



## **CITY COUNCIL**

City Clerk's Office 6/9/2021 12:00:00 PM

### **Regular Meeting Agenda~**

I hereby notify you that the following items of business have been filed with this office and can be acted upon at the meeting of the City Council **Monday June 14, 2021** at 07:00 PM.

City Clerk

### **Possible Public Speak-Out Time 6:30 PM**

### **Call to Order**

7:00 PM Meeting called to order on June 14, 2021 at Virtual Meeting (Zoom) , Virtual Meeting, N/A, NA.

Moment of Silence - Pledge of Allegiance

### ***Public Participation***

City Council President Marcus Williams will also be extending resident participation for hearings meetings. The City Council office will manage a sign-up sheet for both proponents and opponents who wish to participate in providing live testimony via Zoom. The City Clerk will provide instructions on how to sign up on each agenda (that can be accessed through the City's web page) that includes special permit and/or zone change requests. For any hearing item, there will be a limit of five residents, with each having two minutes to speak. The City Council will also continue to accept testimony via email, letter or voice recording which will be circulated to all Council members prior the hearings.

### **Reports of Committee**

### **Special Permits**

- (1.) For a Special Permit to Operate a Pet Funeral Operation (Crematorium) at the Properties Known as 142 Hancock Street (06250-0029)(Book#20904/Page#511), WS Hancock Street (06250-0028 & 0030)(Book#20904/Page#511) and NS Pendleton Avenue (09630-0022) (Book#20904/Page#511), as Allowed by M.G.L. and the Springfield Zoning Ordinance, Article 4, Table 4-4, Section 8.5.

|             |                                  |
|-------------|----------------------------------|
| Request:    | See Above                        |
| Owner:      | Living Water Church of God, Inc. |
| By:         | Tania Barber                     |
| Petitioner: | Elizabeth Lauren Atkins          |
| By:         | Elizabeth Lauren Atkins          |
- (2.) For a Special Permit to Operate a Medical Treatment Facility, with No Overnight Stay, at the Property Known as 281 Cottage Street (03310-0301) (Book #221/Page#594), as

Allowed by M.G.L. and the Springfield Zoning Ordinance, Article 4, Table 4-4, Section 10.3.

Request: See Above  
Owner: 1626 Bay Street, LLC  
By: Michael Martone  
Petitioner: Recovery Connection Centers of America, Inc.  
By: Michael Brier

### **Petitions**

- (3.) Crown Castle- Memorial Dr.
- (4.) Crown Castle- Cottage St.

### **Grants**

- (5.) HOME - ARP Funds - No Match - \$6,066,102.00 (Mayor Sarno)
- (6.) DPW Transportation Construction Grant - No Match Required - \$200,000 (Mayor Sarno)
- (7.) American Rescue Plan Act Funding - No Match-\$93,848,687 (Mayor Sarno)
- (8.) Byrne JAG Grant - No Match - \$83,952 (Mayor Sarno)

### **Orders**

- (9.) Springfield Green Infrastructure/Low Impact Development Policy (Mayor Sarno)
- (10.) FY20 Free Cash to Stabilization Reserve Fund - Transfer \$5,500,780.88 (Mayor Sarno)  
FY20 Free Cash to Stabilization Reserve Fund - Transfer \$5,500,780.88
- (11.) Budget Transfer Within a Department - Finance to Multi-Year Capital Fund - \$1,220,543.84 (Mayor Sarno)  
Budget Transfer Within a Department - Finance to Multi-Year Capital Fund - \$1,220,543.84

### **Ordinances**

- (12.) (ID # 6061) - Amending Chapter 385 by Inserting Article XI Speed Hump Petitions
- (13.) Solid Waste Appeal Process
- (14.) (ID # 6137) - Gasoline Stations-Amending Chapter 178  
Please see attached
- (15.) (ID # 6282) - Increase in Compensation-Chapter 61

### **Zoning Ordinances**

- (16.) 1259 East Columbus Avenue 1259 East Columbus Avenue None Yet

**PETITIONER:** Colvest/Columbus Springfield, LLC

**ADDRESS:** 1259 East Columbus Avenue

**CHANGE REQUESTED:** Bus C to Bus B

- (17.) To Change the Zoning of the Properties Known as 1021 Boston Road (01655-0570), SS Boston Road (01655-0578), ES Wollaston Street (12440-0120 & 0115) and 20 Shumway Street (01850-0010) from Residence a and Business a to Business B. 1021 Boston Road. Et.Al. None Yet

**PETITIONER:** Mark F & Bonnie, Trustees

**ADDRESS:** 1021 Boston Road. et.al.

**CHANGE REQUESTED:** Res A & Bus A to Bus B

### **Resolutions**

- (18.) Wage Theft Resolution

### **Executive Session**

The Council will enter executive session to discuss strategy with respect to litigating position. It has been declared that conducting the discussion in an open meeting may have a

detrimental effect on the litigating position of the public body. The Council will not reconvene

in open session.

**To The City Council of the City of Springfield:**  
*The undersigned respectfully petition your honorable body*

for a special permit to operate a pet funeral operation (Crematorium) at the properties known as 142 Hancock Street (06250-0029)(Book#20904/Page#511), WS Hancock Street (06250-0028 & 0030)(Book#20904/Page#511) and NS Pendleton Avenue (09630-0022) (Book#20904/Page#511), as allowed by M.G.L. and the Springfield Zoning Ordinance, Article 4, Table 4-4, Section 8.5.

**Mailing Address:**

571 Roosevelt Avenue  
 Springfield, MA 01118

1145 Main Street, Suite 301  
 Springfield, MA 01103

**Owner:**

**Living Water Church of God, Inc.**

I hereby certify that I am the owner or acting on behalf of the owner.

BY: Tania M. Barber 04 / 23 / 2021

**Tania Barber**

**Mailing Address:**

3 Hawthorne Lane  
 Holyoke, MA 01040

**Petitioner:**

**Elizabeth Lauren Atkins**

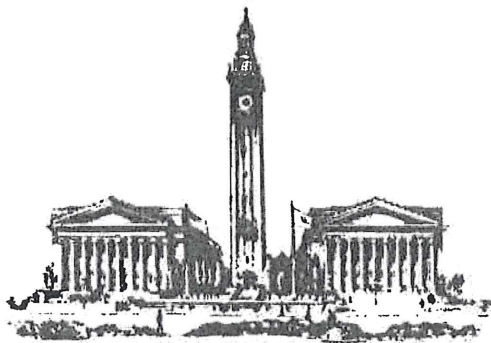
I hereby certify that I am the petitioner or acting on behalf of the petitioner.

BY: Elizabeth Lauren Atkins

**Elizabeth Lauren Atkins**

Attachment: Hancock St 142 Tax Formal (6177 : 142 Hancock Street)





THE CITY OF  
SPRINGFIELD, MASSACHUSETTS

4/26/2021

## Special Permit Tax Certification

I certify that all identifiable real estate, personal property and excise taxes have been paid by the petitioner and/or landlord associated with the special permit request shown below:

Special Permit : 142 Hancock Street, WS Hancock Street, WS Hancock Street & NS Pendleton Street

Petitioner : Elizabeth Laruen Atkins

LandLord : Living Water Church of God, Inc.

Christopher A. Caputo: Treasurer Collector

**OFFICE OF PLANNING & ECONOMIC DEVELOPMENT  
ANALYSIS FOR A SPECIAL PERMIT**

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**142 HANCOCK STREET (06250-0028), ET.AL.  
CREMATORIUM (PET FUNERAL OPERATION)**

*General Information*

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|                                                       |                                                               |
|-------------------------------------------------------|---------------------------------------------------------------|
| <b>Petitioner:</b>                                    | Elizabeth Laruen Atkins                                       |
| <b>Request:</b>                                       | To operate a pet funeral operation (crematorium).             |
| <b>Proposed use of the property:</b>                  | Crematorium                                                   |
| <b>Size:</b>                                          | 22,590 s.f.                                                   |
| <b>Compatibility with current planning documents:</b> | The Old Hill Neighborhood Plan shows no changes to this area. |
| <b>Neighborhood council notification:</b>             | Old Hill Neighborhood Council: 5-3-21                         |
| <b>Tax Status:</b>                                    | <b>SEE ATTACHED</b>                                           |
| <b>Site Visit:</b>                                    | 5-11-21                                                       |
| <b>Hearing Date:</b>                                  | 5-17-21/6-7-21                                                |

*Staff Analysis*

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**Neighborhood characteristics:**

The property is zoned Business B and Residence B and is located in an area with a mix of commercial and residential uses. The surrounding land uses include:

- To the north is an automotive repair facility zoned Business B.
- To the south are single-family homes zoned Residence B.
- To the east is a church zoned Business A.
- To the west is a vacant property zoned Residence B.

**Site plan review:**

The petitioner has requested a special permit to operate a pet funeral operation at the property known as 142 Hancock Street. This site is the current location of a church and has been used for automotive related uses in the past.

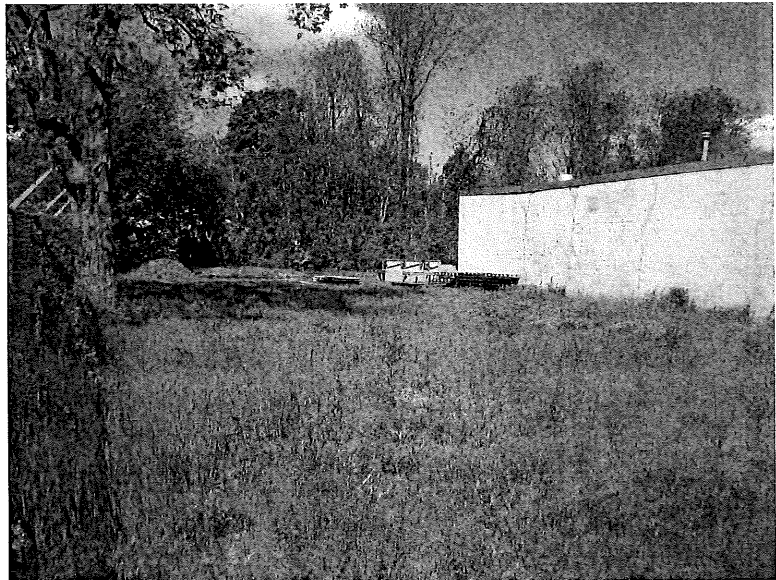
As per the petitioner, the proposed use will be in two (2) phases. The first phase would be the location/office for the petitioner's mobile euthanasia service. It should be noted that the petitioner is a licensed veterinarian. The use would include a third party crematorium picking up the deceased pets at this location two (2) to three (3) times a week and then dropping back off the ashes. Ashes will then be delivered to their homes or to other veterinarian clinics. In speaking with the petitioner, it was indicated that no flame-based cremations would be

taking place at this location.

Phase 2 of the operation would be for a water-based crematorium (also referred as aquamation or alkaline hydrolysis) to be located at this site. The petitioner has indicated that this operation could take up to twelve (12) months to start as the machine has a six (6) month waiting list.

After reviewing the submitted site plans and information, as well as visiting the site, the staff does not object to the proposed use. The staff believes that this is a unique use of this property and a use that will not have any major impacts to the abutting properties or on the neighborhood as a whole.

The only issue the staff did note when visiting the site is that in addition to the building, the site also has some large grassed areas surrounding the building. There is also fencing that encloses the property. As can be seen from the attached photos, these areas are currently overgrown and debris has been piled up. The fencing along Pendleton Avenue is overgrown and there is trash along the sidewalks. If this special permit is approved, the petitioner should be required to address these issues and also repair/paint the existing fencing.



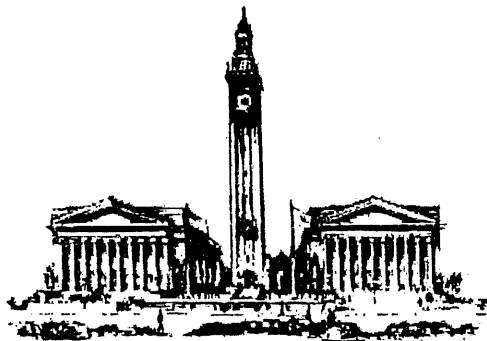
#### Recommendation

Approve, with conditions.

#### Recommended Conditions

1. This special permit is granted to this petitioner only.
2. This special permit is granted solely to operate a pet funeral service (crematorium), at the properties known as 142 Hancock Street (06250-0029), WS Hancock Street (06250-0028 & 0030) and NS Pendleton Avenue (09630-0022).
3. The use shall be developed as per the attached site plans with the addition of conditions #4 though #9.
4. There shall be no flame-based cremations done at this location.
5. The existing fencing shall be repaired and/or repainted.

6. All overgrown vegetation within the fencing shall be removed.
7. Any and all debris located on the site shall be removed.
8. All landscaping areas shall be maintained free of all overgrown vegetation, trash and/or debris.
9. The public sidewalks along Hancock Street and Pendleton Avenue shall be maintained, including snow removal.
10. Compliance with these conditions, as well as any and all zoning regulations, is required. Failure to comply may result in denial of the issuance of a Building Permit and/or Occupancy Permit, revocation of any permits issued and/or enforcement by the Code Enforcement Department punishable by fines of up to \$200 per day for each day a violation exists.



THE CITY OF  
SPRINGFIELD, MASSACHUSETTS

4/26/2021

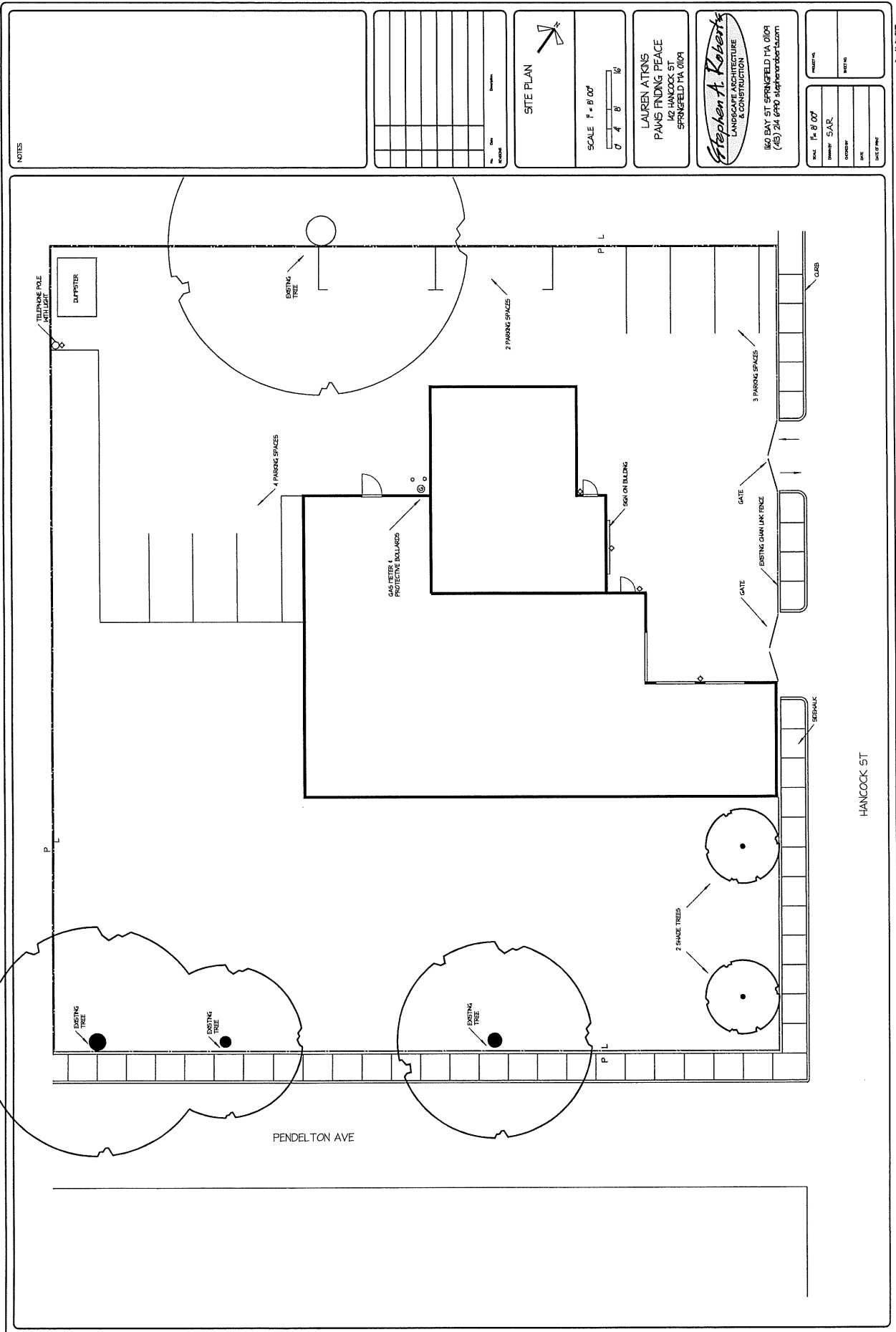
## Special Permit Tax Certification

I certify that all identifiable real estate, personal property and excise taxes have been paid by the petitioner and/or landlord associated with the special permit request shown below:

Special Permit : 142 Hancock Street, WS Hancock Street, WS Hancock Street & NS Pendleton Street  
Petitioner : Elizabeth Laruen Atkins  
LandLord : Living Water Church of God, Inc.

