payment under this section must be in operation as of March 31, 2020.

(ii) A person or entity receiving a payment under this section shall provide documentation to the Department of Human Services, upon request, for purposes of an audit review.

(iii) A payment received under this section may only be used to cover necessary COVID-19 related costs, including, but not limited to, a cost:

(A) not otherwise reimbursed by Federal, State or other source of funding; and

(B) incurred during the period between March 1, 2020, and November 30, 2020.

(b) (Reserved).

SUBARTICLE H

PENNSYLVANIA EMERGENCY MANAGEMENT AGENCY

Section 170-C. Health Care System Assistance.

Money appropriated for COVID Relief - Health Care System Assistance to the Pennsylvania Emergency Management Agency shall be used to acquire medical equipment and supplies for health care entities to meet urgent patient and staff needs to address surge demand. Health care entities shall include, but not be limited to, hospitals, nursing facilities and emergency medical services.

SUBARTICLE I

PENNSYLVANIA HIGHER EDUCATION ASSISTANCE AGENCY

Section 180-C. COVID-19 Student Loan Interest Forbearance Program.

(a) Program.--Money appropriated for COVID Relief - Student Loan Interest Forbearance Program to the Pennsylvania Higher Education Assistance Agency shall be used to temporarily relieve Pennsylvania student loan borrowers from interest payments for nondefaulted private loans that are held and identified by the Pennsylvania Higher Education Assistance Agency.

(b) Methodology.--To implement the program under subsection (a), the Pennsylvania Higher Education Assistance Agency shall:

(1) Automatically place all borrowers that are in a repayment status into a forbearance status suspending payments until September 30, 2020.

(2) Allow borrowers who are placed into a forbearance status under paragraph (1) an option to continue payments at the borrower's discretion.

(3) Waive the interest accrual on Pennsylvania Higher Education Assistance Agency-owned private student loans until September 30, 2020.

(4) Make the program available beginning March 13, 2020, and ending September 30, 2020.

(c) Expiration.--This section shall expire once all funds allocated under this section have been exhausted or November 30, 2020, whichever occurs first.

SUBARTICLE J

PENNSYLVANIA HOUSING FINANCE AGENCY

Section 190-C. Definitions.

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

"Agency." The Pennsylvania Housing Finance Agency.

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

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

Section 191-C. Mortgage and Rental Assistance Program.

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

(b) Purpose of the program.--The program shall receive applications from lessees, landlords, mortgagees and mortgagors

and award grants to eligible landlords and mortgagees in accordance with this act.

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

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

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

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

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

(f) (Reserved).

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

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

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

(3) The agency shall develop an application for eligible lessees, mortgagors, landlords or mortgagees to apply for assistance under this section within 30 days of the effective date of this section. The application shall include an attestation by the landlord or mortgagee releasing the lessee or mortgagor of any remaining obligation for any past due or future rent or mortgage payment for which the agency pays the landlord or mortgagee. The application shall be made available and posted on the agency's publicly accessible Internet website and be in a form that can be completed and returned by the lessee, mortgagor, landlord or mortgagee electronically or through the United States mail. The deadline for submitting applications to the agency shall be September 30, 2020.

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

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

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

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

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

(9) The agency shall make payments as follows:

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

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

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

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

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

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

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

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

(6) The total number of landlords and mortgagees who received assistance under this section by county.

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

SUBARTICLE K

STATE SYSTEM OF HIGHER EDUCATION

Section 190.1-C. State University Assistance.

(a) Program.--Money appropriated for COVID Relief - State Universities shall be used by the State System of Higher Education to make payments to State universities for costs resulting from the proclamation of disaster emergency issued by the Governor on March 6, 2020, published at 50 Pa.B. 1644 (March 21, 2020), and any renewal of the state of disaster emergency.

(b) Determination of payments.--Payments made under this section to each State university shall be determined as follows:

(1) Multiply:

(i) the 2019 fall headcount enrollment for each State university; by

(ii) the amount of the appropriation for COVID Relief - State Universities.

