

**CARES ACT AND COVID-19 ASSISTANCE AND
RECOVERY AMENDMENTS**

2020 SIXTH SPECIAL SESSION

STATE OF UTAH

Chief Sponsor: Daniel Hemmert

House Sponsor: Robert M. Spendlove

LONG TITLE

General Description:

This bill modifies statutory provisions in response to the federal Coronavirus Aid, Relief, and Economic Security (CARES) Act, including provisions related to assistance and economic recovery programs created by the state.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ modifies provisions of the COVID-19 Agricultural Operations Grant Program;
- ▶ modifies provisions of the Cultural Assistance Grant Program, including the entities that may participate in the program;
- ▶ modifies provisions related to COVID-19 residential housing assistance;
- ▶ modifies provisions of the Utah Works Program;
- ▶ changes the name of the Commercial Rental Assistance Program to the Commercial Rental and Mortgage Assistance Program and modifies provisions of the program, including the entities that may participate in the program;
- ▶ modifies provisions of the Impacted Businesses Grant Program;
- ▶ modifies provisions of the COVID-19 PPE Support Grant Program;
- ▶ creates the Oil, Mining, and Gas Grant Program within the Governor's Office of Economic Development;



- 28 ▶ describes how certain provisions of the CARES Act apply to tenants under state
- 29 law; and
- 30 ▶ makes technical changes.

31 **Money Appropriated in this Bill:**

32 None

33 **Other Special Clauses:**

34 This bill provides a special effective date.

35 **Utah Code Sections Affected:**

36 AMENDS:

37 **4-18-106.1 (Repealed 05/31/21)**, as enacted by Laws of Utah 2020, Third Special
38 Session, Chapter 11

39 **9-6-901**, as enacted by Laws of Utah 2020, Fifth Special Session, Chapter 12

40 **9-6-902**, as enacted by Laws of Utah 2020, Fifth Special Session, Chapter 12

41 **35A-8-2302 (Repealed 05/31/21)**, as last amended by Laws of Utah 2020, Fifth Special
42 Session, Chapter 11

43 **63N-12-508**, as last amended by Laws of Utah 2020, Fifth Special Session, Chapters 12
44 and 12

45 **63N-14-101 (Repealed 05/31/21)**, as enacted by Laws of Utah 2020, Third Special
46 Session, Chapter 11

47 **63N-14-102 (Repealed 05/31/21)**, as last amended by Laws of Utah 2020, Fifth Special
48 Session, Chapter 11

49 **63N-14-201 (Repealed 05/31/21)**, as last amended by Laws of Utah 2020, Fifth Special
50 Session, Chapter 11

51 **63N-15-102**, as enacted by Laws of Utah 2020, Fifth Special Session, Chapter 12

52 **63N-15-103**, as enacted by Laws of Utah 2020, Fifth Special Session, Chapter 12

53 **63N-15-201**, as enacted by Laws of Utah 2020, Fifth Special Session, Chapter 12

54 **63N-15-301**, as enacted by Laws of Utah 2020, Fifth Special Session, Chapter 12

55 **78B-6-802**, as last amended by Laws of Utah 2020, Chapters 280 and 329

56 ENACTS:

57 **63N-15-501**, Utah Code Annotated 1953

58 **63N-15-502**, Utah Code Annotated 1953

59

60 *Be it enacted by the Legislature of the state of Utah:*61 Section 1. Section **4-18-106.1 (Repealed 05/31/21)** is amended to read:62 **4-18-106.1 (Repealed 05/31/21). COVID-19 Agricultural Operations Grant**63 **Program.**

64 (1) As used in this section:

65 (a) "CARES Act" means the Coronavirus Aid, Relief, and Economic Security Act,
66 Pub. L. 116-136.

67 (b) "COVID-19" means:

68 (i) severe acute respiratory syndrome coronavirus 2; or

69 (ii) the disease caused by severe acute respiratory syndrome coronavirus 2.

70 (c) "COVID-19 emergency" means the spread of COVID-19 that the World Health
71 Organization declared a pandemic on March 11, 2020.72 (d) "Program" means the COVID-19 Agricultural Operations Grant Program
73 established in Subsection (2).74 (2) The commission shall establish and administer a COVID-19 Agricultural
75 Operations Grant Program to ensure in this state the continuation of food and fiber production,
76 the maintenance of product supply chains, and the ability to get products to market during and
77 immediately following the COVID-19 emergency.