  
Christopher A. Caputo: Treasurer Collector





Tyler St

Proposed Location

Pendleton Ave

Hancock St

Attachment: Hancock St 142\_2021 (6177 : 142 Hancock Street)

|                                                                                                                      |                                                                                                                             |                    |
|----------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------|--------------------|
| <br>SPRINGFIELD<br>MASSACHUSETTS | <br>City of Springfield, Massachusetts | DATA SOURCE:       |
|                                                                                                                      |                                                                                                                             | 142 Hancock Street |



**To The City Council of the City of Springfield:**  
*The undersigned respectfully petition your honorable body*

for a special permit to operate a medical treatment facility, with no overnight stay, at the property known as 281 Cottage Street (03310-0301) (Book #221/Page#594), as allowed by M.G.L. and the Springfield Zoning Ordinance, Article 4, Table 4-4, Section 10.3.

**Mailing Address:**

1626 Bay Street  
 Springfield, MA 01109

**Owner:**

1626 Bay Street, LLC

I hereby certify that I am the owner or acting on behalf of the owner.

By:   
 Micheal Martone

**Mailing Address:**

381 Wickenden Street  
 Providence, RI 02903

**Petitioner:**

Recovery Connection Centers of America,  
 Inc.

I hereby certify that I am the petitioner or acting on behalf of the petitioner.

By:   
 Micheal Brier

Attachment: Cottage St 281 Tax Formal (6110 : 281 Cottage Street)





THE CITY OF  
SPRINGFIELD, MASSACHUSETTS

3/11/2021

## Special Permit Tax Certification

I certify that all identifiable real estate, personal property and excise taxes have been paid by the petitioner and/or landlord associated with the special permit request shown below:

Special Permit : 1626 Bay Street

Petitioner : Recovery Connection Centers of America, Inc.

Landlord : 1626 Bay Street, LLC

*Christy L. Leland*

**OFFICE OF PLANNING & ECONOMIC DEVELOPMENT  
ANALYSIS FOR A SPECIAL PERMIT**

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**281 COTTAGE STREET (03310-0301)  
MEDICAL TREATMENT FACILITY, NO OVERNIGHT STAY**

*General Information*

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|                                                       |                                                                       |
|-------------------------------------------------------|-----------------------------------------------------------------------|
| <b>Petitioner:</b>                                    | Recovery Connection Centers of America, Inc.                          |
| <b>Request:</b>                                       | To operate a medical treatment facility, with no overnight stay.      |
| <b>Proposed use of the property:</b>                  | Medical Treatment Facility                                            |
| <b>Size:</b>                                          | 35,650 s.f.                                                           |
| <b>Compatibility with current planning documents:</b> | The East Springfield Neighborhood Plan shows no changes to this area. |
| <b>Neighborhood council notification:</b>             | East Springfield Neighborhood Council: 4-12-21                        |
| <b>Tax Status:</b>                                    | <b>SEE ATTACHED</b>                                                   |
| <b>Site Visit:</b>                                    | 4-15-21                                                               |
| <b>Hearing Date:</b>                                  | 4-26-21/5-3-21                                                        |

*Staff Analysis*

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**Neighborhood characteristics:**

The property is zoned Industrial Park located is located within the Cottage Street Industrial Park. The surrounding land uses include:

- To the north is a cemetery zoned Industrial A.
- To the south is a large solar field zoned Industrial Park.
- To the east is a church zoned Industrial Park.
- To the west is a an ATM zoned Industrial Park.

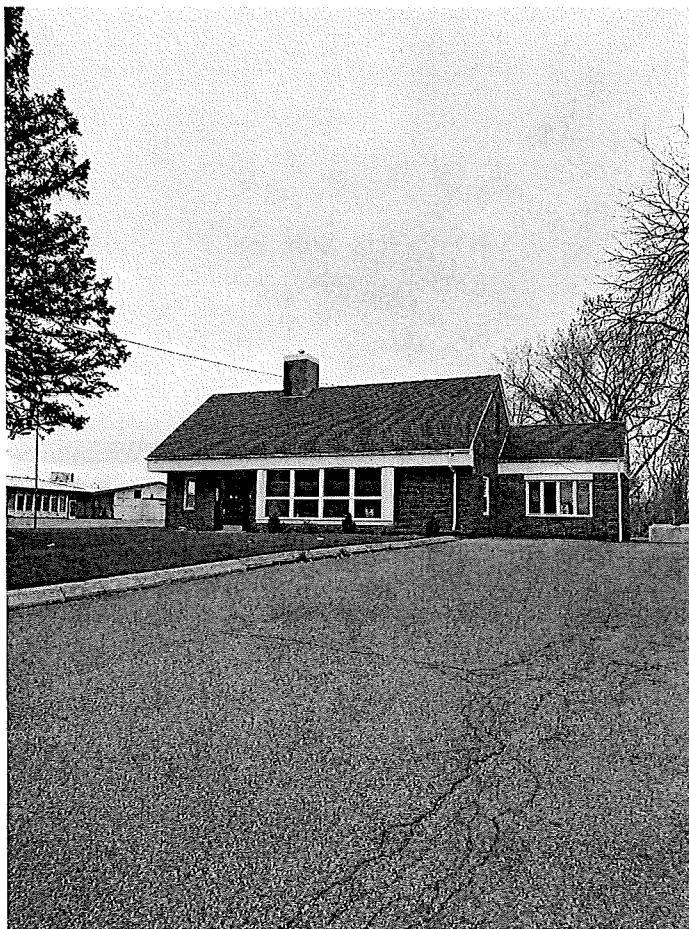
**Site plan review:**

The petitioner has requested a special permit to operate a medical clinic, with no overnight stay, at the property known as 281 Cottage Street. This site is currently vacant and was formerly used as the offices for the International Brotherhood of Electrical Workers, Local 2324.

After reviewing the submitted site plans and information, the staff does not object to the proposed use. As noted above, the petitioner intends to operate medical clinic at this location known as Recovery Connection. The information submitted indicates that this company provides "...medication for addiction treatment". They indicate that in combination with medication they provide "...counselling and behavioral therapies to

provide a whole-patient approach to the treatment of substance abuse disorders". The information submitted indicates they operate similar uses in a number of other cities in Massachusetts.

Overall, while the staff would prefer to see more "industrial" type uses located within this area, as noted above, this building is currently set up for an office use. Additionally, the staff does believe that this type of use is better located in areas like this, which do not directly abut residential uses or neighborhoods.



#### *Recommendation*

Approve, with conditions.

#### *Recommended Conditions*

1. This special permit is granted to this petitioner only.
2. This special permit is granted solely to operate a medical facility, with no overnight stay, at the property known as 281 Cottage Street (03310-0301).
3. The use shall be developed as per the attached site plans and elevations, dated November 4, 2020, with the addition of conditions #4 and #5.
4. There shall be no loitering allowed at this property.
5. Any and all permits required by the Springfield Health Department shall be obtained, prior to the issuance of a Certificate of Occupancy.
6. Management information of this facility shall be supplied to the Springfield Police Department.
7. Compliance with these conditions, as well as any and all zoning regulations, is required. Failure to comply may result in denial of the issuance of a Building Permit and/or Occupancy Permit, revocation of any permits issued and/or enforcement by the Code Enforcement Department punishable by fines of up to \$200 per day for each day a violation exists.

**RECOVERY CONNECTION CENTERS OF AMERICA, INC.**

**281 Cottage Street  
Springfield, MA 01105**

**CITY COUNCIL  
SPECIAL PERMIT**

**EXHIBIT A**

Recovery Connection Centers of America, Inc. d/b/a Recovery Connection, a Rhode Island professional corporation authorized to transact business in Massachusetts (the “Applicant”) operates substance use disorder treatment centers in Rhode Island and Massachusetts. The Applicant offers, among other services, substance abuse diagnostics, treatment plans and recovery support, and counseling. The Applicant only prescribes and does not dispense medication. In addition, those who seek services from the Applicant are those who wish to maintain a productive and healthy lifestyle. A copy of the Applicant’s brochure detailing its mission statement and operations is attached hereto as *Exhibit 1*.

The Applicant now seeks to provide its services to residents of the City of Springfield (the “City”). The Applicant has identified the property located at 281 Cottage Street (the “Property”) as the ideal location for its operation as it offers the appropriate sized space and is located in a secluded area surrounded by commercial uses. The Applicant has leased the Property from the current property owner.

The existing structure on the Property is a one story commercial building with a basement and is located within the Industrial Park zoning district. Pursuant to the Zoning Ordinance, the Industrial Park district’s general purpose is to provide light industrial, research and development, and smaller flexible buildings that include office and light industrial uses. The Applicant proposes to use the Property as a medical office to treat patients on an outpatient basis only. A “medical office, clinic, or treatment facility, no overnight” is a permitted use with a special permit in the Industrial Park district. The Applicant is not proposing any exterior changes or construction to the existing building whatsoever.

Pursuant to Table 7-1 of the Zoning Ordinance, medical offices require three spaces per 1,000 square feet of Net Floor Area. The Applicant’s space is 1,515 square feet thereby requiring five parking spaces. The Property has at least thirteen paved parking spaces and therefore the Applicant’s proposed use complies with the parking requirements under the Zoning Ordinance.

Pursuant to Section 12.4.60, special permits shall be granted only upon a written determination that the site is suitable for the proposed use, the application satisfies any specific requirements set forth in the Zoning Ordinance in relation to the particular use, and the proposed use is in harmony with the general purpose and intent of the Ordinance and will not have a material adverse impact on the City or the neighborhood. The determination of potential adverse impact shall include the consideration of the following:

Attachment: Cottage\_St\_281\_2021 (6110 : 281 Cottage Street)

1. Traffic flow and safety, including parking and loading, both on-site and off-site;
2. Adequacy of utilities and other public services;
3. Character and intensity of surrounding land uses;
4. Impacts on the health, safety and welfare of the surrounding area;
5. Impacts on the natural environment;
6. Minimize impacts on historic resources; and
7. Potential fiscal impact, including impact on city services, tax base, and employment.

The Applicant submits that the proposed use is suitable for the area and complies with all other provisions of the Zoning Ordinance. The Applicant's proposed use is also in harmony with the general purpose and intent of the Ordinance and will not have a material adverse impact on the City or the neighborhood, which shall be demonstrated as follows:

- (1) Traffic flow and safety, including parking and loading: The Applicant will be providing an abundance of off street parking. Moreover, the Applicant's typical patient utilizes public transit. In fact, approximately 80% of the Applicant's clients utilize safe easy access by public bus, train, or other forms of public transit. Therefore, the amount of traffic will be minimal. The Applicant does not anticipate that safety and traffic concerns will be an issue at this location.
- (2) Adequacy of utility and other public services: The Applicant will be utilizing existing utilities and public services connected to the existing structure. The Applicant will not be increasing the demand for any public utility services nor is it reconstructing, redeveloping, or altering the existing structure that would require a change to the existing utilities.
- (3) Character and intensity of surrounding land uses: The Applicant's proposed use as a medical office compliments the Industrial Park's general purpose for light industrial and office uses. Additionally, the Property directly abuts commercial uses therefore the Applicant's proposed use is in conformance with the surrounding area.
- (4) Impacts on the health, safety and welfare of the surrounding area: Assisted recovery is considered the gold standard for recovery treatment as it provides a path back to employment and will stabilize current jobs. Given the existing COVID-19 crisis, there is an even greater need for behavioral health services. Accordingly, the Applicant will be providing the City residents with access to an established reputable substance use disorder treatment center, which will greatly benefit the City's most vulnerable community members. Additionally, the Applicant will benefit the



community as a whole by helping residents become productive, healthy, and tax paying neighbors.

- (5) Impact on natural environment: The Applicant's use will have no impact on the natural environment. The Applicant is not altering the existing structure whatsoever.
- (6) Minimize impacts on historical resources: The Property is not a Historic Resource Property as defined in the Zoning Ordinance nor is the Applicant proposing to demolish or rehabilitate the existing structure on the Property. The Applicant does not intend the proposed use to impact any historical resources.
- (7) Potential fiscal impact, including impact on City services, tax base, and employment: The potential fiscal impact on the City is great as the Applicant will be offering new positions for employment and will be contributing to the City's commercial tax base. The Applicant will also be assisting community members in combating substance use disorder issues, which will ultimately have an up-stream fiscal benefit to the City. Importantly, medicated assisted treatment has helped decrease the accidental overdose rates in many communities. Those once considered in the shadows now have a safe and comprehensive treatment thereby decreasing community stigma.

**EXHIBIT 1**

Attachment: Cottage\_St\_281\_2021 (6110 : 281 Cottage Street)





**RECOVERY  
CONNECTION**  
The path to a NEW You!

**(877) 557-3155**  
**www.drughelp.info**

## OUR LOCATIONS:

381 Wickenden St.  
Providence, RI

59 Broadway  
Taunton, MA

7 North Main Street  
Attleboro, MA

365 Westgate Drive  
Brockton, MA

281 Cottage Street  
Springfield, MA

222 North Main Street  
Natick, MA

560 Lincoln Street  
Worcester, MA

54 Middlesex Turnpike  
Burlington, MA

145 Faunce Corner Mall Rd.  
Dartmouth, MA

## CONTACT US:

Recovery Connection  
(877) 557-3155  
michael@drughelp.info  
www.drughelp.info

## OUR MISSION:

The mission of Recovery Connection Centers of America is to provide the highest quality medical and behavioral health treatment to those afflicted by substance abuse dependency within the various communities in which we treat. We will assist our clients suffering from this terrible affliction through the latest advances in medication for addiction treatment (MAT) as a complementary, innovative practice to be utilized alongside proven therapeutic modalities. In order to achieve this goal, we have designed our offices to provide eligible clients comprehensive pharmacologic and behavioral interventions. We assist each client to abstain from illicit substances, improve their mental health and physical wellbeing and reintegrate themselves as productive members in our communities.

## WHAT WE DO

### Medication Assisted Treatment

Medication for addiction treatment (MAT) is the use of medications, in combination with counseling and behavioral therapies, to provide a "whole-client" approach to the treatment of substance use disorders. Medications used in MAT are approved by the Food and Drug Administration (FDA) and MAT programs are clinically driven and tailored to meet each patient's needs. Research shows that a combination of medication and therapy can successfully treat these disorders, and for some people struggling with addiction, MAT can help sustain recovery. MAT is also used to prevent or reduce opioid overdose.

## LEARN MORE

MAT is primarily used for the treatment of addiction to opioids such as heroin and prescription pain relievers that contain opiates. The prescribed medication operates to normalize brain chemistry, block the euphoric effects of alcohol and opioids, relieve physiological cravings, and normalize body functions without the negative and euphoric effects of the substance used.

## MAT EFFECTIVENESS

In 2018, an estimated **2 million** people had an opioid use disorder which includes prescription pain medication containing opiates and heroin. MAT has proved to be clinically effective and to significantly reduce the need for inpatient detoxification services for these individuals. MAT provides a more comprehensive, individually tailored program of medication and behavioral therapy that address the needs of most patients. The ultimate goal of MAT is full recovery, including the ability to live a **self-directed life**.

## MAT OUTCOMES

- ♦ Improve client survival
- ♦ Increase retention in treatment
- ♦ Decrease illicit opiate use and other criminal activity among people with substance use disorders
- ♦ Increase clients' ability to gain and maintain employment

## WHO WE ARE

### Recovery Connection Centers of America

(RCCA) is physician owned medical practice that provides addiction medicine and counseling services to individuals seeking assistance with their recovery.

Our practice focuses on opioid dependency. RCCA has practiced robust and comprehensive opioid dependency care to our clients since 2016, starting in Rhode Island and currently throughout Massachusetts.



"Recovery is something that you have to work on every single day and it's something that doesn't get a day off."

– Demi Lovato

"Our greatest glory is not in never failing but in rising up every time we fail."

– Ralph Waldo Emerson



## **EXHIBIT B**

Attachment: Cottage\_St\_281\_2021 (6110 : 281 Cottage Street)

Doc:221,594 04-17-2020 9:45  
Ctf#:38780

MASSACHUSETTS STATE EXCISE TAX  
HAMPDEN COUNTY LAND REGISTRATION  
Date: 04-17-2020 @ 09:45am  
Ct1#: 68  
Fee: \$1,048.80 Cons: \$230,000.00

KNOW ALL MEN BY THESE PRESENTS THAT, **LOCAL UNION 2324, INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS BUILDING CORPORATION**, a Massachusetts corporation, with a business address of 281 Cottage Street, Springfield, Hampden County, Massachusetts

In consideration of the amount of \$230,000.00

Grants to **1626 BAY STREET L.L.C.** a Massachusetts limited liability company, with a principal address of 1626 Bay Street, Springfield, Massachusetts,

with **WARRANTY COVENANTS**

The land in Springfield, Hampden County, Massachusetts, with the buildings thereon bounded and described in a document attached hereto and incorporated herein and marked as "Exhibit A".