(2) Divide:

(i) the product under paragraph (1); by

(ii) the 2019 fall headcount enrollment for all State universities.

(c) Payment deadline.--Payments made under this section shall be made no later than July 15, 2020.

(d) Report.--By July 31, 2020, the Chancellor of the State System of Higher Education shall issue a report to the chairperson and minority chairperson of the Appropriations Committee of the Senate and the chairperson and minority chairperson of the Appropriations Committee of the House of Representatives and post the report on the State System of Higher Education's publicly

accessible Internet website. The report shall include the following information:

- (1) The 2019 fall headcount enrollment for each State university.
- (2) The 2019 fall headcount enrollment for all State universities.
- (3) The payment made to each State university under this section.
- (4) The total payments made to all State universities under this section.

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

"Fall headcount enrollment." The number of students enrolled in credit-bearing courses and the number of students enrolled in clock-hour programs.

"State university." A university which is part of the State System of Higher Education under Article XX-A of the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949.

Section 2. The act is amended by adding a section to read:
Section 1735.1-A.1. Return of COVID-19 response transfers.

(a) Return of special fund transfers.--Any money transferred from special funds under the Governor's jurisdiction to a restricted account under section 1735-A.1 shall be returned to each special fund in an amount equal to the initial transfer.

(b) Deposit.--Money returned under subsection (a) shall be transferred to the applicable special fund from which the money was transferred under section 1735-A.1 and deposited by July 31, 2020.

(c) Restriction on use of returned funds.--After deposit under subsection (b), no department, commission, agency, office or authority of the Governor or the Commonwealth shall expend any portion of money deposited into a special fund under subsection (b) unless appropriated by the General Assembly.

Section 3. This act shall take effect immediately.

APPROVED--The 29th day of May, A.D. 2020.

TOM WOLF



pennsylvania
DEPARTMENT OF COMMUNITY
& ECONOMIC DEVELOPMENT

COVID-19 COUNTY RELIEF BLOCK GRANT

Program Guidelines | June 2020



Commonwealth of Pennsylvania | Tom Wolf, Governor
PA Department of Community & Economic Development | dced.pa.gov

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EXHIBIT

 C

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Section I – Statement of Purpose

Act 24 of 2020 was signed by Governor Wolf on May 29, 2020. This legislation provides \$625 million in CARES Act funding by means of block grants for counties in the commonwealth through the Department of Community and Economic Development (DCED). This funding is strictly for support of COVID-19-related activities to offset the cost of direct county COVID-19 response; assist businesses and municipalities; provide behavioral health and substance use disorder treatment services; fund nonprofit assistance programs; and deploy broadband to unserved or underserved areas.

Section II – Background

The Coronavirus Aid, Relief, and Economic Security (CARES) Act was signed into law on March 27, 2020. The \$2 trillion economic relief package aims to protect the American people from the public health and economic impacts of COVID-19. The CARES Act provides economic assistance for local governments and American workers, families, and small businesses.

Section III – Eligibility and Formula for Block Grant Funding

- A. **Minimum Distribution** – No eligible county shall receive a distribution of less than \$1,000,000.
- B. **Proration** – The distribution to an eligible county shall be adjusted on a pro rata basis to the extent necessary to meet the minimum distribution requirements and to not exceed the total amount of funds appropriated for the COVID-19 County Block Grant.
- C. **Exclusion** – A county that has received a disbursement directly from the Federal government through the CARES Act is not eligible to receive funds.
- D. **Population Proportion Amount** – The population proportion amount shall be determined as follows:
 - The allocation of funding distributed to each county is based on a formula which takes into consideration the total of each county's population as a percentage of the total population of the sixty counties (6,905,235) that have not received a direct disbursement under the CARES Act minus those counties receiving the minimum allocation of \$1,000,000. That percentage is then used to determine the allocation for each county of the \$625,000,000 in total program funds.
 - Population estimate is defined as the county's population equal to the published estimate by the United States Census Bureau Population estimates for Calendar Year 2019.
- E. Counties must have been, and remain, in compliance with all relevant laws, orders, and regulations during the period of the COVID-19 disaster emergency under the Governor's proclamation dated March 6, 2020, and any and all subsequent renewals. The foregoing includes, but is not limited to, orders by the Governor, Secretary of Health, or other commonwealth officials empowered to act during the emergency. Authorized signatories for applicants must certify such compliance under penalty of perjury and fines pursuant to 18 Pa. C.S. § 4904 (relating to unsworn falsification to authorities). Any noncompliant county will be ineligible for funding under this program and may be required to return all, or a portion, of the funds awarded under the COVID-19 County Relief Block Grant.