78 (3) (a) Under the program, the commission may make a grant:

79 (i) to an agricultural operation that~~[(A)]~~ on or after March 1, 2020, but on or before
80 December 30, 2020, is financially harmed as a result of federal, state, or local public health
81 measures taken to minimize the public's exposure to COVID-19; ~~[and]~~82 ~~[(B) does not receive funds from the COVID-19 Commercial Rental Assistance
83 Program established in Title 63N, Chapter 14, COVID-19 Commercial Rental Assistance
84 Program;]~~85 (ii) for the purpose of assisting an agricultural operation with the financial harm
86 described in Subsection (3)(a)(i), including measures to continue food and fiber production in
87 the state, maintain the agricultural operation's supply chains, or deliver the agricultural
88 operation's product to market; ~~Ŝ→ [and] ←Ŝ~~89 (iii) in an amount not to exceed \$40,000 ~~Ŝ→ [-] ; and~~89a **(iv) for a grant awarded under this section after October 15, 2020, the \$40,000 limit described**89b **in Subsection (3)(a)(iii) does not apply.** ~~←Ŝ~~

90 (b) The commission may utilize the board appointed in Section 4-18-106 to:

91 (i) oversee the award process for grants, as described in this section; and

92 (ii) approve grants.

93 (4) (a) Upon application for a grant described in this section, an agricultural operation
94 shall disclose whether the agricultural operation has received or applied for funds from the
95 Paycheck Protection Program described in the CARES Act.

96 (b) (i) An agricultural operation that receives funds between February 15, 2020, and
97 June 30, 2020, from the Paycheck Protection Program described in the CARES Act, is only
98 eligible to receive a grant under this section in an amount not to exceed \$20,000.

99 (ii) For a grant awarded under this section after October 15, 2020, the \$20,000 limit
100 described in Subsection (4)(b)(i) does not apply.

101 (c) An agricultural operation described in Subsection (4)(b) that receives more than the
102 amount for which the agricultural operation is eligible under Subsection (4)(b) shall return to
103 the commission any funds for which the agricultural operation is not eligible.

104 (5) Grants the commission makes in accordance with this section shall be made using
105 funds:

106 (a) the state receives from the Coronavirus Relief Fund described in the CARES Act;

107 (b) the Legislature appropriates; and

108 (c) in a total amount not to exceed \$20,000,000.

109 (6) The commission may make rules in accordance with Title 63G, Chapter 3, Utah
110 Administrative Rulemaking Act, to carry out the provisions of this section.

111 (7) This section supersedes any conflicting provisions of Utah law.

112 (8) The commission shall provide a report to the Natural Resources, Agriculture, and
113 Environment Interim Committee before May 15, 2021, regarding grants made under this
114 section, including:

115 (a) the number of applications submitted to receive a grant under the program;

116 (b) the number of grants awarded under the program;

117 (c) the amount of money granted under the program; and

118 (d) any other information the commission considers relevant to evaluating the success
119 of the program.

120 Section 2. Section 9-6-901 is amended to read:

121 **9-6-901. Definitions.**

122 As used in this part:

123 (1) "COVID-19" means:

124 (a) severe acute respiratory syndrome coronavirus 2; or

125 (b) the disease caused by severe acute respiratory syndrome coronavirus 2.

126 (2) "Legislative committee" means:

127 (a) the president of the Senate;

128 (b) the speaker of the House of Representatives;

129 (c) the minority leader of the Senate; and

130 (d) the minority leader of the House of Representatives.

131 (3) "Qualified organization" means~~[-(a)]~~ an entity that is eligible to receive funding

132 from the tax authorized under Title 59, Chapter 12, Part 7, County Option Funding for

133 Botanical, Cultural, Recreational, and Zoological Organizations or Facilities, regardless of

134 whether the entity receives any funding~~[-; or (b) a for-profit equivalent of an entity described in~~

135 ~~Subsection (3)(a)].~~

136 Section 3. Section **9-6-902** is amended to read:

137 **9-6-902. COVID-19 Cultural Assistance Grant Program -- Eligibility -- Grant**
138 **limit.**

139 (1) There is established a grant program known as COVID-19 Cultural Assistance
140 Grant Program that is administered by the division in accordance with this part.

141 (2) To be eligible to apply for a grant under this part, a qualified organization:

142 (a) on or before December 30, 2020, shall offer or propose to offer~~[-on or before~~
143 ~~December 30, 2020;]~~ a cultural, artistic, botanical, ~~[recreational;]~~ or zoological activity in this
144 state that~~[-(i)]~~ promotes travel and tourism in this state; and

145 ~~[(ii) in aggregate has a cost that is estimated to equal or exceed 50% of the grant~~
146 ~~amount that the qualified organization requests;]~~

147 (b) shall describe to the division how receipt of grant funds will benefit the
148 communities or artists in this state affected by COVID-19~~[-;]~~.