Being the same premises conveyed to the grantor herein by deed dated March 30, 1983 and recorded in the Hampden County Land Registry as Document #66577, being Certificate of Title #20733.

Being the premises more commonly known as 281 Cottage Street, Springfield Massachusetts.

Attachment: Cottage St 281\_2021 (6110 : 281 Cottage Street)



Executed as a sealed instrument this 20<sup>th</sup> day of March, 2020

Gerard B. Matthews  
Gerard B. Matthews, Witness

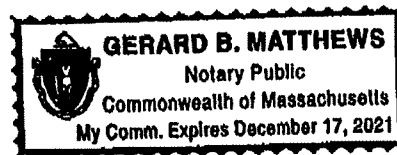
Brian Stanton  
By: Brian Stanton, President

Jeremy Dillensneider  
By: Jeremy Dillensneider, Treasurer

Commonwealth of Massachusetts  
Hampden County

On this 20<sup>th</sup> day of March, 2020 before me, the undersigned notary public, personally appeared Brian Stanton and Jeremy Dillensneider,, each of whom proved to me by satisfactory evidence of identification, which was driver's license, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that they signed it voluntarily for its stated purpose on behalf of Local Union 2324, International Brotherhood of Electrical Workers Building Corporation.

Gerard B. Matthews  
Gerard B. Matthews  
Notary Public  
My Commission Expires: 12-17-21



Attachment: Cottage St 281 2021 (6110 : 281 Cottage Street)

**"Exhibit A"**

The land in Springfield, Hampden County, Massachusetts, bounded and described as follows:

- NORTHERLY** by Cottage Street, one hundred fifty-five (155) feet.
- EASTERLY** by Lot #9 (nine) as shown on Plan No. 31465-D filed with Certificate of Title No. 14548, two hundred (200) feet.
- SOUTHERLY** by Lot #9 (nine) on said Plan, two hundred twenty and 71/100 (220.71) feet.
- WESTERLY** by land of Memorial Industrial Park, Inc., seventy-four and 54/100 (74.54) feet.
- NORTHERLY** by Lot #30 (thirty) as shown on plan hereinafter mentioned, sixty-one and 36/100 (61.36) feet.
- WESTERLY** by said Lot #30 (thirty), one hundred thirteen and 35/100 (113.35) feet.

Said land is shown as Lot #29 (twenty-nine) on Plan hereinafter mentioned.

All of said boundaries are determined by the Court to be located as shown upon subdivision plan numbered 30350-W, drawn by Smith Associates,, Surveyors dated March 1983, as modified and approved by the Court, a copy of a portion of which is filed with Certificate of Title No. 20733.

Subject to a Right of Way, a distance of 200 feet along the Easterly line of said premises and being 20 feet in width, for the benefit of Mario P. Cantalini, his heirs or assigns, the owner of Lot #9 (nine) on plan No. 31465-D, filed with Certificate of Title No. 14548.

Subject to easement rights as reserved in the deed of John Marron dated March 30, 1983 recorded in the Land Registration Office as Instrument #66577, being 60 feet along the Westerly line of Lot #29 and being 30 feet in width, extending from Cottage Street, Southerly.

Subject to drain easement to the City of Springfield as recited in Document No. 33977 and being shown on Plan numbered 30350-W.

Together with a right of passage over the private way as set forth in Document No. 35643.

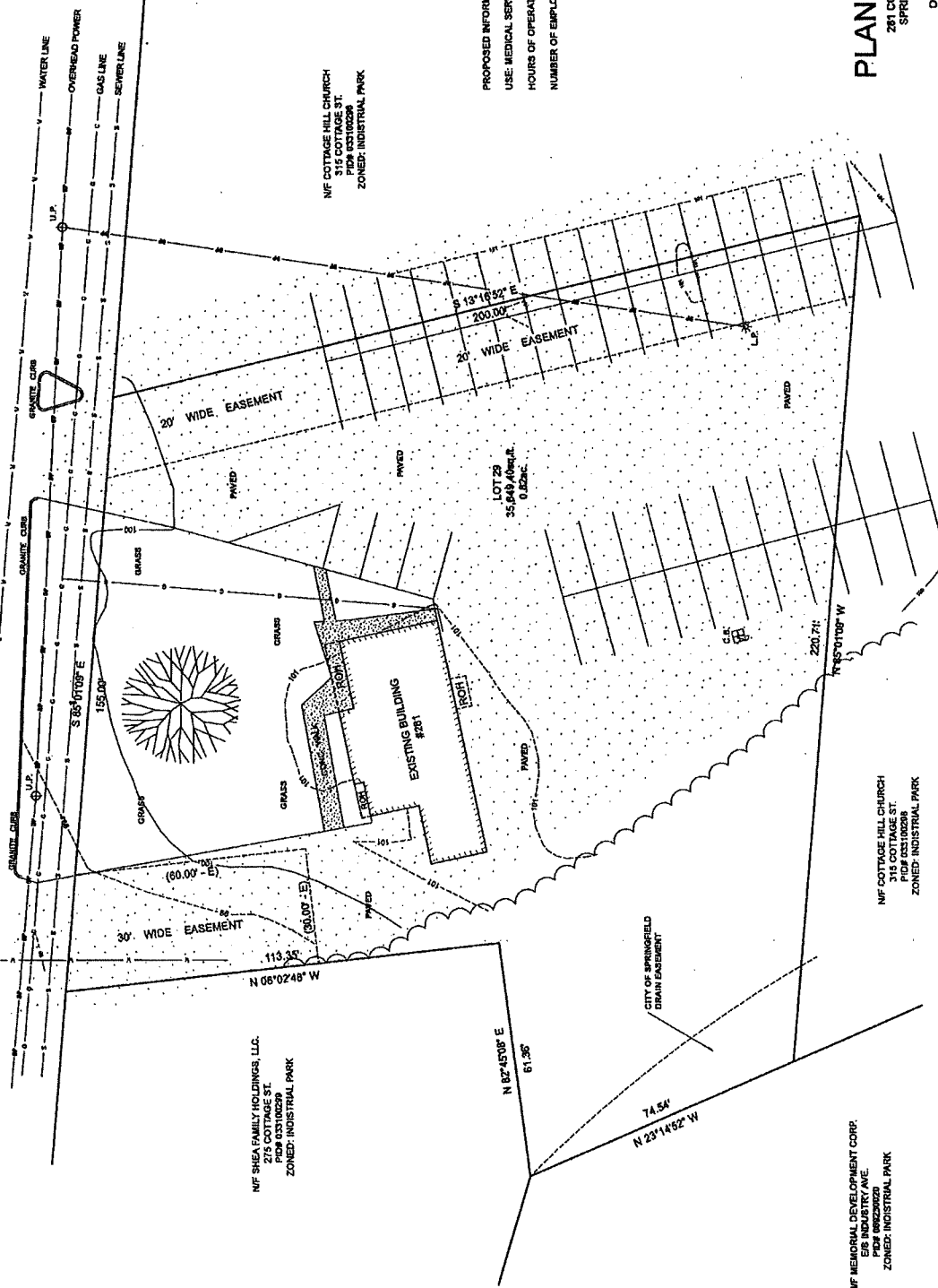
Attachment: Cottage St 281 2021 (6110 : 281 Cottage Street)

Subject to the reservations, easements and encumbrances as recited in Certificate of Title No. 20733.

Attachment: Cottage St 281 2021 (6110 : 281 Cottage Street)

CHERYL A. COAKLEY-RIVERA, REGISTER  
HAMPDEN COUNTY REGISTRY OF DEEDS  
E-RECORDED

COTTAGE STREET



PROPOSED INFORMATION  
 USE: MEDICAL SERVICES  
 HOURS OF OPERATION: Mon-Fri, 9am-5pm, Sat. 9am-2pm  
 NUMBER OF EMPLOYEES: 3



PLAN OF LAND

281 COTTAGE STREET  
 SPRINGFIELD, MA

OWNED BY

1626 BAY STREET, LLC.

PREPARED FOR

RECOVERY CONNECTION CENTERS  
 OF AMERICA

DATE: 3/1/2021

SCALE: 1" = 20'

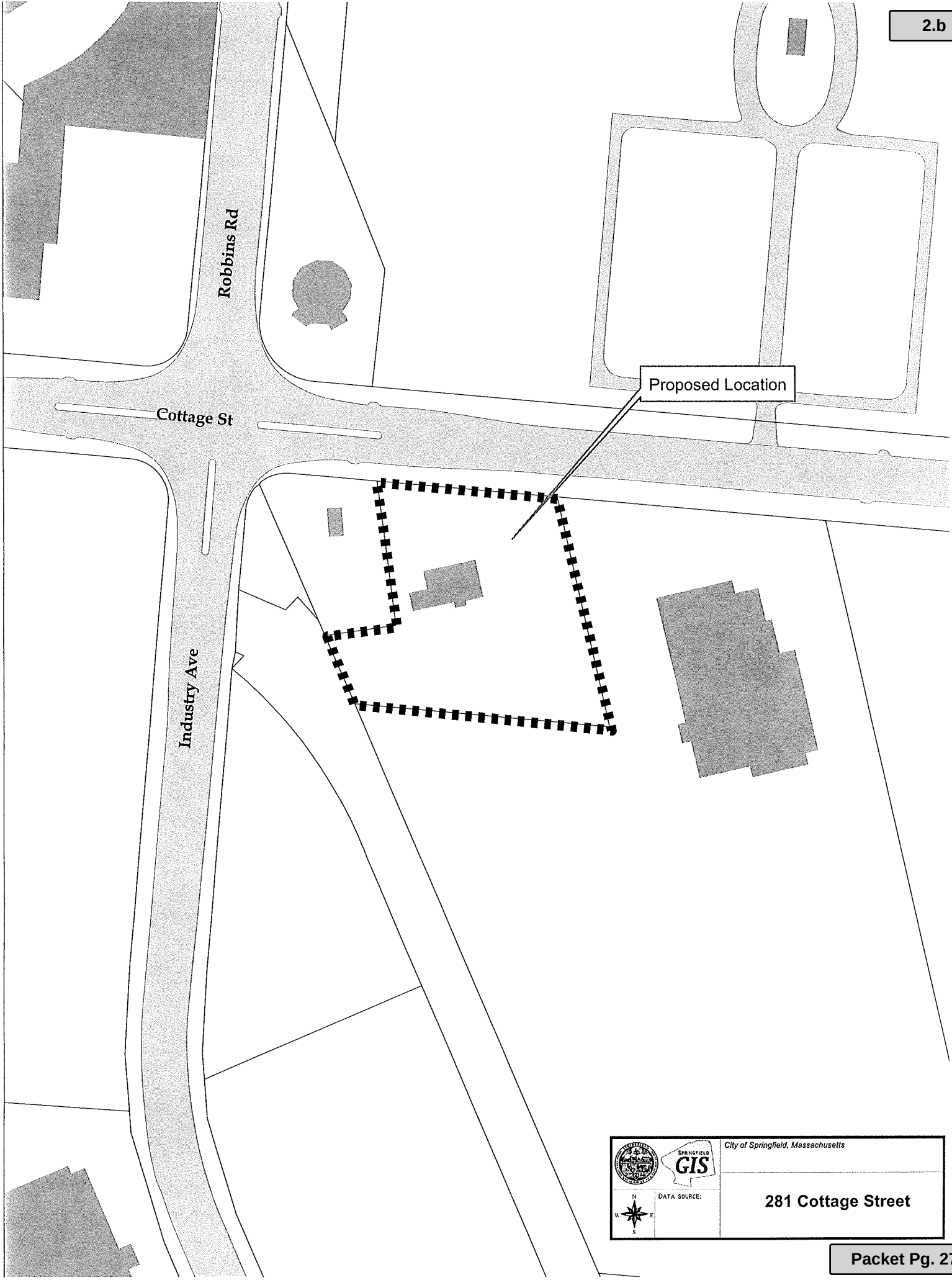
SMITH ASSOCIATES  
 SURVEYORS, INC.

48 B. BULLOCK STREET - SUITE 100, SPRINGFIELD, MA 01103 P: (413) 252-8841  
 FAX: (413) 252-8841  
 WWW.SMITHASSOCIATESINC.COM



NOTES:

- 1) LOCUS DEED REFERENCE = LC CITY # 34780
- 2) LOCUS PLAN REFERENCE = LCR00350-W
- 3) TOPOGRAPHIC INFORMATION BASED ON AN ASSUMED DATUM.
- 4) PROPERTY LOCATED IN THE INDUSTRIAL PARK ZONE PER THE SPRINGFIELD GIS.
- 5) SPRINGFIELD GIS PARCEL NUMBER: PDW005110001.
- 6) UTILITY LOCATIONS SHOWN HEREON ARE BASED ON INFORMATION FROM DEEDS AND PLANS OF RECORD. INFORMATION PROVIDED BY THE SPRINGFIELD ENGINEERING DEPARTMENT, DIG-SAFE MARGINS AND SURFACE FEATURES LOCATED BY SURVEY. THEIR LOCATIONS ARE APPROXIMATE AND DIG-SAFE SHOULD BE NOTIFIED PRIOR TO ANY EXCAVATION.



Attachment: Cottage St 281\_2021 (6110 : 281 Cottage Street)

|                                                                                      |                                                                                       |                                    |
|--------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------|------------------------------------|
|  |  | City of Springfield, Massachusetts |
|  |                                                                                       | DATA SOURCE:                       |
|                                                                                      |                                                                                       | <b>281 Cottage Street</b>          |



Stuart Gitlow, M.D., M.P.H., M.B.A., DFAPA, DFASAM  
 465 W 23 Street, Apt 18D 153 Gaskill Street  
 New York, NY 10011 Woonsocket, R.I. 02895  
 (212) 731-0755; (401) 338-0493  
 Fax (775) 429-6295  
 drgitlow@aol.com

## EDUCATION

|           |                                                  |                                               |
|-----------|--------------------------------------------------|-----------------------------------------------|
| 1980-1983 | Massachusetts Institute of Technology            | B.S. Life Sciences; Minor in Psychology, 1/84 |
| 1984-1988 | Mount Sinai School of Medicine, New York         | M.D., 5/88                                    |
| 1988-1991 | University of Pittsburgh School of Public Health | M.P.H. Epidemiology, 12/91                    |
| 2004-2006 | University of Rhode Island                       | M.B.A. 8/06; Beta Gamma Sigma                 |

## MEDICAL TRAINING

|            |                                         |                                       |
|------------|-----------------------------------------|---------------------------------------|
| 6/88-6/89  | University of Pittsburgh Medical Center | Medical/General Psychiatry Internship |
| 1/90-12/92 | Western Psychiatric Institute & Clinic  | General Psychiatry Residency          |
|            |                                         | Geriatric Chief Resident              |
| 1/93-12/93 | Massachusetts General Hospital          | Addiction Psychiatry Program          |
| 8/94-7/95  | Harvard Medical School                  | Law & Psychiatry Fellowship           |

## FACULTY POSITIONS

|              |                                |                                          |
|--------------|--------------------------------|------------------------------------------|
| 2014-present | University of Florida          | Associate Professor, Psychiatry          |
| 2007-2014    | Dartmouth Medical School       | Adjunct Instructor in Psychiatry         |
| 2008-2015    | Mount Sinai School of Medicine | Associate Clinical Professor, Psychiatry |
| 2005-2007    | Mount Sinai School of Medicine | Assistant Clinical Professor, Psychiatry |
| 1993-1998    | Harvard Medical School         | Instructor in Psychiatry                 |
|              | Massachusetts General Hospital | Assistant in Psychiatry                  |

## CURRENT ACTIVITIES

|              |                                                 |                                                       |
|--------------|-------------------------------------------------|-------------------------------------------------------|
| 2020-present | Journal of Addictive Diseases                   | Editorial Board                                       |
| 2018-present | New York County Medical Society                 | Board of Directors, (Delegate to MSSNY for 2019-2020) |
| 2017-present | Oxford House, Inc.                              | Board of Directors                                    |
| 2017-2020    | American Board of Psychiatry & Neurology        | Addiction Psychiatry Examination Committee            |
| 2012-2020    | Woonsocket Senior Center                        | Vice-Chair, Board of Directors                        |
| 2016-present | The Recovery Research Network                   | Medical Director, Co-Owner                            |
| 2015-present | Kaplan Medical                                  | Faculty, Psychiatry                                   |
| 2011-present | Federal Aviation Administration                 | Aviation Medical Examiner - Employee Examiner         |
| 2011-present | Journal of the American Medical Association     | Reviewer                                              |
| 2008-present | Federal Aviation Administration                 | Federal Air Surgeon Consultant                        |
| 2008-present | NY State Board for Professional Medical Conduct | Expert Consultant                                     |
| 2008-present | Medical Advisory Group LLC                      | Addiction Psychiatrist Peer Reviewer                  |
| 2006-present | Federal Aviation Administration                 | Aviation Medical Examiner                             |
| 2006-present | UpToDate                                        | Peer Reviewer, Primary Care                           |
| 2005-present | Annenberg Training Program in Addictions        | Founder & Executive Director                          |
| 2005-present | Massachusetts Board of Registration in Medicine | Medical Expert - Psychiatry & Addiction Medicine      |
| 2004-present | Medical Evaluation Specialists                  | Addiction Psychiatrist Peer Reviewer                  |
| 2001-present | Rhode Island Workers' Compensation Court        | Impartial Medical Examiner, Medical Advisory Board    |
| 1995-present | MCMC, LLC - Peer Review Analysis                | Addiction Psychiatrist Peer Reviewer                  |
| 1984-present | Massachusetts Institute of Technology           | Educational Counselor                                 |