Section IV – General Program Requirements

A. Eligible Expenditures

Eligible expenditures must have been incurred during the period from March 1, 2020, through December 30, 2020. Funds appropriated to a county through the COVID-19 County Relief Block Grant shall be used for the following purposes:

- Offsetting cost of direct county response, planning, and outreach efforts.
- Purchase of Personal Protective Equipment (PPE) in response to pandemic.
- Administration of the grant by the county of no more than 2% of funds received or \$200,000, whichever is less.
- Assistance to the county's municipalities for response and planning efforts, including purchase of PPE.
- Preference will be given to small business grant programs for businesses with fewer than 100 employees and that did not receive funding through the Federal Paycheck Protection Program or the Economic Injury Disaster Loan Program established under the CARES Act.
- To tourism businesses of all sizes, including state and county fairs. CDFIs can be used to administer the grant program for small businesses and tourism businesses.
- Grant programs to support costs of assisting businesses during COVID – CEDOs, LDDs, IRCs, SBDCs, and EDCs.
- Behavioral health and substance use disorder treatment services.
- Broadband deployment with priority to unserved or underserved areas.
- Nonprofit assistance programs for 501(c)(3) and 501(c)(19) organizations.

B. Compliance Requirements

Fund payments are subject to the following requirements in the Uniform Guidance (2 C.F.R. Part 200): 2 C.F.R. § 200.303 regarding internal controls, 2 C.F.R. §§ 200.330 through 200.332 regarding subrecipient monitoring and management, and subpart F regarding audit requirements.

Section V – Other Requirements

A. Conflict of Interest Provision

An officer, director, member, or employee of an applicant who is a party to or has a private interest in a project shall disclose the nature and extent of the interest to the governing body of the applicant and may neither vote on action of the applicant concerning the project nor participate in the deliberations of the applicant concerning the project. Additionally, the applicant's board members and directors must complete an annual financial disclosure statement.

B. Nondiscrimination

No assistance shall be awarded to an applicant under this program unless the applicant certifies to DCED that they will not discriminate against any employee or against any person seeking employment by reason of race, gender, creed, color, sexual orientation, gender identity or expression, or in violation of the Pennsylvania Human Relations Act, which prohibits discrimination on the basis of race, color, religious creed, ancestry, age, sex, national origin, handicap or disability, or in violation of any applicable local, state, or federal laws. All contracts for work to be paid with program assistance must contain the commonwealth's official nondiscrimination clause.

C. Program Records

The applicant must maintain full and accurate records with respect to the activities and must ensure adequate control over related parties in the project. DCED requires access to such records, as well as the ability to inspect all work, invoices, materials, and other relevant records at reasonable times and places. Upon request of DCED, the applicant must furnish all data, reports, contracts, documents, and other information relevant to the project.

D. Financial Audit

Audit Guidelines for Federally Funded Contracts exceeding \$750,000

A Recipient or Sub-Recipient that expends \$750,000 or more in federal awards during its fiscal year is required to provide the appropriate single or Program-Specific Audit in accordance with the provisions outlined in 2 CFR § 200.501.

Section VI – Application Process

A. Application Procedures

Applications are due no later than June 16, 2020. All applications for the COVID-19 County Relief Block Grant must be completed and submitted online using DCED’s Single Application, which can be accessed at www.dced.pa.gov or www.esa.dced.state.pa.us. Paper applications will not be accepted.