149 ~~[(c) shall have an average three-year operational expenditure of \$5,000,000 or more per~~
150 ~~year; and]~~

151 ~~[(d) may not receive grant funds under Title 63N, Chapter 15, Part 2, COVID-19~~

152 ~~Impacted Businesses Grant Program.]~~

153 ~~[(3) The amount of a grant that the division awards to a qualified organization under~~
154 ~~this part may not exceed two times the net cost of the cultural, artistic, botanical, recreational,~~
155 ~~or zoological activity that the qualified organization offers or proposes to offer.]~~

156 Section 4. Section **35A-8-2302 (Repealed 05/31/21)** is amended to read:

157 **35A-8-2302 (Repealed 05/31/21). COVID-19 residential housing assistance --**

158 **Rulemaking.**

159 (1) The division shall assist qualifying state residents [~~financially harmed~~] negatively
160 impacted on or after March 1, 2020, but on or before December 30, 2020, by COVID-19 to
161 retain or obtain housing:

162 (a) through a new or existing housing-related program or service; and

163 (b) using funds:

164 (i) the state receives from the Coronavirus Relief Fund described in the Coronavirus
165 Aid, Relief, and Economic Security Act, Pub. L. 116-136;

166 (ii) the Legislature appropriates; and

167 (iii) in a total amount not to exceed \$20,000,000.

168 (2) (a) A qualifying state resident described in Subsection (1) may include a residential
169 landlord applying on behalf of one or more tenants who would otherwise qualify for the
170 assistance described in this section.

171 (b) The total amount of assistance a landlord receives under this Subsection (2) shall be
172 applied to the payment of rent for the tenants on whose behalf the landlord is receiving the
173 assistance.

174 [~~2~~] (3) The division [~~shall~~] may:

175 (a) make rules in accordance with Title 63G, Chapter 3, Utah Administrative
176 Rulemaking Act, for any program or service the division establishes or modifies to carry out
177 the provisions of this part, including rules related to the application process and requirements
178 for a state resident to qualify for assistance under this part[-]; and

179 (b) use up to 5% of the appropriations described in this section for marketing and
180 outreach to state residents who may qualify for assistance under this section,

181 Section 5. Section **63N-12-508** is amended to read:

182 **63N-12-508. Utah Works Program.**

183 (1) There is created within the center the Utah Works Program.

184 (2) The program, under the direction of the center and the talent ready board, shall
185 coordinate and partner with the entities described below to develop short-term pre-employment
186 training and short-term early employment training for student and workforce participants that
187 meet the needs of businesses that are creating jobs and economic growth in the state by:

188 (a) partnering with the office, the Department of Workforce Services, and the Utah
189 system of higher education;

190 (b) partnering with businesses that have significant hiring demands for primarily newly
191 created jobs in the state;

192 (c) coordinating with the Department of Workforce Services, education agencies, and
193 employers to create effective recruitment initiatives to attract student and workforce
194 participants and business participants to the program;

195 (d) coordinating with the Utah system of higher education to develop educational and
196 training resources to provide student participants in the program qualifications to be hired by
197 business participants in the program; and

198 (e) coordinating with the State Board of Education and local education agencies when
199 appropriate to develop educational and training resources to provide student participants in the
200 program qualifications to be hired by business participants in the program.

201 (3) (a) Subject to appropriation, beginning on August 5, 2020, the office, in
202 consultation with the talent ready board, may respond to the COVID-19 pandemic by directing
203 financial grants to institutions of higher education described in Section 53B-2-101 to offer
204 short-term programs to:

205 (i) provide training to furloughed, laid off, dislocated, underserved, or other
206 populations affected by COVID-19 to fill employment gaps in the state;

207 (ii) provide training and education related to industry needs; and

208 (iii) provide students with certificates or other recognition after completion of training.

209 (b) (i) As soon as is practicable but on or before July 31, 2020, the office shall report to
210 the director of the Division of Finance about the grant program under this Subsection (3),
211 including:

212 (A) the process by which the office shall determine which institutions of [public]
213 higher education shall receive financial grants; and

214 (B) the formula for awarding financial grants.

215 (ii) The office shall:

216 (A) participate in the presentation that the director of the Division of Finance provides
217 to the president of the Senate, the speaker of the House of Representatives, the minority leader
218 of the Senate, and the minority leader of the House of Representatives under Section
219 [63A-3-111](#); and

220 (B) consider any recommendations for adjustments to the grant program from the
221 president of the Senate, the speaker of the House of Representatives, the minority leader of the
222 Senate, and the minority leader of the House of Representatives.

223 (c) To implement Subsection (3)(a), an institution of higher education that receives
224 grant funds:

225 (i) may use grant funds for:

226 (A) costs associated with developing a new program; or

227 (B) costs associated with expanding an existing program; and

228 (ii) shall demonstrate industry needs and opportunities for partnership with industry.

229 (d) (i) The office shall award grant funds:

230 (A) after an initial application period that ends on or before August 31, 2020; and

231 (B) if funds remain after the initial application period, on a rolling basis until the
232 earlier of funds being exhausted or November 30, 2020.

233 (ii) An institution of higher education that receives grant funds shall expend the grant
234 funds on or before December 1, 2020.

235 (e) The center shall conduct outreach, including education about career guidance,
236 training, and workforce programs, to the targeted populations.

237 (4) The office, in consultation with the talent ready board, may, in accordance with
238 Title 63G, Chapter 3, Utah Administrative Rulemaking Act, and in accordance with the
239 provisions of this section, make rules regarding the development and administration of the
240 Utah Works Program.

