

**Effective 8/31/2020**

**Repealed 5/31/2021**

**63N-14-102 Definitions.**

As used in this chapter:

- (1) "Business entity" means a business that:
  - (a) employs fewer than the equivalent of 250 full-time employees;
  - (b) has the business's principal place of business in this state; and
  - (c)
    - (i) is properly registered with the Division of Corporations and Commercial Code;
    - (ii) is tax exempt under Section 501(c)(3) or (19) of the Internal Revenue Code;
    - (iii) is a Tribal business concern described in 15 U.S.C. Sec. 657a (b)(2)(C); or
    - (iv) is an individual who:
      - (A) operates under a sole proprietorship;
      - (B) operates as an independent contractor; or
      - (C) is self-employed.
- (2) "CARES Act" means the Coronavirus Aid, Relief, and Economic Security Act, Pub. L. 116-136.
- (3) "Commercial property" means property used solely for business purposes.
- (4) "COVID-19" means:
  - (a) severe acute respiratory syndrome coronavirus 2; or
  - (b) the disease caused by severe acute respiratory syndrome coronavirus 2.
- (5) "Mortgage payment" means the amount that a business entity owes as a result of a loan from a mortgagee for commercial property owned and operated by the business entity or the business entity's affiliate.
- (6) "Program" means the COVID-19 Commercial Rental and Mortgage Assistance Program established in Section 63N-14-201.
- (7) "Qualified business entity" means a business entity that:
  - (a)
    - (i) is a lessee of commercial property in the state for the sole purpose of conducting the business entity's business on the property; or
    - (ii) is a mortgagor of commercial property in the state for the sole purpose of conducting the business entity's business on the property and the business entity does not lease or rent the property to another unaffiliated entity;
  - (b) demonstrates to the office that the business entity lost at least 30% of the business entity's monthly gross revenue:
    - (i) for a four-week period:
      - (A) beginning on or after March 1, 2020; and
      - (B) ending on or before December 30, 2020; and
    - (ii) as a result of federal, state, or local public health measures taken to minimize the public's exposure to COVID-19; and
  - (c) does not receive funds from the COVID-19 Agricultural Operations Grant Program established in Section 4-18-106.1.
- (8) "Qualified startup entity" means a business entity that:
  - (a) meets the requirements of a qualified business entity under Subsection (7) except for Subsection (7)(b);
  - (b) began operations on or after March 1, 2020, and can demonstrate that the business is still operational at the time of application; and

- (c) entered into a lease or mortgage for commercial property in the state for the sole purpose of conducting the business entity's business on the property and can demonstrate as required by the office that the business entity has incurred expenses and is operating at a net loss:
  - (i) for a four-week period:
    - (A) beginning on or after March 1, 2020; and
    - (B) ending on or before December 30, 2020; and
  - (ii) as a result of federal, state, or local public health measures and guidelines taken to minimize the public's exposure to COVID-19.
- (9)
  - (a) "Rent" means the amount under a rental agreement that a business entity owes a lessor for the right to occupy commercial property.
  - (b) "Rent" does not include a charge or fee for a utility the lessor furnishes in accordance with a rental agreement.