## PAST ACTIVITIES

|           |                                        |                                                         |
|-----------|----------------------------------------|---------------------------------------------------------|
| 2017-2018 | National Institute on Drug Abuse       | National Advisory Council Workgroup on Marijuana Policy |
| 2015-2017 | American Society of Addiction Medicine | Immediate Past President                                |
| 2006-2018 | Journal of Addictive Diseases          | Editorial Board                                         |
| 2013-2018 | Smart Approaches to Marijuana          | Board of Directors                                      |
| 2012-2018 | Optum                                  | Behavioral Health Advisory Committee                    |

|           |                                                          |                                                         |
|-----------|----------------------------------------------------------|---------------------------------------------------------|
| 2009-2016 | Behavioral Medical Interventions                         | Psychiatric Consultant                                  |
| 2004-2015 | ReliableRS LLC                                           | Addiction Psychiatrist Peer Reviewer                    |
| 2013-2015 | American Society of Addiction Medicine                   | President / Chairman of the Board                       |
| 2013-2014 | Orexo AB                                                 | US Medical Director                                     |
| 2014-2015 | American Medical Association                             | Chair, Council on Science & Public Health               |
| 2011-2013 | American Society of Addiction Medicine                   | Acting President                                        |
| 2008-2018 | ReachMD XM 160                                           | Host, Clinicians Roundtable                             |
| 2007-2015 | <i>Counselor</i>                                         | Medical Editor; Chair, Medical Board                    |
| 2006-2013 | New York County Medical Society                          | Chair, Public Health Committee                          |
| 2006-2013 | New York County Medical Society                          | Board of Directors                                      |
| 2011      | ABAM Foundation                                          | PAAF Reviewer Panel                                     |
| 2007-2018 | Unum                                                     | Designated Medical Officer                              |
| 2007-2011 | American Society of Addiction Medicine                   | Treasurer                                               |
| 1993-2010 | Nantucket Behavioral Services                            | Medical Director                                        |
| 2009-2010 | Coalition to Protect Patients' Rights                    | Steering Committee                                      |
| 2009-2010 | National Association of Medical Communicators            | Board of Trustees                                       |
| 2008-2010 | Freddie Int'l Health & Medical Media Awards              | Academy of Judges                                       |
| 2007-2015 | American Medical Association                             | Council on Science & Public Health                      |
| 2006-2007 | National Quality Forum                                   | Technical Advisory Panel (TAP), Substance Use Disorders |
| 2004-2005 | Center for Living, Inc.                                  | Founder/CEO                                             |
| 2003-2005 | Beacon Health Strategies, LLC                            | Medical Director for Blue Cross Blue Shield of RI       |
| 2003-2004 | Brown University                                         | Course Director, Intro to Medicine                      |
| 2001-2018 | Rhode Island Disability Determination Services           | Psychiatric Consultant                                  |
| 1999-2018 | US Social Security Administration OHA/ODAR               | Medical Expert - Psychiatry & Addiction Medicine        |
| 1999-2002 | JACS (Jewish Board of Family & Children's Services)      | Board of Directors                                      |
| 1998-2001 | The Pennsylvania Medical Society Foundation              | Faculty                                                 |
|           | Certificate Program in Medical Leadership and Management |                                                         |
| 1996-2001 | Healant, Inc.                                            | Founder and Chief Medical Officer                       |
| 1998-1999 | JACS                                                     | Advisor to Council                                      |
| 1993-1996 | New England Telephone/NYNEX/Bell Atlantic                | Psychiatric Consultant                                  |
| 1995-1997 | America Online, Inc.                                     | Coordinator, Mac Computing Forums                       |
| 1995-1996 | Noddle's Island Multi-Service Agency                     | Psychiatric Consultant                                  |
| 1993-2018 | Massachusetts Disability Determination Services          | Psychiatric Consultant                                  |
| 1993-1995 | MGH Acute Psychiatry & Addiction Services                | Attending Psychiatrist                                  |
| 1992-2005 | Psychiatric Services                                     | Reviewer                                                |
| 1991-1992 | Whale's Tale Youth & Family Counseling Center            | Medical Director                                        |
| 1989-1995 | America Online, Inc.                                     | Mac Forum Publisher                                     |
| 1988-1992 | Pennsylvania Bureau of Disability Determination          | Psychiatric Consultant                                  |
| 1988-1992 | Symposia, Inc.                                           | Vice-President                                          |
| 1988-1990 | MacGuide                                                 | Medical Editor                                          |
| 1985-1988 | Apple Computer, Inc.                                     | Apple Support Coordinator                               |

#### ONLINE POSITIONS

|           |                                      |                                   |
|-----------|--------------------------------------|-----------------------------------|
| 2004-2010 | macintouch.com                       | Book Review Editor                |
| 1996-2001 | Healant, Inc. (AOL, Inc. Partner)    | Founder & Chief Medical Officer   |
| 1995-1997 | America Online, Inc.                 | Coordinator, Mac Computing Forums |
| 1994-1997 | ABC (American Broadcasting Company)  | Online Manager                    |
| 1989-1994 | America Online (Quantum Computer)    | Forum Leader, Mac Hardware Forum  |
| 1987-1997 | Connect Business Information Network | COO, Mac Symposium                |
| 1986-1989 | LaserBoard                           | Founder & CEO                     |

#### LICENSURE & CERTIFICATION

|               |                                                           |                                    |
|---------------|-----------------------------------------------------------|------------------------------------|
| 2006-present  | Federal Aviation Administration Aviation Medical Examiner | 02073                              |
| 1999-2021     | ABPN Certified - Forensic Psychiatry                      | 986                                |
| 1994-2024     | ABPN Certified - Addiction Psychiatry                     | 575                                |
| 1993          | American Board of Psychiatry & Neurology Certification    | 38149                              |
| 2020 - 1/6/21 | Maine License                                             | EL201758                           |
| 2020          | New Jersey Medical Doctor                                 | NJDCATEMP-007376 (4/14/20-2/28/21) |
| 2020          | Massachusetts Emergency Temporary License                 | 4384                               |
| 2017-1/31/23  | Florida Physician Licensure                               | ME131519                           |
| 2005-present  | National Provider Identifier                              | 1376535468                         |

|              |                                                        |                                                |
|--------------|--------------------------------------------------------|------------------------------------------------|
| 1992-2020    | Massachusetts Controlled Substances Registration (2-6) | MG1088548A (5/11/17 - 90 days after emergency) |
| 1992-present | DEA Schedule 2, 2N, 3, 3N, 4                           | BG3091422/XG3091422                            |
| 1997-present | Rhode Island Licensure                                 | CMD09366                                       |
| 1992-2019    | Massachusetts Physician                                | 76784                                          |
| 1991-present | Pennsylvania Medical Physician & Surgeon               | MD-043683L. (Inactive)                         |
| 1991-present | New York Physician                                     | 185308-1                                       |
| 1989-present | Colorado Medical License                               | 29812. (Inactive)                              |

#### PUBLICATIONS and PRESENTATIONS

Carnevale J, Mackie K, Pacula RL, Caulkins J, Ware M, Gitlow S, Hasin D, Terrillion A. NIDA National Advisory Council on Drug Abuse. Cannabis Policy Research Workgroup, *Recommendations for NIDA's Cannabis Policy Research Agenda*, Report from the Cannabis Policy Research Workgroup, Feb. 6, 2018.

Passik SD, Trigeiro A, Kirsh KL, Gitlow S. Commonly Used Interventions Intended to Limit Diversion and Abuse in Patients Receiving Opioid Therapy for Chronic Pain: Clinical Utility and Empirical Support. In: Matthews AM, Fellers JC (Eds) *Treating Comorbid Opioid Disorder in Chronic Pain*. Springer 2016.

Gitlow, S. An Understanding of Addictive Disease and Drug Testing: Implications and Recommendations. *Journal of Nursing Regulation*. 6:2, 2015

Gitlow, S. Abstracts SY06-1, SY13-1-4, SY14-3. Alcohol and Alcoholism 49 (Suppl 1); September 2014.

Jones HE, Friedman CJ, Starer JJ, Terplan M, Gitlow S. Opioid Use during Pregnancy: An International Roadmap for Future Research and Clinical Practice. *Addictive Disorders & Their Treatment*. March 2014 13(1) 8-15.

Gitlow, S. 2013. Addictions. Wiley Encyclopedia of Forensic Science. Published 3/15/13.

Gitlow, S., Psychiatry; Addiction Medicine. In: Rayman's Clinical Aviation Medicine, 5th Ed., Professional Publishing Group Ltd. 2013.

Gitlow, S., Webster, L. Addictive Disorders and Pain. In: Comprehensive Treatment of Chronic Pain by Medical, Interventional, and Integrative Approaches. Springer. 2013.

Barron R, Frank E, Gitlow S. Evaluation of an Experiential Curriculum for Addiction Education among Medical Students. *J Addict Med* 2012;6:131-136.

Diamond R, Curtis L, Gitlow S, Warren B. "Decision Making and Behavioral Health Medications." 2011. Invited paper from "Dialogue on Psychopharmacology," US Substance Abuse and Mental Health Services Administration.

Gitlow, S., Disability, Impairment, & Addiction. In: Lowinson, Ruiz Substance Abuse: A Comprehensive Textbook, 5th Edition. LWW. 2011.

Dickinson B, Head A, Osbahr A, Gitlow S., Maldynia: Pathophysiology and Management of Neuropathic and Maladaptive Pain - A Report of the AMA Council on Science and Public Health. *Pain Medicine* 2010, 11: 1635-1653.

Lippe PM, Brock C, David JJ, Crossno R, Gitlow S., The First National Pain Medicine Summit—Final Summary Report. *Pain Medicine* 2010; 11: 1447-1468.

Gitlow, S., Letter to the Editor, *JAAPL* 38:434, 2010.

Gitlow, S., Addictions. In: Wiley Encyclopedia of Forensic Science. John Wiley & Sons Ltd., Chichester, UK pp18-22. 2009.

Gitlow, S. Medical Service for Rural New England - 60 second TV commercial for General Aviation Serves America. 2009.

Gitlow, S., A Perspective on Alcoholism. US Psychiatric Congress Reporter. October 2008.

Gitlow, S., Transtornos Relacionados Ao Uso De Substâncias. Artmed, Brazil. Printed 2008.

Gitlow, S., Nicotine and Alcohol Dependence. Audio-Digest Psychiatry 37:10 May 21, 2008.

Gitlow, S., From the Addiction Doctor. Bimonthly column in Counselor magazine. January 2008-Present

- Gitlow, S., Willenbring ML. Are medications that reduce risk of drinking or heavy drinking, or that promote abstinence, of value on the treatment of alcohol dependence? *Am J Addictions* 17:1-5, 2008.
- Gitlow, S. Recovery & Research: A Better Paradigm. *J. Sub Abuse Treatment* 2007 Oct;33(3):277-8.
- Gitlow, S. Online Interaction with Psychiatric Patients. *Behavioral Health Trends* 19:May, 6-10, 2007.
- Gitlow, S., Gold, MS. The Inadequacies of the Evidence. *Addiction Professional*. March/April 2007.
- Gitlow, S. Practical Guides in Psychiatry: Substance Use Disorders, 2d Ed. Lippincott Williams & Wilkins. 2007.
- Gitlow, S., Approve or Deny: A Medical Reviewer Shares His Insights. *Behavioral Health Trends* 17:June, 4-8, 2005.
- Burglass, ME, Gitlow, S. Forensics. In: Lowinson, Ruiz, Millman, Langrod Substance Abuse, A Comprehensive Textbook, 4th Edition. Lippincott Williams & Wilkins. 2004.
- Gitlow, S. Prevention. In: Johnson, Ruiz, & Galanter Alcoholism: A Practical Handbook, Lippincott Williams & Wilkins. 2003.
- Gitlow, S., Holland PJ, Psychiatric Aspects of Occupational Medicine. In: McCunney RJ A Practical Approach to Occupational and Environmental Medicine, Third Edition, Lippincott Williams & Wilkins. 2003.
- Gitlow, S. On the Web. Bimonthly column in Counselor magazine. June 2002-December 2007.
- Vex, S.L., Blume, S.B. The JACS Study I: Characteristics of a Population of Chemically Dependent Jewish Men and Women. *J Addict Dis* 20(4) 2001, 71-89. Assisted in design of Research Instrument.
- Gitlow, S. The Online Community as a Healthcare Resource. In: Nash D, Manfredi MP, Howell SL, Bozarth BL (Eds). Connecting with the new Healthcare Consumer. An Aspen Publication. 2001.
- Gitlow, S. Practical Guides in Psychiatry: Substance Use Disorders. Lippincott Williams & Wilkins. 2001.
- Council of Health and Social Services, The Netherlands. The Patient and the Internet. 3/00. (Participated in this Council publication as a foreign contributor).
- Gitlow, S. The Online Community as a Healthcare Resource. In: Nash D, Manfredi MP, Howell SL, Bozarth BL (Eds). Connecting with the new Healthcare Consumer. McGraw-Hill. 2000.
- Langer, M. Mac OS 8. Gitlow, S., Technical Editor. Peachpit Press. 1997.
- Langer, M. America Online for Macintosh 3. Gitlow, S., Technical Editor. Peachpit Press. 1997.
- Gitlow, S. Ambulatory Detoxification of the Alcoholic. *Practical Reviews in Psychiatry*. 20:1, 2/96
- Gitlow, S., Gastfriend, D. Voice Interactive Computers for Attitudinal Interviewing. In: Miller, M.J., Hammond, K., Hile, M. (Eds). *Mental Health Computing*. Springer-Verlag. 1996.
- Gastfriend, D.R., Gitlow, S., Hackney, J., Gerber E., Baer, L. (1996). A Voice-Based Computer Interview for Drug Dependence. *Substance Abuse*, Vol 17, No. 4, 1996.
- Tanner, T.B., Gitlow, S., Ganguli, R., Kubacka, R., Mulsant, B.H., and Epstein, B.A. Developing a Medication Information Workstation for Patients. In: Morgan, K., Satava, R.M., Sieburg, H.B., Mattheus, R., and Christensen, J.P. (Eds.), *Interactive Technology and the New Paradigm for Healthcare* (pp. 380-388). IOS Press and Ohmsha. 1995.
- Gitlow, S., Tanner, T.B. Psychopharmacology education software. The first of a series. *Proc Annu Symp Comput Appl Med Care*. (pp 945 - 946). 1991.
- Tanner, T.B., Gitlow, S. A computer simulation of cardiac emergencies. *Proc Annu Symp Comput Appl Med Care*. (pp 894 - 896). 1991.
- 11/17/20 OpioidX: New Approaches to Addressing the Opioid Crisis (Online)  
Massachusetts Institute of Technology Symposium
- 9/12/20 Federal Aviation Administration Medical Examiner Seminar (Online)  
Psychiatry and Addictive Disease Review

|            |                                                                                                                                           |
|------------|-------------------------------------------------------------------------------------------------------------------------------------------|
| 10/23/19   | Federal Aviation Administration Aviation Medical Examiner Basic Course, Oklahoma City, OK<br>Psychiatry and Addictive Disease Review      |
| 10/3/19    | SAMHSA Training: Medication-Assisted Treatment Overview, Poughkeepsie NY<br>Project Consultant and Faculty - OASAS                        |
| 8/30-31/19 | Annual Oxford House World Convention, Washington DC<br>Keynote Address and Breakout Sessions                                              |
| 6/27/19    | SAMHSA Training: Medication-Assisted Treatment Overview, Bronx NY<br>Project Consultant and Faculty                                       |
| 5/4/19     | North Carolina Oxford House State Convention, Raleigh NC<br>Keynote Address: Addiction Overview                                           |
| 3/14/19    | WNPN 89.3FM, Providence RI<br>Marijuana and Rhode Island Law                                                                              |
| 12/7-8/18  | Federal Aviation Administration Aviation Medical Examiner Review Course, Salt Lake City UT<br>Psychiatry Review; Addictive Disease Review |
| 11/7/18    | UCLA Mental Health in the Workplace Symposium, Los Angeles CA<br>“Medical” Marijuana - Is there such a thing?                             |
| 10/5-6/18  | Annual Oxford House World Convention, Kansas City MO<br>Keynote Address and Breakout Sessions                                             |
| 8/15/18    | SAMHSA Training: Medication-Assisted Treatment Overview, Blair County PA<br>Project Consultant and Faculty                                |
| 8/14/18    | SAMHSA Training: Medication-Assisted Treatment Overview, Lycoming County PA<br>Project Consultant and Faculty                             |
| 8/2/18     | SAMHSA Training: Medication-Assisted Treatment Overview, Poughkeepsie NY<br>Project Consultant and Faculty                                |
| 12/10/17   | Northeastern University School of Pharmacy Professional Development Course, Norwood MA<br>Addictive Disease: A Practical Guide            |
| 12/1-3/17  | Federal Aviation Administration Aviation Medical Examiner Review Course, Portland OR<br>Psychiatry Review; Addictive Disease Review       |
| 9/27/17    | UCLA Mental Health in the Workplace Symposium, Los Angeles CA<br>Alcoholism, Addiction, & Medical Marijuana in the Workplace              |
| 9/1/17     | Annual Oxford House World Convention, Washington DC<br>Keynote Address                                                                    |
| 8/3-4/17   | Texas Behavioral Health Institute, Austin TX<br>Opioids 101; Disability Impairment; Dual Diagnosis                                        |
| 12/6/16    | NYC Citizen Review Panel Meeting, New York NY<br>Impact of Opioid Epidemic on Child Welfare in NYC                                        |
| 10/14/16   | Queens Hospital Center Psychiatry Grand Rounds, Queens NY<br>Disability, Impairment, Limitations, and Restrictions                        |
| 10/10/16   | Berks County Community Foundation, Reading PA<br>The Future of Marijuana in Pennsylvania                                                  |
| 9/30/16    | Annal Oxford House World Convention, Dallas TX<br>Keynote and Breakout Sessions                                                           |