241 (5) The center shall report the following metrics to the office for inclusion in the
242 office's annual report described in Section [63N-1-301](#):

243 (a) the number of participants in the program;

244 (b) how program participants learned about or were referred to the program, including

245 the number of participants who learned about or were referred to the program by:

- 246 (i) the Department of Workforce Services;
- 247 (ii) marketing efforts of the center or talent ready board;
- 248 (iii) a school counselor; and
- 249 (iv) other methods;
- 250 (c) the number of participants who have completed training offered by the program;

251 and

- 252 (d) the number of participants who have been hired by a business participating in the
- 253 program.

254 Section 6. Section **63N-14-101 (Repealed 05/31/21)** is amended to read:

**CHAPTER 14. COVID-19 COMMERCIAL RENTAL AND MORTGAGE
ASSISTANCE PROGRAM**

257 **63N-14-101 (Repealed 05/31/21). Title.**

258 This chapter is known as "COVID-19 Commercial Rental and Mortgage Assistance
259 Program."

260 Section 7. Section **63N-14-102 (Repealed 05/31/21)** is amended to read:

261 **63N-14-102 (Repealed 05/31/21). Definitions.**

262 As used in this chapter:

- 263 (1) "Business entity" means a business that:
 - 264 (a) employs fewer than the equivalent of [~~100~~] 250 full-time employees;
 - 265 (b) has the business's principal place of business in this state; and
 - 266 (c) (i) is properly registered with the Division of Corporations and Commercial Code;
 - 267 (ii) is tax exempt under Section 501(c)(3) or (19) of the Internal Revenue Code;
 - 268 (iii) is a Tribal business concern described in 15 U.S.C. Sec. 657a (b)(2)(C); or
 - 269 (iv) is an individual who:
 - 270 (A) operates under a sole proprietorship;
 - 271 (B) operates as an independent contractor; or
 - 272 (C) is self-employed.
- 273 (2) "CARES Act" means the Coronavirus Aid, Relief, and Economic Security Act,
274 Pub. L. 116-136.
- 275 (3) "Commercial property" means property used solely for business purposes.

276 [~~(3)~~] (4) "COVID-19" means:

277 (a) severe acute respiratory syndrome coronavirus 2; or

278 (b) the disease caused by severe acute respiratory syndrome coronavirus 2.

279 (5) "Mortgage payment" means the amount that a business entity owes as a result of a
280 loan from a mortgagee for commercial property owned and operated by the business entity or
281 the business entity's affiliate.

282 [~~(4)~~] (6) "Program" means the COVID-19 Commercial Rental and Mortgage
283 Assistance Program established in Section 63N-14-201.

284 [~~(5)~~] (7) "Qualified business entity" means a business entity that:

285 (a) (i) is a lessee of commercial property in the state for the sole purpose of conducting
286 the business entity's business on the property; or

287 (ii) is a mortgagor of commercial property in the state for the sole purpose of
288 conducting the business entity's business on the property and the business entity does not lease
289 or rent the property to another unaffiliated entity;

290 (b) demonstrates to the office that the business entity lost at least 30% of the business
291 entity's monthly gross revenue:

292 (i) for a four-week period:

293 (A) beginning on or after March 1, 2020; and

294 (B) ending on or before December 30, 2020; and

295 (ii) as a result of federal, state, or local public health measures taken to minimize the
296 public's exposure to COVID-19; and

297 (c) does not receive funds from the COVID-19 Agricultural Operations Grant Program
298 established in Section 4-18-106.1.

299 (8) "Qualified startup entity" means a business entity that:

300 (a) meets the requirements of a qualified business entity under Subsection (7) except
301 for Subsection (7)(b);

302 (b) began operations on or after March 1, 2020, and can demonstrate that the business
303 is still operational at the time of application; and

304 (c) entered into a lease or mortgage for commercial property in the state for the sole
305 purpose of conducting the business entity's business on the property and can demonstrate as
306 required by the office that the business entity has incurred expenses and is operating at a net

307 loss:

308 (i) for a four-week period:

309 (A) beginning on or after March 1, 2020; and

310 (B) ending on or before December 30, 2020; and

311 (ii) as a result of federal, state, or local public health measures and guidelines taken to
312 minimize the public's exposure to COVID-19.

313 ~~[(6)]~~ (9) (a) "Rent" means the amount under a rental agreement that a business entity
314 owes a lessor for the right to occupy commercial property.

315 (b) "Rent" does not include a charge or fee for a utility the lessor furnishes in
316 accordance with a rental agreement.

317 Section 8. Section **63N-14-201 (Repealed 05/31/21)** is amended to read:

318 **63N-14-201 (Repealed 05/31/21). Creation of the COVID-19 Commercial Rental**
319 **and Mortgage Assistance Program.**

320 (1) The office shall establish and administer a COVID-19 Commercial Rental and
321 Mortgage Assistance Program in accordance with this chapter.