Applicants should carefully follow instructions outlined in the Single Application and provide all requested information. Help can be obtained by contacting DCED Customer Service at 1-800-379-7448 or ra-dcedcs@pa.gov.

B. Application Evaluation

The allocation of funding distributed to each county is based on a formula which takes into consideration the total of each county’s population as a percentage of the total population of the sixty counties (6,905,235) not receiving direct assistance via the CARES Act minus those counties receiving the minimum allocation of \$1,000,000. That percentage is then used to determine the allocation for each county of the \$625,000,000 in total program funds.

C. Procedures for Accessing Funds

Following acceptance of the application, a grant agreement will be sent to the applicant for execution. Upon execution by the county, the agreement must be returned to the DCED. All grant funds must be expended by December 30, 2020.

Section VII – Program Inquiries

Program inquiries should be directed to:

Department of Community & Economic Development
Governor’s Center for Local Government Services
Commonwealth Keystone Building
400 North Street, 4th Floor
Harrisburg PA 17120-0225

Telephone: 888-223-6837 or 717-787-8158

David Brinton, MPA
Local Government Policy Manager
Phone: 717-720-7310
Email: dbrinton@pa.gov



Lebanon County Commissioners

Room 207, Municipal Building • 400 South Eighth Street • Lebanon, Pennsylvania 17042-6794
Phone: 717-228-4427 • Fax: 717-274-8094 • Website: www.lebcounty.org

Robert J. Phillips
William E. Ames
Jo Ellen Litz
County Commissioners

Jamie A. Wolgemuth
Chief Clerk/County Administrator
David R. Warner, Jr.
County Solicitor

RESOLUTION 7-2-2020B

WHEREAS, the Lebanon County Commissioners recognize and applaud the residents of Lebanon County for working together during the Coronavirus COVID-19 pandemic to bring the number of positive cases down and attaining a “green” status on the Commonwealth’s phased approach to reopening; and

WHEREAS, the County Commissioners look forward to all businesses safely reopening and Lebanon County’s economy returning, in time, to the robust engine that it was before the pandemic; and

WHEREAS, according to the CDC, a significant portion of individuals with coronavirus lack symptoms and those who eventually develop symptoms can transmit the virus to others before showing symptoms. This means that the virus can spread between people interacting in close proximity—for example, speaking, coughing, or sneezing—even if those people are not exhibiting symptoms; and

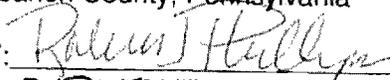
WHEREAS, the County Commissioners encourage the continued wearing of masks, social distancing, and regular handwashing in compliance with the Commonwealth’s Order for Health Safety Measures for Businesses issued on April 15, 2020; and

WHEREAS, a local effort to encourage mask-wearing and prevention practices is being initiated by Forward Together Lebanon and the Community Health Council of Lebanon County. The tag lines for the campaigns are “Wearing is Caring” and “Mask Up Lebanon” which will appear on posters and flyers distributed throughout the County; and

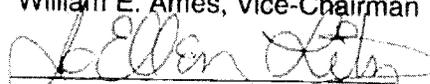
WHEREAS, the Pennsylvania Departments of Health and the Emergency Management Agency have communicated directly with the Lebanon County Commissioners assuring resources will be provided in the effort to keep case counts low; and

NOW, THEREFORE, BE IT RESOLVED, that the Lebanon County Board of Commissioners encourage mask wearing, social distancing and regular handwashing by Lebanon Countians, and **FURTHER**, that we all do our part to prevent the spread of COVID-19.

Board of Commissioner of the
County of Lebanon
Lebanon County, Pennsylvania

BY: 
Robert J. Phillips, Chairman


William E. Ames, Vice-Chairman


Jo Ellen Litz, Secretary

ATTESTED: 
Jamie Wolgemuth, County Administrator