|            |                                                                                                                                                                  |
|------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 9/21/16    | Heroin and Opioid Awareness Week, Woonsocket RI<br>US Attorney General Panel Discussion                                                                          |
| 7/15/16    | Texas Behavioral Health Institute, Austin TX<br>Educate Prescribers of the Opioid Epidemic<br>Closing Keynote: Breaking Down Barriers and Transforming Treatment |
| 7/13/16    | United States Senate<br>Senate Judiciary Subcommittee Hearing Testimony - Potential Medical Benefits & Risks of Marijuana                                        |
| 6/23/16    | The Opioid Crisis, Pittsburgh PA<br>What is Working in Treating Opioid Dependent Patients                                                                        |
| 6/20/16    | RI Society of Addiction Medicine Annual Meeting, Cranston RI<br>Marijuana: Friend or Foe                                                                         |
| 4/16/16    | American Society of Addiction Medicine, Baltimore MD<br>Naloxone - Policy and Implementation                                                                     |
| 4/12/16    | National Press Foundation, Baltimore MD<br>Confronting the Opioid Epidemic - What is Addiction?                                                                  |
| 3/10/16    | Massachusetts College of Pharmacy & Health Sciences Annual Reed Conference, Foxborough MA<br>Addiction Medicine & Pharmacy: Obstacles to Teamwork                |
| 11/5/15    | Addiction Professional Summit, Warwick RI<br>What is Working in Treating Opioid Dependent Patients                                                               |
| 11/3/15    | Western States Marijuana Conference, San Diego CA<br>Marijuana Addiction: A Treatment Perspective                                                                |
| 9/23/15    | Bangor Region Substance Abuse Task Force, Bangor ME<br>Marijuana in the New Millennium                                                                           |
| 9/8/15     | Grand Rounds, Mount Sinai School of Medicine, New York NY<br>Addictive Disease Overview                                                                          |
| 9/4-5/15   | Annual Oxford House World Convention, Washington DC<br>Keynote Lecture on Addiction                                                                              |
| 7/31/15    | American Society of Addiction Medicine, Orlando FL<br>History of Addiction Medicine                                                                              |
| 5/5/15     | Join Together Nevada, Las Vegas NV<br>ASAM Position on Legalization of Marijuana                                                                                 |
| 4/26/15    | American Society of Addiction Medicine, Austin TX<br>Addictive Disease Definition Review                                                                         |
| 4/8/15     | National RX Drug Abuse Summit, Atlanta GA<br>The Evidence Base for Opioid Addiction Treatment and the ASAM Criteria                                              |
| 3/9/15     | Massachusetts Association of Health Plans, Boston MA<br>Opioid Addiction Treatment                                                                               |
| 1/29/15    | Join Together Northern Nevada, Reno NV<br>ASAM Position on Legalization of Marijuana                                                                             |
| 1/30-31/15 | Federal Aviation Administration Aviation Medical Examiner Review Course, Salt Lake City UT<br>Psychiatry Review; Addictive Disease Review                        |
| 12/9/14    | Heritage Foundation<br>Marijuana Policy: Separating Scientific Facts from Popular Fiction, Washington DC                                                         |

|            |                                                                                                                                                                                                   |
|------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 12/5/14    | Grand Rounds, Queens Hospital Center, Queens NY<br>Substance Use Disorders: A Practical Guide                                                                                                     |
| 10/23/14   | Public Health Grand Rounds, Rhode Island DOH, Providence RI<br>Understanding Addiction                                                                                                            |
| 10/10/14   | Pennsylvania Society of Addiction Medicine, Wernersville, PA<br>ASAM Position on Legalization of Marijuana                                                                                        |
| 10/2-6/14  | International Society of Addiction Medicine, Yokohama Japan<br>The Development and Implementation of the ASAM Definition<br>Marijuana - The State of the United States<br>ASAM - An Annual Review |
| 9/13/14    | Annual Oxford House World Convention, Portland OR<br>Keynote Speech - Addiction                                                                                                                   |
| 8/8-9/14   | Federal Aviation Administration Aviation Medical Examiner Review Course, Bethesda MD<br>Psychiatry Review; Addictive Disease Review                                                               |
| 6/16-18/14 | University of Utah School on Alcoholism and other Substance Use Disorders, Salt Lake City UT<br>Substance Use Disorders Overview<br>Marijuana Overview                                            |
| 6/5/14     | National Council of State Boards of Nursing, Park City UT<br>Substance Use Disorders & Drug Testing Overview                                                                                      |
| 5/6/14     | Mount Sinai School of Medicine, New York NY<br>Grand Rounds - Substance Use Disorders: A Practical Guide                                                                                          |
| 4/22/14    | National RX Drug Abuse Summit, Atlanta GA<br>Barriers to Access to Care; ER/LA Opioid REMS                                                                                                        |
| 2/9/14     | Princeton House Grand Rounds, Princeton NJ<br>Substance Use Disorders                                                                                                                             |
| 11/21/13   | International Society of Addiction Medicine, Kuala Lumpur Malaysia<br>International Education and Training in Addiction Medicine<br>The Definition of Addiction                                   |
| 11/11/13   | American Association for the Treatment of Opioid Dependence, Phila. PA<br>Opening Plenary Session                                                                                                 |
| 10/18/13   | Mississippi Physician Training Program, Jackson MS<br>Addiction: A Practical Guide                                                                                                                |
| 8/31/13    | Annual Oxford House World Convention, Washington DC<br>Why Behavioral Research & Data Collection Matter<br>Implications of the New ACA and Parity Laws                                            |
| 8/9-10/13  | Federal Aviation Administration Aviation Medical Examiner Review Course, Arlington VA<br>Psychiatry Review; Addictive Disease Review                                                              |
| 4/2/13     | National RX Drug Abuse Summit, Orlando FL<br>Access to Treatment<br>Prescribing Practices                                                                                                         |
| 1/18/13    | Woonsocket Prevention Coalition, Woonsocket RI<br>Marijuana - Medicine, or Just Another Buzz?                                                                                                     |
| 11/8/12    | US Psychiatric Congress, San Diego CA<br>Social Security Disability - An Overview<br>Addiction - A Practical Guide                                                                                |

10/17/12 International Society of Addiction Medicine, Geneva Switzerland  
The Role of the American Society of Addiction Medicine

9/29/12 US Marine Corps Substance Abuse Counseling Center Directors  
Substance Use Disorders: Overview

9/29/12 National Conference on Addiction Disorders, Orlando FL  
Substance Use Disorders: A Practical Guide

9/20/12 US Journal Training, Inc. Las Vegas NV  
Substance Use Disorders: A Practical Guide  
Marijuana - Medicine, or Just Another Buzz?

9/17/12 The National Perspective on Concurrent Disorders, Dearborn MI  
Substance Use Disorders: A Practical Guide  
Disability, Impairment, Limitations, & Restrictions

7/9/12 Princeton HealthCare System, Princeton NJ  
Grand Rounds: Psychiatric Disability, Impairment, Limitations, & Restrictions

4/15/12 The Roy Green Show - Corus Radio Network  
Guest, "Should Marijuana be Decriminalized"

3/30-31/12 Federal Aviation Administration Aviation Medical Examiner Review Course, Albuquerque NM  
Psychiatry Review; Addictive Disease Review

3/6/12 Dr. Drew - HLN  
Guest, "Use of 'Medical' Marijuana"

11/18-19/11 Federal Aviation Administration Aviation Medical Examiner Review Course, Portland OR  
Psychiatry Review; Addictive Disease Review

11/8/11 US Psychiatric Congress, Las Vegas NV  
Psychiatric Disability, Impairment, Limitations, & Restrictions

10/20/11 Consensus Building Summit on Electronic Health Records for Behavioral Health  
SAMHSA Participant

10/17/11 KPCC NPR Radio  
Air Talk - Interview regarding CMA Position on Marijuana

10/11-12/11 A Dialogue on Psychopharmaceuticals in Behavioral Healthcare, Rockville MD  
SAMHSA - DHHS Participant

9/19/11 FAA HIMS Seminar  
Purpose of Psychiatric & Psychologic Examination

9/10/11 International Society of Addiction Medicine, Oslo Norway  
The Role of US Treatment in Opioid Management

9/7/11 International Society of Addiction Medicine, Oslo Norway  
The Role of the American Society of Addiction Medicine

8/10-11/11 Workforce Issues: Integrating Substance Use Services into Primary Care  
HRSA - ONDCP - SAMHSA Participant

6/13/11 Princeton HealthCare System, Princeton NJ  
Grand Rounds: Substance Use Disorders, A Practical Guide

5/10-11/11 Federal Aviation Administration Aviation Medical Examiner Review Course, Anchorage AK  
Psychiatry Review; Addictive Disease Review

4/5/11 Dartmouth Medical School - Psychiatry 606 (Global Perspectives on Alcohol and Substance Abuse)  
Substance Use Disorders

3/25-26/11 Federal Aviation Administration Aviation Medical Examiner Review Course, Providence RI  
Psychiatry Review; Addictive Disease Review

1/22-23/11 Federal Aviation Administration Aviation Medical Examiner Review Course, Jacksonville FL  
Psychiatry Review; Addictive Disease Review

10/7/10 Supportive Oncology Conference, Chicago IL  
Approach to Pain Management in Patients with Substance Use Disorders

8/9/10 Princeton HealthCare System, Princeton NJ  
Grand Rounds: Medical Use of Cannabinoids

8/6-7/10 Federal Aviation Administration Aviation Medical Examiner Review Course, Pentagon City VA  
Psychiatry Review; Addictive Disease Review

7/27/10 Massachusetts Society of Addiction Medicine, Waltham MA  
Is There A Role for Benzodiazepines in Addictive Disease?

6/22/10 Health Recovery Services Lecture Series, Athens OH  
Addiction in Office Practice

5/26/10 Woonsocket Prevention Coalition Lecture Series, Woonsocket RI  
What's All the Fuss about Youth Alcohol Use?

4/23/10 Disability Management Employer Coalition, Minneapolis MN  
The Forgotten Link in Absence Management: Managing the Behavioral Health Provider

4/9-10/10 Federal Aviation Administration Aviation Medical Examiner Review Course, Salt Lake City UT  
Psychiatry Review; Addictive Disease Review

3/30/10 Dartmouth Medical School - Psychiatry 606 (Alcohol & Addiction Medicine)  
Substance Use Disorders

3/29/10 Beth Israel Deaconess Medical Center Pain Clinic, Brookline MA  
The Medical Aspects of Disability: An Overlooked Topic in Medical Training

2/8/10 Massachusetts General Hospital, Boston MA  
Grand Rounds, Medical Aspects of Disability

12/4/09 American Academy of Addiction Psychiatry Annual Meeting & Symposium, Century City CA  
Open Forum: Ethics & Conflict of Interest - Medical Marijuana

11/21-2/09 Federal Aviation Administration Aviation Medical Examiner Review Course, Seattle WA  
Psychiatry Review; Addictive Disease Review

10/15/09 NOSSCR Social Security Disability Law Conference, San Francisco CA  
Drugs & Alcohol: Medical and Legal Perspectives

8/7-8/09 Federal Aviation Administration Aviation Medical Examiner Review Course, Pentagon City VA  
Psychiatry Review; Addictive Disease Review

7/22/09 Federal Aviation Administration Aviation Medical Examiner Basic Course  
Psychiatry Review; Addictive Disease Review

6/19/09 Marthas Vineyard Hospital, Oak Bluffs MA  
Grand Rounds, Opioid Dependence Treatment Protocols

5/16/09 New Mexico Cancer Center, Albuquerque NM  
Pain & Addiction Review

5/5/09 Aerospace Medical Association Aviation Medical Examiner Theme Seminar, Los Angeles CA  
Aviation Psychiatry; Aviation Addictionology

4/7/09 Dartmouth Medical School - Psychiatry 606 (Alcohol & Addiction Medicine)  
Substance Use Disorders

2/20/09 Federal Aviation Administration Aviation Medical Examiner Review Course, Orlando FL  
Psychiatry Review; Addictive Disease Review

11/14/08 The Washington Hospital: Diversity in Psychiatry 2008, Canonsburg PA  
Pharmacotherapy of Addictive Disorders

11/1/08 US Psychiatric & Mental Health Congress, San Diego CA  
Pharmacologic Treatment of Alcoholism  
Dual Disorders

10/7/08 National Council for Community Behavioral Healthcare  
Webinar: A Framework for Suboxone Use in Public Treatment Centers

9/12/08 WRCR AM 1300, Rockland NY; Health in 30  
Teens and Prescription Drug Abuse

9/9/08 Columbia St. Mary's Fall Clinic, Milwaukee WI  
Alcohol & Other Substance Use Disorders

8/1/08 Federal Aviation Administration Aviation Medical Examiner Review Course, Washington DC  
Psychiatry Review; Addictive Disease Review

6/3/08 Touro College of Osteopathic Medicine, New York NY  
Introduction to Addictive Disease

5/21/08 National Association of Addiction Treatment Providers, Indian Wells CA  
Pharmacologic Treatment of Alcoholism

5/2/08 New Hampshire Public Defender Review Course, Concord NH  
Addiction: A Forensic Focus

4/5/08 Federal Aviation Administration Aviation Medical Examiner Review Course, Minneapolis MN  
Psychiatry Review; Addictive Disease Review

3/25/08 Dartmouth Medical School - Psychiatry 606 (Alcohol & Addiction Medicine)  
Substance Use Disorders

3/24/08 Dartmouth University Seminar on Substances and Addiction, Hanover NH  
Pharmacologic Treatment of Alcoholism? Ethical, Clinical, and Policy Failings in Alcohol Research

2/22/08 Nevada Psychiatric Association, Las Vegas NV  
Pharmacotherapy of Alcoholism  
Pharmacotherapy of Nicotine Dependence

1/18-19/08 Federal Aviation Administration Aviation Medical Examiner Review Course, Irvine CA  
Psychiatry Review; Addictive Disease Review

10/18/07 California Society of Addiction Medicine State-of-the-Art Meeting, Los Angeles CA  
Pharmacotherapy of Alcoholism: Are Research Guidelines Necessary?