322 (2) In administering the program, the office:

323 (a) shall accept applications beginning on or after May 11, 2020, for commercial rental
324 and mortgage assistance;

325 (b) shall determine whether an applicant for commercial rental or mortgage assistance
326 is a qualified business entity or qualified startup entity; and

327 (c) subject to Subsection (3), may grant up to ~~[two]~~ three months of rental or mortgage
328 assistance per location for an applicant that is a qualified business entity or qualified startup
329 entity in the following amounts:

330 (i) if ~~[the]~~ a qualified business entity demonstrates a monthly gross revenue loss of
331 30% or greater, but less than 45%, an amount equal to 50% of the qualified business entity's
332 monthly rent or mortgage payment; ~~[or]~~

333 (ii) if ~~[the]~~ a qualified business entity demonstrates a monthly gross revenue loss of
334 45% or greater, an amount equal to 100% of the qualified business entity's monthly rent~~[-]~~ or
335 mortgage payment; or

336 (iii) if a qualified startup entity demonstrates that it is operating at a net loss, an amount
337 equal to 100% of the qualified business entity's monthly rent or mortgage payment.

338 (3) Notwithstanding the amounts described in Subsection (2)(c), the total [~~maximum~~
 339 amount of rental or mortgage assistance that may be provided for rental or mortgage assistance
 340 under the program may be no more than~~[- (a) \$15,000 for a qualified business entity with one~~
 341 ~~location; or (b) \$30,000 for a qualified business entity with more than one location, with no~~
 342 ~~more than \$5,000 awarded per month for any one location]~~ \$5,000 per month for any one
 343 location for a qualified business entity or qualified startup entity.

344 (4) To demonstrate gross revenue loss, a business entity shall submit to the office:

345 (a) (i) for a qualified business entity, a signed attestation that the business entity has
 346 lost at least 30% of the business entity's monthly gross revenue as a result of federal, state, or
 347 local public health measures and guidelines taken to minimize the public's exposure to
 348 COVID-19; [~~and~~] or

349 (ii) for a qualified startup entity, a signed attestation that the startup entity has
 350 demonstrated an operational net loss as a result of federal, state, or local public health measures
 351 and guidelines taken to minimize the public's exposure to COVID-19; and

352 (b) any additional information or documentation required by the office as determined
 353 by the office.

354 (5) The office shall provide commercial rental and mortgage assistance in accordance
 355 with this chapter using funds:

356 (a) the state receives from the Coronavirus Relief Fund described in the CARES Act;

357 (b) the Legislature appropriates; and

358 (c) in a total amount not to exceed [~~\$40,000,000~~] \$30,000,000.

359 Section 9. Section **63N-15-102** is amended to read:

360 **63N-15-102. Definitions.**

361 As used in this chapter:

362 (1) (a) "Business entity" means a business that:

363 (i) was in operation in this state on March 1, 2020;

364 (ii) has 250 or fewer full-time equivalent employees;

365 [~~(i)~~] (iii) has employees who report to a physical location in this state; and

366 [~~(iii)~~] (iv) (A) is properly registered with the Division of Corporations and Commercial
 367 Code;

368 (B) is tax exempt under Section 501(c)(3), (6), or (19) of the Internal Revenue Code;

369 (C) is a Tribal business concern described in 15 U.S.C. Sec. 657a (b)(2)(C); or

370 (D) is an individual who operates under a sole proprietorship, operates as an

371 independent contractor, or is self-employed.

372 (b) "Business entity" does not include a marketplace that connects travelers with

373 private property owners offering accommodation for compensation.

374 (2) "CARES Act" means the Coronavirus Aid, Relief, and Economic Security Act,

375 Pub. L. 116-136.

376 [~~(2)~~] (3) "COVID-19" means:

377 (a) severe acute respiratory syndrome coronavirus 2; or

378 (b) the disease caused by severe acute respiratory syndrome coronavirus 2.

379 [~~(3)~~] (4) (a) "COVID-19 expenses" means the costs incurred by a business entity:

380 (i) on or after March 1, 2020, but on or before December 30, 2020; and

381 (ii) to comply with COVID-19 public health guidelines on safely returning employees

382 to work.

383 (b) "COVID-19 expenses" includes:

384 (i) personal protection equipment for employees and customers;

385 (ii) cleaning and sanitizing supplies;

386 (iii) signage providing public health guidelines;

387 (iv) technology upgrades related to teleworking;

388 (v) costs for office redesign to provide adequate separation between employees or

389 between employees and customers; or

390 (vi) other costs that the office approves as complying with Subsection [~~(3)~~] (4)(a)(ii).

391 [~~(4)~~] (5) "Legislative committee" means:

392 (a) the president of the Senate;

393 (b) the speaker of the House of Representatives;

394 (c) the minority leader of the Senate; and

395 (d) the minority leader of the House of Representatives.

396 [~~(5)~~] (6) "Monthly revenue decline" means the amount of the business entity's revenue

397 loss in this state for the month calculated by subtracting the month's revenue from:

398 (a) for a business entity that began operating in this state before July 1, 2019, the

399 business entity's revenue in this state for the same month in 2019; and

400 (b) for a business entity that began operating in this state on or after July 1, 2019, the
401 business entity's revenue in this state for February 2020.

402 (7) "Oil, gas, or mining business entity" means a business entity that is substantially
403 involved in the extraction of oil, gas, or minerals in the state or directly provides services to oil,
404 gas, or mining businesses in the state.

405 (8) "Qualified startup entity" means an entity that:

406 (a) meets the definition of a business entity under Subsection (1) except for Subsection
407 (1)(a)(i);

408 (b) began operations after March 1, 2020, and can demonstrate that the entity is still
409 operational at the time of application; and

410 (c) can demonstrate as required by the office that the entity has incurred expenses and
411 is operating at a net loss due to the public health emergency related to COVID-19.

412 ~~[(6)]~~ (9) "Revenue decline" means the sum of the monthly revenue declines for the
413 months of March through June 2020.

414 ~~[(7) "Small business" means a business entity with 250 or fewer full-time equivalent~~
415 ~~employees.]~~

416 Section 10. Section **63N-15-103** is amended to read:

417 **63N-15-103. Reporting and use of appropriations.**

418 (1) The office shall include in the office's 2020 and 2021 annual reports to the governor
419 and the Legislature under Section **63N-1-301** the following information about each of the grant
420 programs established under this chapter:

421 ~~[(1)]~~ (a) the number of applications submitted under the grant program;

422 ~~[(2)]~~ (b) the number of grants awarded under the grant program;

423 ~~[(3)]~~ (c) the aggregate amount of grant funds awarded under the grant program; and

424 ~~[(4)]~~ (d) any other information the office considers relevant to evaluating the success of
425 the grant program.

426 (2) After providing notice to members of the legislative committee, the executive
427 director, in cooperation with the director of the Division of Finance, may move funds among
428 the following programs to make efficient and full use of CARES Act funding:

429 (a) the COVID-19 Commercial Rental and Mortgage Assistance Program described in
430 Chapter 14, COVID-19 Commercial Rental and Mortgage Assistance Program;

431 (b) any of the programs described in this chapter;

432 (c) after consultation with the commissioner of the Department of Agriculture and
 433 Food, the COVID-19 Agricultural Operations Grant Program described in Section
 434 4-18-1061.1;

435 (d) after consultation with the executive director of the Department of Heritage and
 436 Arts, the COVID-19 Cultural Assistance Grant Program described in Title 9, Chapter 6, Part 9,
 437 COVID-19 Cultural Assistance Grant Program; and

438 (e) after consultation with the executive director of the Department of Workforce
 439 Services, COVID-19 Residential Housing Assistance described in Title 35A, Chapter 8, Part
 440 23, COVID-19 Residential Housing Assistance.

441 Section 11. Section **63N-15-201** is amended to read:

442 **63N-15-201. Creation of COVID-19 Impacted Businesses Grant Program --**

443 **Eligibility -- Grant limits.**

444 (1) There is established a grant program known as COVID-19 Impacted Businesses
 445 Grant Program that is administered by the office in accordance with this part.

446 (2) To be eligible to apply for a grant under this part, a business entity or a qualified
 447 startup entity:

448 (a) (i) shall have experienced a revenue decline in this state due to the public health
 449 emergency related to COVID-19[;], if the entity is a business entity; or

450 (ii) shall have incurred expenses and be operating at a net loss due to the public health
 451 emergency related to COVID-19, if the entity is a qualified startup entity;

452 (b) shall offer a financial incentive:

453 (i) for individuals or businesses to make purchases from the business entity; and

454 (ii) that in aggregate is estimated to equal or exceed 50% of the grant amount that the
 455 business entity requests; and

456 (c) shall describe to the office how receipt of grant funds will benefit the state
 457 economy[; and].

458 [~~(d) may not have received grant funds under Title 9, Chapter 6, Part 9, COVID-19~~
 459 ~~Cultural Assistance Grant Program.~~]

460 [~~(3) (a) The amount of a grant that the office awards to a business entity under this part~~
 461 ~~may not exceed the amount of the business entity's revenue decline. (b) For applications~~

462 ~~received on or before August 31, 2020, the office shall award at least 75% of the grant funds to~~
 463 ~~small businesses that meet the eligibility requirements.]~~

464 (3) Notwithstanding the amount of any grant awarded under this part before August 24,
 465 2020, in awarding a grant to a business entity under this part on or after August 24, 2020, the
 466 office may award up to the following amounts:

467 (a) for a business entity whose revenue decline was 50% or more, 75% of the revenue
 468 decline;

469 (b) for a business entity whose revenue decline was more than 25% but less than 50%,
 470 50% of the revenue decline; and

471 (c) for a business entity whose revenue decline was 25% or less, 25% of the revenue
 472 decline.