9/17/07 CKNW NewsTalk 980, Vancouver; Interview on Afternoon Drive on Internet and Videogame Addiction

7/25/07 Association of Administrative Law Judges, Providence RI  
Evaluating Drug Addiction & Alcoholism  
Wellness & Addiction Disorders

7/6/07 WRCR AM 1300, Rockland NY; Health in 30  
Videogame Addiction

7/13/07 Introduction to Addictive Diseases, Nantucket MA



6/28/07 CKNW NewsTalk 980, Vancouver; Interview on Nightline BC

6/26/07 NBC Nightly News; Interview

5/11/07 PhRMA Law Section Annual Meeting, Boston MA  
Direct-to-Consumer Advertising

4/28-29/07 American Society of Addiction Medicine Medical-Scientific Conference, Miami FL  
The Nature of Recovery  
The Nature of Success in Addiction Treatment

4/18/07 Temple University Department of Psychiatry Grand Rounds, Philadelphia PA  
Alcoholism: A Practical Approach

4/3/07 Alcohol and Addiction Medicine; Dartmouth Medical School  
Substance Use Disorders: A Practical Approach

3/8/07 American Medical Student Association Annual Convention, Washington DC  
Addiction Medicine and Medical Students

11/16/06 US Psychiatric & Mental Health Congress, New Orleans LA  
Pharmaceutical Treatment of Addictive Disease  
Electronic Interaction with Psychiatric Patients

11/13/06 American Medical Association, Las Vegas NV  
Advocating for Policies to Reduce Binge Drinking: The AMA Experience

4/11/06 Alcohol and Addiction Medicine; Dartmouth Medical School  
Substance Use Disorders: A Practical Approach

10/26/05 Pharmaceutical Research and Manufacturers of America, Washington DC  
Direct To Consumer Advertising

9/27/05 US Social Security Administration Office of Hearings and Appeals, Dallas TX  
Training in Addiction Medicine for Administrative Law Judges

6/11/05 NADCP's 11th Annual Drug Court Training Conference, Orlando FL  
Partnering with the Medical Community

4/5/05 Alcohol and Addiction Medicine: Symbol and Substance; Dartmouth Medical School  
Substance Use Disorders: A Practical Approach

1/21/05 Roger Williams Hospital, Providence RI  
Substance Use Disorders: A Practical Approach

12/10/04 Blue Cross Blue Shield RI / Pfizer / Butler Hospital, Providence RI  
Substance Use Disorders: A Practical Approach

11/18/04 US Psychiatric & Mental Health Congress, San Diego CA  
Approve or Deny - My Job in Managed Care  
Online Practice of Psychiatry

6/5/04 NADCP's 10th Annual Drug Court Training Conference, Milwaukee WI  
Partnering with the Medical Community

5/10/04 NRI Community Mental Health Services, Woonsocket RI  
Novel Treatments for Adult ADHD

4/6/04 Alcohol and Addiction Medicine: Symbol and Substance; Dartmouth Medical School  
Substance Use Disorders: A Practical Approach

11/14/03 Woonsocket Task Force on Substance Abuse, Woonsocket RI  
The Effects of Alcohol Across the Lifecycle

11/6/03 US Psychiatric & Mental Health Congress, Orlando FL  
Email and the Psychiatric Patient  
Addictive Disease: A Practical Guide

4/1/03 Alcohol, Addiction, & Health; Dartmouth College/Medical School, Hanover NH  
Substance Use Disorders: A Practical Approach

10/22/02 Psychiatry Grand Rounds, Dartmouth Medical School, Hanover NH  
Online Issues relating to Substance Use Disorders

3/24/02 Practical Advances in the Recognition and Treatment of Addictive Disorders, Hilton Head  
Evidence-Based Techniques vs. Time-Honored Techniques in the Treatment of Substance Abuse  
Online Treatment of Addictive Disorders: What Works, What's Legal, What's Ethical?

12/3/01 The Forum for Medical Affairs, I-01 AMA Meeting, San Francisco CA  
Direct-to-Consumer Advertising

2/28/01 Southern Coastal International Conference  
Privacy & Confidentiality on the Internet

2/19/01 Rhode Island Psychiatric Society, Providence RI  
Debate - National Health Plan

10/18/00 eHealthCareWorld, Amsterdam  
The Impact of the Internet on Physician/Patient Relationships

9/30/00 Carolina Conference on Addiction 2000, Charlotte NC  
Dual Diagnosis and Mood Disorders

7/20/00 2000 Presidents' Forum, Washington DC  
How Physicians Effectively Use New Technologies

5/8/00 eHe@lth2000: How the Internet Changes Healthcare  
Physician Licensing and the Online Relationship

3/14/00 American Association for Geriatric Psychiatry Annual Meeting  
Telecommunications and Geriatric Mental Health Services in the 21st Century

3/5/00 Southern Coastal International Conference  
Detoxification and Treatment

10/13/99 Internet Healthcare Coalition: Quality Healthcare Information on the Net  
Healthcare Professionals and Licensure Online

9/15/99 Berks County Medical Society  
Confidentiality and the Internet

9/25/98 The Educational & Scientific Trust of the Pennsylvania Medical Society  
Faculty, Certificate in Medical Leadership & Management Program

9-11/98 Pennsylvania Medical Society  
Course Director, Computer Training for Physicians, Philadelphia

9/10-11/98 New Hampshire Public Defender Fall Retreat  
Mental Disorders and Their Behavioral Effects: Presentation of Mitigation Evidence  
Mental Disorders and Their Behavioral Effects: Depression, Drug Addiction, and Beyond

6/15-18/98 University of Utah School on Alcoholism & Other Substance Dependencies  
Faculty Member and Lecturer

6/4/98 Rutgers University Advanced School of Alcohol & Drug Studies  
Is Online Treatment Possible for the Alcoholic?

5/29/98 New Hampshire Public Defender Criminal Defense Training, Concord NH

## Mental Disorders and Their Behavioral Effects in the Criminal Case

|                              |                                                                                                                                                                |
|------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 5/18/98                      | Bournewood Hospital Medical Staff<br>Psychopharmacologic Treatment of Substance Abuse                                                                          |
| 4-5/98                       | Pennsylvania Medical Society<br>Course Director, Computer Training for Physicians, Harrisburg                                                                  |
| 4/4/98                       | Mount Sinai School of Medicine Scientific Session<br>Medical Treatment in the Online Environment                                                               |
| 3/2/98                       | The CyberMedia Show with Kim Bayne - National Public Radio<br>CyberAddiction                                                                                   |
| 9-11/97                      | Pennsylvania Medical Society<br>Course Director, Computer Training for Physicians                                                                              |
| 6/23-25/97                   | University of Utah School on Alcoholism & Other Substance Dependencies<br>Faculty Member and Lecturer                                                          |
| 6/4/97                       | Jewish Board of Family & Children's Services - JACS<br>Jews and Substance Dependence                                                                           |
| 5/20/97                      | APA's 150th Annual Meeting, San Diego<br>Technology in the Psychiatrist's Office                                                                               |
| 5/15/97                      | Massachusetts Medical Society Committee on Young Physicians<br>Guest Speaker                                                                                   |
| 4/17/97                      | ASAM's 28th Annual Medical-Scientific Conference, San Diego<br>Course Director, ASAM Computer and Online Course                                                |
| 11/96                        | International Update, Drug & Alcohol Abuse, Stoke-On-Trent, England<br>Dual Diagnosis in Drug Abuse                                                            |
| 9/27/96                      | Kentucky Medical Association Young Physicians Section<br>Guest Speaker                                                                                         |
| 4/96                         | Arthritis Foundation Telethon<br>PBS presentation discussing Depression in those with chronic medical illness                                                  |
| 4/96                         | ASAM's 27th Annual Medical-Scientific Conference, Atlanta<br>Organizer and Senior Faculty, ASAM Computer and Online Course                                     |
| 8/87-1/96                    | Macworld Expo - Biannual Lecture in San Francisco and Boston<br>The Macintosh in Health Care                                                                   |
| 6/95                         | Grand Rounds, The Arbour<br>Privacy and Confidentiality in the Psychiatric Workplace                                                                           |
| 4-6/95                       | Massachusetts Eye and Ear Infirmary, Boston, Mass. - Grand Rounds Series<br>Alcoholism Introduction; Privacy and Confidentiality; Drug and Alcohol Legislation |
| 11/94                        | Grand Rounds, The Arbour (11/16); Holy Family Hospital (11/17)<br>Dual Diagnosis, A Novel Approach                                                             |
| 5/94                         | APA 147th Annual Meeting - Session, Philadelphia<br>Drugs and other Online Services                                                                            |
| 2/94                         | VA, Togus, Maine<br>Depression: Recognition and Treatment                                                                                                      |
| 10/93, 12/93,<br>12/94, 4/95 | MGH-SmithKline Beecham Lecture Series<br>Depression: Recognition and Treatment                                                                                 |

10/93, 10/94, CD-ROM Expo, Boston MA  
 10/95 Reaping the Benefits: CD-ROM and Health Care

6/93 Brown University Center for Alcohol & Addiction Studies, Communications Retreat  
 Electronic Bulletin Board System Introduction

5/93 APA 146th Annual Meeting - Component Workshop, San Francisco CA  
 New Developments in Psychiatric Computing - Speech Technology

5/92 APA 145th Annual Meeting - New Research Poster Session, Washington DC  
 Medication: Educating the Psychiatric Patient; Tanner TB, Gitlow S

11/91 SCAMC Annual Meeting - Table Top Demonstration, Washington DC  
 Proceedings of the Symposium on Computer Applications in Medical Care, AMIA  
 Psychopharmacology Education Software - The First of a Series; Gitlow S, Tanner TB

11/91 SCAMC Annual Meeting - Table Top Demonstration, Washington DC  
 Proceedings of the Symposium on Computer Applications in Medical Care, AMIA  
 A Computer Simulation of Cardiac Emergencies; Tanner TB, Gitlow S

5/91 APA 144th Annual Meeting - New Research Poster Session, New Orleans LA  
 A Basic Computer Curriculum for Psychiatry; Tanner TB, Gitlow S, Rancurello MD

1/91 Symposium on Computers in Healthcare Education, Philadelphia PA  
 Self Evaluation Tool Applied to Basic Medical Sciences

1/91 Health Sciences Library Consortium Proceedings  
 Multiple Choice: The Creation of Computer-Based Examinations; Gitlow S, Tanner TB

1/91 Health Sciences Library Consortium Proceedings  
 Code Red!: A Computer Simulation of Cardiac Emergencies; Tanner TB, Gitlow S

4/89 Soviet-American Conference on Alcoholism, Moscow, USSR  
 Panel Participant

6/82 Univ. of Utah School on Alcoholism & Other Drug Dependencies  
 College Students and Drug Usage

#### PRODUCTIONS

6/08-present Host, Clinician's Roundtable, ReachMD XM 160  
 9/1/08 Addiction Medicine Board Certification: Shifting Practice?  
 7/7/08 Addiction Research: Are Outcomes Relevant to Actual Goals?  
 6/16/08 Addiction: A Lifestyle Choice or a Disease?

9/99-3/00 Expert Psychiatrist, Lifescape.com  
 9/96 - 10/01 Medical Director, Pain Relief Center, America Online  
 10/96 - 10/01 Executive Producer, Alternative Medical Forum, America Online  
 1/97 - 10/01 Medical Director, Addiction & Recovery Forum, America Online  
 7/97 - 10/01 Medical Director, Depression Information Forum, America Online  
 6/98 - 6/02 Executive Producer, Alternative Medical Forum, AOL Canada  
 9/98 - 6/02 Medical Director, Addiction & Recovery Forum, AOL Canada  
 1994-1996 Producer, ABC Network Forum, America Online

#### RESEARCH and GRANTS

8/12 American Medical Association Foundation  
 Healthy Living Grant Program Selection Committee

8/05 The Annenberg Foundation  
 Center for Living, Inc. Continuing Care Program  
 \$10M Endowment Awarded to CFL, Inc.

- 2/05 The Annenberg Foundation  
Center For Living, Inc.  
\$40M Endowment Awarded to CFL, Inc.
- 2/05 The Annenberg Foundation  
Physician Training Program in Abstinence-Based Addiction Treatment  
Project Director (PI)  
\$12.5M Endowment Awarded through Mount Sinai Medical Center - January 2005
- 9-10/93 SmithKline Beecham Pharmaceuticals Educational Grant  
Major Depression - Recognition and Treatment, S. Gitlow  
Lecture Series, Massachusetts General Hospital
- 10/91-3/92 National Institute of Mental Health, Dept. of Health and Human Services, PHS  
Medication: Educating the Psychiatric Patient - Associate Investigator  
SBIR Grant Awarded - August 1991, 1 R43 MH47615-01A1
- 5/90-4/91 Computer Assisted Instruction Supplemental Grant, Health Sciences Library Consortium  
Self-Evaluation Tool Applied to Psychopharmacology - Project Director (PI)  
Grant Awarded - April 1990, CAI0190-51
- 6-8/85 Smithers Alcoholism Treatment Center, Student Fellow  
Grant from NYS Dept. of Health and District Branch of APA

#### EXPERT WITNESS

- 2000-2018 Presented as Medical Expert for Social Security Office of Disability, Adjudication, and Review on approximately 3600 cases before an Administrative Law Judge.
- 1/21 International Brotherhood of Police Officers v. Town of Coventry, American Arbitration Association Case No. 01-19-0003-4871, Decided January 4, 2021
- 8/20 State of New Hampshire v Joshua Braz 217-19-CR-965
- 6/20 David Barkoe MD v Provident Insurance Co., US District Court Miami Division 1:19-CV-24046 (Deposition)
- 1/20 State of New Hampshire v John Hein 216-2017-CR-2150 (Testimony Hillsborough Superior Court North)
- 9/19 State of New Hampshire v Roger Dana 214-16-cr-135 (Testimony Coos Superior Court)
- 7/19 State of New Hampshire v Roger Dana (Deposition)
- 3/18 Kimberly Dupre v Seven Hills Rhode Island Inc, WCC 2017-4780 (Deposition)
- 2/18 State of New Hampshire v Jason Alleyne, 17-CR-852 (Deposition)
- 12/17 State of New Hampshire v Eduardo Lopez 93-S-621-24 (Deposition, Testimony Hillsborough Superior Court South)
- 9/17 (NDA) (Deposition)
- 8/17 State of New Hampshire v. Robert Brochu 219-2016-CR-01024
- 8/17 (NDA) Arbitration (Deposition)
- 10/16 Michael Cotta v Fox Enterprises, Workers Compensation Court WCC 2015-03750 (Deposition)
- 9/16 (NDA) Arbitration (Deposition)
- 7/16 US Senate Committee on the Judiciary Hearing "Researching the Potential Medical Benefits and Risks of Marijuana"
- 6/16 State of New Hampshire v John Rothwell 219-2015-CR-0232 (NH, Strafford Superior Court)
- 6/16 Landmeier v Narconon (Deposition, District Court of Pittsburg County, State of Oklahoma)
- 6/16 Hayden Barrett et al v G Grewal MD and S Grewal MD (Deposition)
- 3/15 State of New Hampshire v Eric Baker 226-14-CR-372
- 10/14 State of New Hampshire v James Bazinet 226-14-CR-34
- 3/14 State of New Hampshire v John Hogarty 216-13-CR-00450 (784394, 815751) (Deposition)
- 10/13 Anita Collazo v City of Providence (Deposition, WCC#2013-2746)
- 12/12 William D Johnson vs Paul Revere Life Insurance Co (Deposition, US District Court, New Jersey)
- 10/12 Administrator FAA v Roth, NTSB ALJ (testimony)
- 10/12 State of New Hampshire v Matthew Packer #226-2011-CR-770, 216-2013-CR-0008 (Deposition)
- 9/12 State of New Hampshire v Mark Cormier, #422-11-CR-1715
- 2/12 State of New Hampshire v JeRome Wilkins, #219-2010-CR-583 (NH, Strafford Superior Court)
- 8/11 Charlie Sheen v Warner Brothers
- 3/23/11 WP McGloin v Trammelcrow Services (Deposition)
- 1/24/11 Nancy Bruder v UNUM (Deposition)
- 11/09 Administrator FAA v Brothers, NTSB ALJ (testimony)
- 7/09-3/10 Administrator FAA v Richardson, NTSB ALJ (testimony)



12/08 State of New Hampshire v Lori Dowse - #08-S-1064  
8/08 State of New Hampshire v Dennis Freda, #06-S-162-165  
8/08 State of New Hampshire v Darryll Bifano, #08-172-73  
7/08 State of New Hampshire v Paul Richards, #08-S-144-148  
3/08 Administrator FAA v Renaud, NTSB ALJ (testimony)  
9/07 Allan Cole v. Donald T. Evans MD, Danbury Superior Court 11.03-0179 Deposition  
1/07 State of New Hampshire v David Beauchemin  
12/05 State of New Hampshire v William Hickman, #05-S-2219-29  
9/05 Consultant, Mass. Board of Registration in Medicine for Case review of Dr. Claude Curran  
7/05 Consultant, Getman, Stacey, Schulthess & Steere, Case of Eric Walters  
6/05 Deposition, Ruth Valenti v Truman Cleaver MD, Superior Court Washington 04-2-02248-3  
5/05 Consultant, Martin D. Harris in Re: Ranlec Javier, Providence Police 1-01-183908  
12/04 Consultant, Roetzel & Andress for Mullins et al. File: 061739-0661  
8/04 State of New Hampshire v Christopher Beltran #03-S-1137-8  
4/04 State of New Hampshire v Gary Moriarty #04-S-178; 03-S-634,635  
3/04 State of New Hampshire v Norbert Steiner #03-S-2486-9  
1/04 Penny Orabona v Stop & Shop Companies, WC 03-02092  
10/03 State of New Hampshire v Bruce Benjamin #03-1139-44  
4/02 State of New Hampshire v Heather Wiltshire, #01-S-689  
4/02 Elverta Adkins v Pikeville United Methodist Hospital, 00-CI00161 (Kentucky, Pike Circuit Court) (Deposition)  
11/01 Heidy Jordan Rogers v Bruce Feldman MD & Cape Ann Medical Center  
9/01 State of New Hampshire v Brian Patten #ST00-S-1232  
5/01 State of New Hampshire v Patrick Orman  
2/00 Commonwealth of Massachusetts v Thomas Farrington, #99-490 (001-003)  
12/99 State of New Hampshire v Dennis Towle #99-CR-0371-373  
9/99 State of New Hampshire v Tobey Ladd #99-S-167  
8/99 State of New Hampshire v Stanley Fish #99-S-097  
6/99 State of New Hampshire v Keith Benoit #99-S-053-56  
2/99 State of New Hampshire v Lucille Mullen  
7/97 State of New Hampshire v Jason Griffin #97-S-004-006, 053  
5/97 State of New Hampshire v Lawrence Powell #95-S-0772  
3/97 State of New Hampshire v Eric Bennett #96-S-1288  
2/97 State of New Hampshire v James Brackett  
10/96 Brian Carignan v Bruce Feldman MD & Cape Ann Medical Center  
7/96 State of New Hampshire v Sidney Corey  
6/96 State of New Hampshire v George Deveau #S-95-311-315  
5/96 State of New Hampshire v Cinthia Burlock #95-S-573  
11/95 State of New Hampshire v Bryan Colpitt  
9/95 State of New Hampshire v Craig Speh #95-S-009  
2/95 State of New Hampshire v Randy Franklin #93-S-2027F  
9/94 State of New Hampshire v Richard Cormier #93-S-1938-39F