473 (4) (a) Subject to available funds, the office may only award a grant to a qualified
 474 startup entity that applies for the grant on or after September 15, 2020.

475 (b) The office may award an amount up to the amount of the net loss of the qualified
 476 startup entity.

477 Section 12. Section **63N-15-301** is amended to read:

478 **63N-15-301. Creation of COVID-19 PPE Support Grant Program -- Eligibility --**
 479 **Grant limits.**

480 (1) There is established a grant program known as COVID-19 PPE Support Grant
 481 Program that is administered by the office in accordance with this part.

482 (2) To be eligible to apply for a grant under this part, the business entity shall:

483 (a) (i) demonstrate that the business entity has incurred COVID-19 expenses; or

484 (ii) certify that the business entity will spend grant funds on COVID-19 expenses; and

485 (b) describe to the office the business entity's actual or anticipated cost to comply with
 486 public health guidelines on safely returning employees to work.

487 (3) ~~[(a)]~~ The amount of a grant that the office awards to a business entity under this
 488 part may not exceed the lesser of:

489 ~~[(i)]~~ (a) the amount of the business entity's COVID-19 actual and anticipated expenses;

490 or

491 ~~[(ii)]~~ ~~[\$100]~~ (b) \$250 per full-time equivalent employee.

492 ~~[(b) For applications received on or before August 31, 2020, the office shall award at~~

493 ~~least 75% of grant funds to small businesses that meet the eligibility requirements.]~~

494 Section 13. Section **63N-15-501** is enacted to read:

495 **Part 5. COVID-19 Oil, Gas, and Mining Grant Program**

496 **63N-15-501. COVID-19 Oil, Gas, and Mining Grant Program.**

497 (1) There is established a grant program known as the Oil, Gas, and Mining Grant
498 Program that is administered by the office in accordance with this part.

499 (2) To be eligible to apply for a grant under this part, an oil, gas, or mining business
500 entity that operates in the state:

501 (a) shall have experienced a revenue decline in this state due to the public health
502 emergency related to COVID-19; and

503 (b) shall describe to the office how receipt of grant funds will benefit the state
504 economy.

505 (3) The amount of a grant that the office awards to a oil, gas, or mining business entity
506 under this part may not exceed the amount of the business entity's revenue decline.

507 Section 14. Section **63N-15-502** is enacted to read:

508 **63N-15-502. Duties of the office.**

509 (1) As soon as is practicable, but on or before September 15, 2020, the office shall:

510 (a) establish an application process by which an oil, gas, or mining business entity may
511 apply for a grant under this part, which application shall include:

512 (i) a declaration, signed under penalty of perjury, that the application is complete, true,
513 and correct; and

514 (ii) an acknowledgment that the business entity is subject to audit;

515 (b) collaborate with the Office of Energy Development to establish a method for the
516 office to determine which applicants are eligible to receive a grant;

517 (c) establish a formula to award grant funds; and

518 (d) report the information described in Subsections (1)(a) through (c) to the director of
519 the Division of Finance.

520 (2) The office shall consider any recommendations for adjustment to the grant program
521 from the legislative committee.

522 (3) Subject to appropriations, beginning on September 15, 2020, the office shall:

523 (a) collect applications for grant funds from oil, gas, or mining business entities;

524 (b) determine which applicants meet the eligibility requirements for receiving a grant;

525 and

526 (c) award the grant funds:

527 (i) (A) after an initial application period that ends on or before September 29, 2020;

528 and

529 (B) if funds remain after the initial application period, on a rolling basis until the

530 earlier of funds being exhausted or December 30, 2020; and

531 (ii) in accordance with the process established under Subsection (1) and the limits

532 described in Subsection [63N-15-501\(3\)](#).

533 (4) (a) The office may audit an oil, gas, or mining business entity to ensure that the

534 business entity experienced the revenue decline reported in the application.

535 (b) The office may recapture grant funds if, after the audit, the office determines that a

536 business entity made representations to the office about the business entity's revenue decline

537 that are not complete, true, and correct.

538 (c) (i) A business entity that is subject to recapture shall pay to the Division of Finance

539 a penalty equal to the amount of the grant recaptured multiplied by the applicable income tax

540 rate in Section [59-7-104](#) or [59-10-104](#).

541 (ii) The Division of Finance shall deposit the penalty into the Education Fund.

542 (5) The office shall encourage any oil, gas, or mining business entity that receives grant

543 funds to commit to following best practices to preserve jobs and to protect the health and safety

544 of the business entity's employees and customers.

545 (6) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the

546 office may make rules to administer the grant program.

547 (7) As part of any advertisement of the COVID-19 Oil, Gas, and Mining Grant

548 Program, the office:

549 (a) shall encourage economically disadvantaged oil, gas, or mining business entities,

550 including minority-owned and woman-owned business entities, that meet the eligibility

551 requirements to apply for grant funds; and

552 (b) may feature any business entity that:

553 (i) shows evidence of a commitment to following best practices to protect the health

554 and safety of the business entity's employees and customers; and

555 (ii) consents to being featured.

556 Section 15. Section **78B-6-802** is amended to read:

557 **78B-6-802. Unlawful detainer by tenant for a term less than life.**

558 (1) A tenant holding real property for a term less than life is guilty of an unlawful
559 detainer if the tenant:

560 (a) continues in possession, in person or by subtenant, of the property or any part of the
561 property, after the expiration of the specified term or period for which it is let to the tenant,
562 which specified term or period, whether established by express or implied contract, or whether
563 written or parol, shall be terminated without notice at the expiration of the specified term or
564 period;

565 (b) having leased real property for an indefinite time with monthly or other periodic
566 rent reserved:

567 (i) continues in possession of the property in person or by subtenant after the end of
568 any month or period, in cases where the owner, the owner's designated agent, or any successor
569 in estate of the owner, 15 calendar days or more before the end of that month or period, has
570 served notice requiring the tenant to quit the premises at the expiration of that month or period;
571 or

572 (ii) in cases of tenancies at will, remains in possession of the premises after the
573 expiration of a notice of not less than five calendar days;

574 (c) continues in possession, in person or by subtenant, after default in the payment of
575 any rent or other amounts due and after a notice in writing requiring in the alternative the
576 payment of the rent and other amounts due or the surrender of the detained premises, has
577 remained uncomplied with for a period of three business days after service, which notice may
578 be served at any time after the rent becomes due;

579 (d) assigns or sublets the leased premises contrary to the covenants of the lease, or
580 commits or permits waste on the premises after service of a three calendar days' notice to quit;

581 (e) sets up or carries on any unlawful business on or in the premises after service of a
582 three calendar days' notice to quit;

583 (f) suffers, permits, or maintains on or about the premises any nuisance, including
584 nuisance as defined in Section **78B-6-1107** after service of a three calendar days' notice to quit;

585 (g) commits a criminal act on the premises and remains in possession after service of a

586 three calendar days' notice to quit;

587 (h) continues in possession, in person or by subtenant, after a neglect or failure to
588 perform any condition or covenant of the lease or agreement under which the property is held,
589 other than those previously mentioned, and after notice in writing requiring in the alternative
590 the performance of the conditions or covenant or the surrender of the property, served upon the
591 tenant and upon any subtenant in actual occupation of the premises remains uncomplished with
592 for three calendar days after service; or

593 (i) (i) is a tenant under a bona fide tenancy as described in Section 702 of the
594 Protecting Tenants at Foreclosure Act; and

595 (ii) continues in possession after the effective date of a notice to vacate given in
596 accordance with Section 702 of the Protecting Tenants at Foreclosure Act.

597 (2) After service of the notice and the time period required for the notice, the tenant,
598 any subtenant in actual occupation of the premises, any mortgagee of the term, or other person
599 interested in the lease's continuance may perform the condition or covenant and save the lease
600 from forfeiture, except that if the covenants and conditions of the lease violated by the lessee
601 cannot afterwards be performed, or the violation cannot be brought into compliance, a notice
602 provided for in Subsections (1)(d) through (g) may be given.

603 (3) Unlawful detainer by an owner resident of a mobile home is determined under Title
604 57, Chapter 16, Mobile Home Park Residency Act.

605 (4) The notice provisions for nuisance in Subsections (1)(d) through (g) do not apply to
606 nuisance actions provided in Sections [78B-6-1107](#) through [78B-6-1114](#).

607 (5) The notice to vacate requirement under 15 U.S.C. 9058(c), which is part of the
608 Coronavirus Aid, Relief, and Economic Security Act, Pub. L. 116-136:

609 (a) applies only to a notice provided to a tenant of a covered dwelling in a covered
610 property as that term is defined 15 U.S.C. 9058(a);

611 (b) applies only to the amount of time before a tenant may be required to vacate a
612 covered property through an order of restitution as provided by Section [78B-6-812](#);

613 (c) for a notice provided under Subsection (1)(c), applies only when delinquent rent or
614 other amounts have accrued during the 120-day moratorium described in 15 U.S.C. 9058(b);

615 (d) does not require that a tenant be given more than three business days after service
616 to pay rent and other amounts due under a notice provided under Subsection (1)(c);

617 (e) does not apply to a notice provided under Subsections (1)(d) through (h);
618 (f) does not prohibit or nullify the service of any notice described in this section; and
619 (g) does not limit the accrual of damages under Section [78B-6-811](#).

620 (6) Service of a notice as provided by 15 U.S.C. 9058(c) or under Subsection (5) does
621 not nullify the service or validity of any other notice provided in accordance with this section.

622 Section 16. **Effective date.**

623 If approved by two-thirds of all the members elected to each house, this bill takes effect
624 upon approval by the governor, or the day following the constitutional time limit of Utah
625 Constitution, Article VII, Section 8, without the governor's signature, or in the case of a veto,
626 the date of veto override.