## SERVICE

### American Medical Association

2016-2019: AMA CPT Advisor  
2014-2015: Chair, Council on Science and Public Health  
2007-2015: Member, Council on Science and Public Health  
2004-2008: Chair, Action Team on Alcohol and Health  
2003: Member, Committee on Organization of Organizations  
1/99-12/02: Vice-Chair, AMA Online Oversight Panel / eMedicine Advisory Committee  
11/97-12/98: Editorial Board, AMA Corporate Web Site  
2/97: AMPAC Campaign School Participant  
House of Delegates  
Delegate, ASAM, I-99, A-00, I-00, A-01, I-01, A-02, I-02, A-03, I-03, A-04, I-04, A-05, I-05, A-06, I-06, A-07, I-07, A-08, I-08, A-09, I-09, A-10, I-10, A-11, I-11, A-12, I-12, A-13, I-13, A-14, I-14, A-15, I-15, A-16, I-16, A-17, I-17, A-18, I-18, A-19, I-19  
Chair, Reference Committee E, A-04  
Reference Committee D, A-01  
Alternate Delegate, ASAM, I-94, I-95, I-97, I-98, A-99  
Section on Medical Schools  
Delegate, Mount Sinai School of Medicine, A-06, I-06, A-07, I-07, A-08, I-08, A-09, I-09, A-10, I-10, A-11, I-11, A-12, I-12, A-13, I-13, A-14

The Forum for Medical Affairs  
 Immediate Past President, 2011-2012  
 President, 2010  
 President-Elect, 2009  
 Secretary, 2008  
 Executive Committee, 12/00-12/07  
 Young Physicians Section  
 Past Chair, 6/00-6/01  
 Chair, 6/99-6/00  
 Chair-Elect, 6/98-6/99  
 Governing Council, Member-At-Large, 6/96-6/98  
 Chair, Late Resolution Committee, A-96  
 Member, Late Resolution Committee, I-95  
 Delegate, A-95, I-95, A-96  
 Resident Physician Section  
 Delegate, I-92, A-93, I-93, A-94, I-94  
 Medical Student Section  
 Member, Credentials Committee, I-86  
 Delegate, I-85, A-86, I-86

#### American Psychiatric Association

2015: Distinguished Fellow status  
 2006: Fellow status  
 1996-2000: Corresponding Member, APA Telemedical Services Committee

#### American Society of Addiction Medicine

2018: ASAM Annual Award “for outstanding contributions to the growth and vitality of our Society, for thoughtful leadership in the field, and for deep understanding of the art and science of Addiction Medicine.”  
 2017: Distinguished Fellow status  
 2015-2017: Immediate Past President  
 2013-2015: President  
 2011-2013: Acting President  
 2007-2010: Treasurer  
 2003-2007: Director-At-Large, ASAM Board of Directors  
 1999-present: ASAM Delegate to the AMA HOD  
 1998-1999: ASAM Alternate Delegate to the AMA HOD  
 1997-2003: Co-Chair, ASAM Public Policy Committee  
 1993-2003: Chair, ASAM Electronic Communications Committee  
 1995-6: ASAM Delegate to the AMA Young Physician Section  
 1993-6: Chair, ASAM Members-In-Training Committee  
 1993-4: ASAM Delegate to the AMA Resident Physician Section

#### Medical Society of the State of New York

2019-20: Delegate, NYCMS  
 2008: Delegate, NYCMS  
 1984-8: Delegate, Medical Student Section  
 1986: Member, Committee on Drug Abuse  
 1985: Member, Committee on Information Technology

#### New York City Medical Reserve Corps

2006: Member

#### New York County Medical Society

2018-present: Member, Board of Directors  
 2006-2012: Member, Board of Directors  
 2006-2012: Chair, Committee on Public Health

#### Pennsylvania Medical Society

2000-1: Delegate, Young Physicians Section  
 1999-2001: Member, Commission on Communication Technology  
 1996-8: Member, Physicians Technology Education Committee  
 1998: Vice Chair, Young Physicians Section  
 1997: Member-At-Large, Young Physicians Section  
 1995-6: Alternate Delegate, Young Physicians Section  
 1994: Chairman, Resident Physician Section  
 1993-4: Vice-Chairman, Resident Physician Section  
 1993-4: Member, Reference Committee, Pennsylvania House of Delegates  
 1992: Member-At-Large, Resident Physician Section

#### US Coast Guard Auxiliary

2006: 1NR-07-08 (Providence Flotilla)  
 10/28/06; 10/27/07 - USCG ASCC Safety Workshop  
 11/21/06 - FEMA IS-00100; IS-00200; IS-00700; IS-00800.A  
 12/2/06 - Aux Air Observer Ground Training  
 12/2/06 - Air Pilot / Air Observer Exam A (94%)  
 12/2/06 - Pilot Test (90%)  
 12/4/06 - Instructor Training Exam (91%)  
 12/10/06 - Good Mate Test (100%)  
 12/11/06 - AuxAPC (93%)  
 12/11/06 - IMSEP (95%)  
 12/18/06 - Program Visitor (98%)  
 12/18/06 - Vessel Examiner (92%)  
 1/6/07 - AUXOP Communications (97%)  
 1/28/07 - SAR Training  
 9/28/07 - Fingerprint Tech (100%)  
 9/30/07 - IDC Exam (95%)  
 1/5/08 - AUXOP Patrols (93%)  
 1/5/08 - AUXOP Weather (77%)DV  
 1/6/08 - NASBLA Boating (97%)  
 3/11/08 - PA Policy (AUX-21) (94%)  
 3/12/08 - PA Introduction (AUX-20) (94%)  
 3/13/08 - PA USCG 2nd Class (AUX-22) (92%)  
 3/18/08 - IIMS Exam (86%)  
 3/21/08 - Enhanced Crew Resource Management, AUX-17, Pensacola NAS  
 3/21/08 - Aviation Spatial Disorientation Training, AUX-18, Pensacola NAS  
 4/19/08 - Aerial Reconnaissance Digital Photography Training  
 4/20/08 - Digital Photography (AUX-26) (96%)  
 4/26/08 - Journalism, Basic (AUX-24) (90%)  
 4/28/08 - Journalism, Advanced (AUX-25) (92%)  
 5/19/08 - Marine Safety Training Ribbon  
 6/10/08 - 1NR Division 7 Staff Officer - Public Affairs  
 7/1/08 - Air Crew - Operations Certification  
 12/8/08 - FEMA IS-00139, IS-00230, IS-00235, IS-00240, IS-00241, IS-00242, IS-00244  
 12/9/08 - FEMA Emergency Management Institute Professional Development Series Achievement  
 2009 1NR Division 7 Secretary - Records Staff Officer  
 1NR Division 7 Staff Officer - Public Affairs  
 Flotilla 07-08 Vice Commander  
 Flotilla Staff Officer - Aviation  
 1/3/09 - ICS 210 - Initial Incident Commander  
 1/4/09 - FEMA IS-250, IS-00702  
 2/8/09 - Public Affairs & Marketing Training, AUX-12, USCG ISC Miami  
 2/18/09 - Instructor Qualification  
 3/25/09 - Recreational Boating Safety Program Visitor Qualification  
 9/19/09 - Public Affairs Specialist 3 Qualification  
 11/21/10 - FEMA IS-200.b ICS  
 12/30/10 - Public Affairs Specialist 2 Qualification  
 2/16/11 - Flotilla Leadership Course  
 4/4/11 - Sustained Service Award  
 4/4/11 - Swim Test  
 5/2/11 - Technology School, AUX-04, USCG Academy  
 8/27/11 - Auxiliary Commandant's Letter of Commendation

11/7/11 - Membership Service Award  
 12/31/11 - Recreational Boating Safety Program Specialist  
 2/8/12 - Coast Guard Meritorious Team Commendation  
 4/1/12 - Stephen J Sadowski Public Affairs Award  
 7/8/13 - Coast Guard Meritorious Unit Commendation  
 7/20/15 - FEMA - IS-00029 (PIO Awareness)  
 8/26/16 - Coast Guard Meritorious Team Commendation  
 5/16/19 - Coast Guard Unit Commendation  
 9/22/20 - AUXOP Seamanship (94%)  
 9/22/20 - AUXOP - Operational Auxiliarist Qualification

2010 National Staff - Branch Chief, Photography (BC-APP)  
 Flotilla 07-08 Vice Commander  
 Flotilla Staff Officer - Aviation  
 2011 National Staff - Division Chief, Creative Services (DVC-AS)  
 Flotilla 07-08 Commander  
 2012- National Staff - Branch Assistant, USCG Photo Corps (BA-ASPC)  
 2020

US Public Health Service

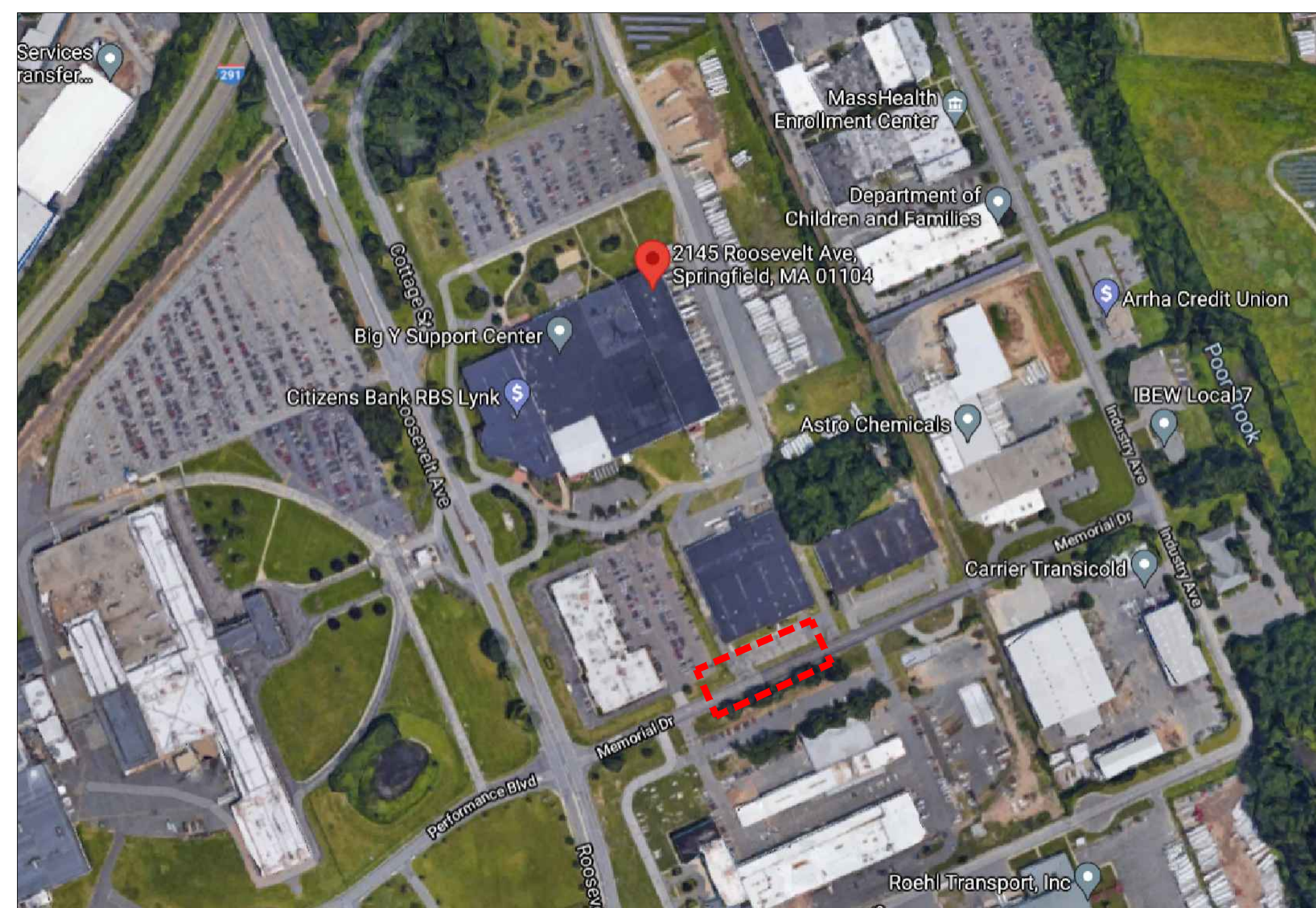
1991, 1994: Delegate, Residency Reform Meeting

Revised: 1/4/21





**PROPOSED CONDUIT INSTALLATION  
AT  
2145 ROOSEVELT AVE (MEMORIAL DR)  
SPRINGFIELD, MA**



**LOCUS**  
N.T.S

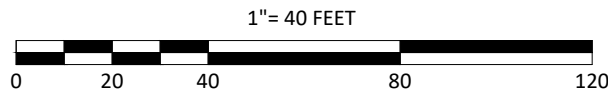
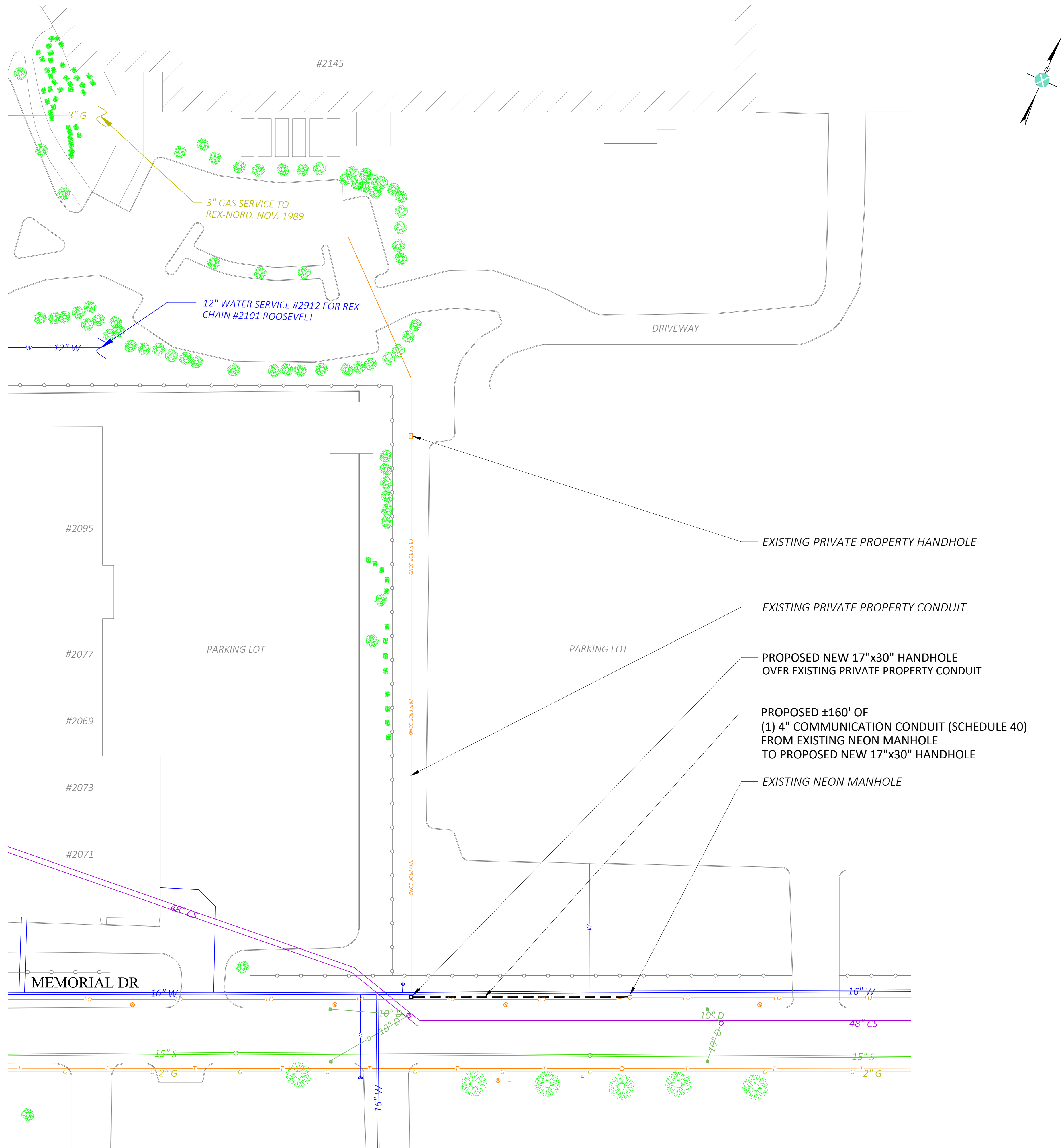
**INDEX OF DRAWING**

| SHEET NO. | DESCRIPTION                   |
|-----------|-------------------------------|
| --        | COVER SHEET                   |
| 01        | PROPOSED CONDUIT INSTALLATION |
| 02        | GENERAL NOTES AND DETAILS     |

**AXIS**  
ENGINEERING GROUP  
201 Boston Post Rd West – Suite 100  
Marlborough, MA 01752  
(774) 556-2924 www.axisengr.com

May 18, 2021





| LEGEND |                    |   |                  |
|--------|--------------------|---|------------------|
| ×      | ELECTRIC POLE      | ⦿ | STREET LIGHT     |
| ⊗      | JOINT UTILITY POLE | ⦿ | ELECTRIC HH      |
| ⊗      | LAMP POST          | ⦿ | TEL HH           |
| ⊗      | TRAFFIC LIGHT      | ⦿ | CATV HH          |
| ⊗      | SEWER MH           | ⦿ | COMM PEDESTAL    |
| ⊗      | DRAIN MH           | ⦿ | IRRIGATION VALVE |
| ⊗      | TELEPHONE MH       | ⦿ | WATER METER      |
| ⊗      | ELECTRIC MH        | ⦿ | GAS METER        |
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| ⊗      | PAG                | ⦿ | WATER GATE       |
| ⊗      | BUSH/SHRUB         | ⦿ | HYDRANT          |
| ⊗      | RIGHT OF WAY       | ⦿ | MAIL BOX         |
| ⊗      | CULVERT            | ⦿ | STONE BOUND      |
| ⊗      | GUARD RAIL         | ⦿ | PARKING METER(S) |
| ⊗      | FENCE              | ⦿ | STEEL POST       |
| ⊗      | ELECTRIC VAULT     | ⦿ | SIGN POLE        |
| ⊗      | TRAFFIC HH         | ⦿ | UG CABLE MARKER  |
| ⊗      | PROPOSED HH        | ⦿ | TRANSFORMER      |
| ⊗      | PROPOSED CONDUIT   | ⦿ | CATCH BASIN      |

NOTE:  
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CALL BEFORE YOU DIG  
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72 HOURS NOTICE REQUIRED.  
ENTER 1-888-DIG-SAFE

PREPARED BY:



PREPARED FOR:



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TITLE:  
**PROPOSED CONDUIT INSTALLATION**  
2145 ROOSEVELT AVE (MEMORIAL DR)  
SPRINGFIELD, MA

|              |                  |           |          |
|--------------|------------------|-----------|----------|
| SURVEYED BY: | AXIS ENGINEERING | PRINT NO: | 1 OF 2   |
| DRAWN BY:    | SL               | SCALE:    | 1" = 40' |
| DATE:        | 05/18/2021       | AS-BUILT: |          |



GENERAL NOTES

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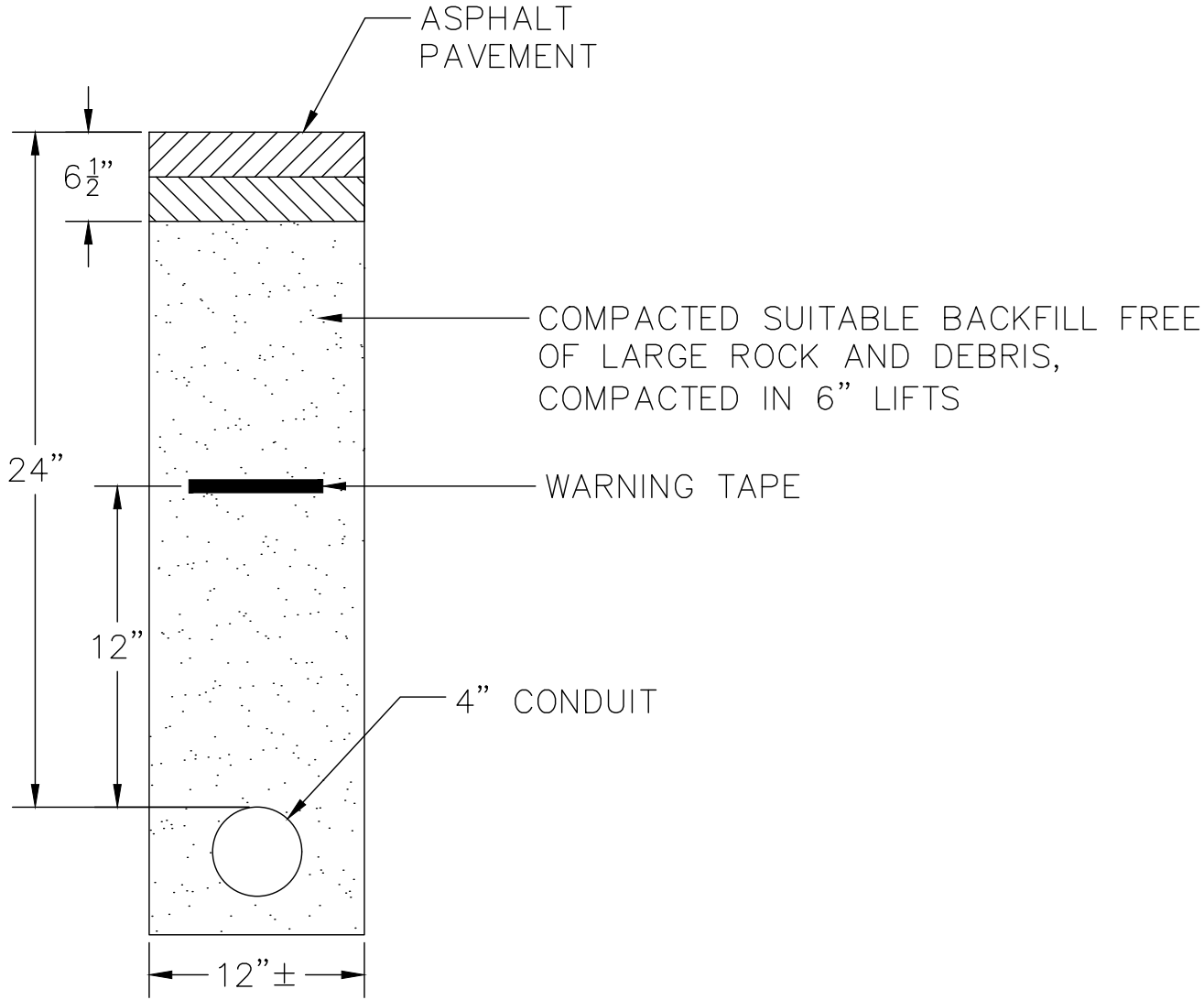
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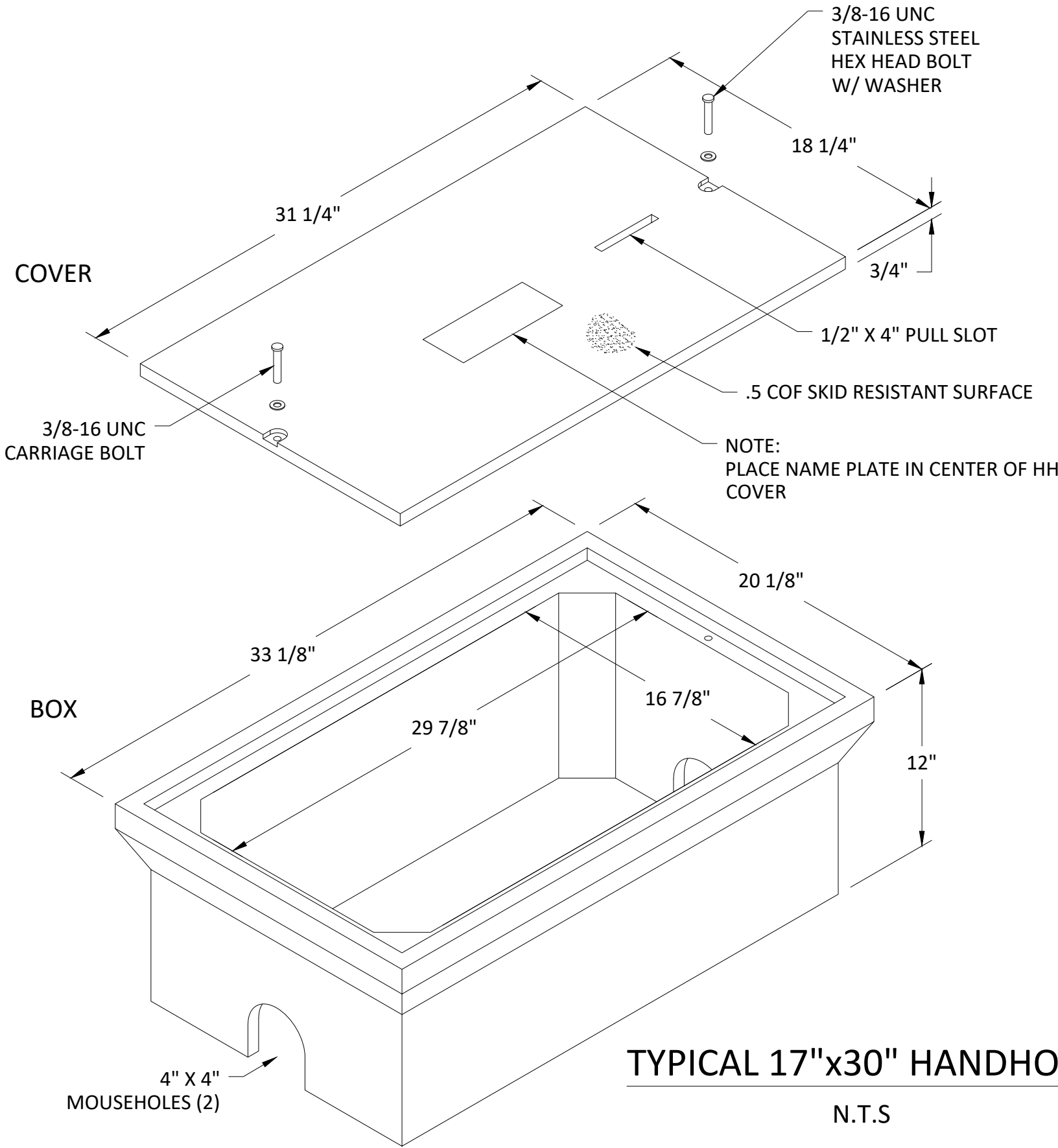


ROADWAY PATCH AND DUCT BANK  
INSTALLATION DETAIL

N.T.S.

TRENCH DETAIL NOTES:

1. 24" MAXIMUM FROM TOP OF CONDUIT TO SURFACE.
2. 12" FROM TOP OF CONDUIT TO METALLIC WARNING TAPE PLACED ABOVE.
3. REPAIR SIDEWALKS AND WALKWAYS WITH SAME MATERIALS AS EXISTING.



TYPICAL 17"x30" HANDHOLE

N.T.S.

LEGEND

|   |                    |   |                  |
|---|--------------------|---|------------------|
| × | ELECTRIC POLE      | ☎ | STREET LIGHT     |
| ⊗ | JOINT UTILITY POLE | ⌚ | ELECTRIC HH      |
| ⊗ | LAMP POST          | ⌚ | TEL HH           |
| ⊗ | TRAFFIC LIGHT      | ⌚ | CATV HH          |
| ⊗ | SEWER MH           | ⌚ | COMM PEDESTAL    |
| ⊗ | DRAIN MH           | ⌚ | IRRIGATION VALVE |
| ⊗ | TELEPHONE MH       | ⌚ | WATER METER      |
| ⊗ | ELECTRIC MH        | ⌚ | GAS METER        |
| ⊗ | CATV MH            | ⌚ | SEWER GATE       |
| ⊗ | WATER MH           | ⌚ | GAS GATE         |
| ⊗ | PAG                | ⌚ | WATER GATE       |
| ⊗ | BUSH/SHRUB         | ⌚ | HYDRANT          |
| ⊗ | RIGHT OF WAY       | ⌚ | MAIL BOX         |
| ⊗ | CULVERT            | ⌚ | STONE BOUND      |
| ⊗ | GUARD RAIL         | ⌚ | PARKING METER(S) |
| ⊗ | FENCE              | ⌚ | STEEL POST       |
| ⊗ | ELECTRIC VAULT     | ⌚ | SIGN POLE        |
| ⊗ | TRAFFIC HH         | ⌚ | UG CABLE MARKER  |
| ⊗ | PROPOSED HH        | ⌚ | TRANSFORMER      |
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CALL BEFORE YOU DIG  
UNDERGROUND SERVICE ALERT  
72 HOURS NOTICE REQUIRED.  
ENTER 1-888-DIG-SAFE

PREPARED BY:

AXIS  
ENGINEERING GROUP

PREPARED FOR:

CROWN  
CASTLE

| REV # | DESCRIPTION | DATE |
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TITLE:  
  
GENERAL NOTES AND DETAILS  
2145 ROOSEVELT AVE (MEMORIAL DR)  
SPRINGFIELD, MA

|              |                  |           |          |
|--------------|------------------|-----------|----------|
| SURVEYED BY: | AXIS ENGINEERING | PRINT NO: | 2 OF 2   |
| DRAWN BY:    | SL               | SCALE:    | N. T. S. |
| DATE:        | 05/18/2021       | AS-BUILT: |          |

## PETITION TO INSTALL AND MAINTAIN FIBER OPTIC FACILITIES

To The City of Springfield, Massachusetts:

Crown Castle NG East, LLC, anticipates that, as provided by law, it may be granted permission to install and maintain fiber optic telecommunication facilities in the public way, hereinafter named, consisting of underground facilities substantially as shown upon the plan foiled herewith and made a part hereof, together with all necessary wires, cables, devices, equipment, and other items relating thereto, and likewise the manhole and vault construction connected with said fiber optic facilities, as indicated by said plan marked “Proposed Conduit Installation at 2145 Roosevelt Ave (Memorial Dr), Springfield, MA” subject to such deviations that may be required for technical, engineering, or other purpose. The following is the public way above referred to:

**Memorial Dr:** Starting at Existing Neon/Crown Castle) on Memorial Dr, trench and install (1) 4” conduit 160’ +/- westerly to Proposed 17”x30” Crown Castle Handhole placed over existing Private Property Conduit belonging to 2145 Roosevelt Ave.

Please see the attached plan.

If you should have any questions or need additional information in order to process this petition, please contact me.

*Steve Crescimanno*

Steve Crescimanno  
Network Construction Manager  
Crown Castle Fiber  
Mobile: 860-576-0742  
Steven.Crescimanno @crowncastle.com

Dated this 18<sup>th</sup> day of May, 2021

Attachment: Petition.2145 Roosevelt Ave (Memorial Dr) (6279 : Crown Castle- Memorial Dr.)

## ORDER OF LOCATION FOR UNDERGROUND FIBER OPTIC FACILITIES

By the City of Springfield, Massachusetts, as approved by law,

### IT IS HEREBY ORDERED:

That Crown Castle NG East, LLC, be and it is hereby granted permission to install and maintain fiber optic telecommunications facilities in the public way hereinafter named. Consisting of underground facilities as shown upon the plan filed herewith and made part hereof, together with all necessary wires, cables, devices, equipment, and other items relating thereto, and likewise the manhole and vault construction connected with said fiber optic facilities, as requested in petition of said company dated this \_\_\_\_ day of \_\_\_\_\_, 2021.

All construction under this order shall be performed with due regard to public safety, and shall be placed substantially at the points indicated upon the plan filed with and made part of said petition, subject to such deviations as may be required for technical, engineering, or other purposes.

**Memorial Dr:** Starting at Existing Neon/Crown Castle) on Memorial Dr, trench and install (1) 4" conduit 160' +/- westerly to Proposed 17"x30" Crown Castle Handhole placed over existing Private Property Conduit belonging to 2145 Roosevelt Ave.

Please see the attached plan marked "Proposed Conduit Installation at 2145 Roosevelt Ave (Memorial Dr), Springfield, MA"

Attachment: Order.2145 Roosevelt Ave (Memorial Dr) (6279 : Crown Castle- Memorial Dr.)

We hereby certify that on \_\_\_\_\_ 2021, at \_\_\_\_\_ o'clock  
 At \_\_\_\_\_ a public hearing was held on the petition of:

CROWN CASTLE NG EAST, LLC

I hereby certify that the foregoing order was adopted at a meeting of the City Council of  
 Springfield, Massachusetts, held on the \_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
 City Clerk

I hereby certify that the foregoing is a true copy of a location order adopted by the City Council  
 of the City of Springfield, Massachusetts on the \_\_\_\_ day of \_\_\_\_\_, 2021, and  
 recorded with the records of location orders of said city, Book \_\_\_\_\_, Page \_\_\_\_\_.

This certified copy is made under the provisions of Chapter 166 of General Laws and any  
 additions thereto or attachments thereof.

Attest: \_\_\_\_\_

City Clerk

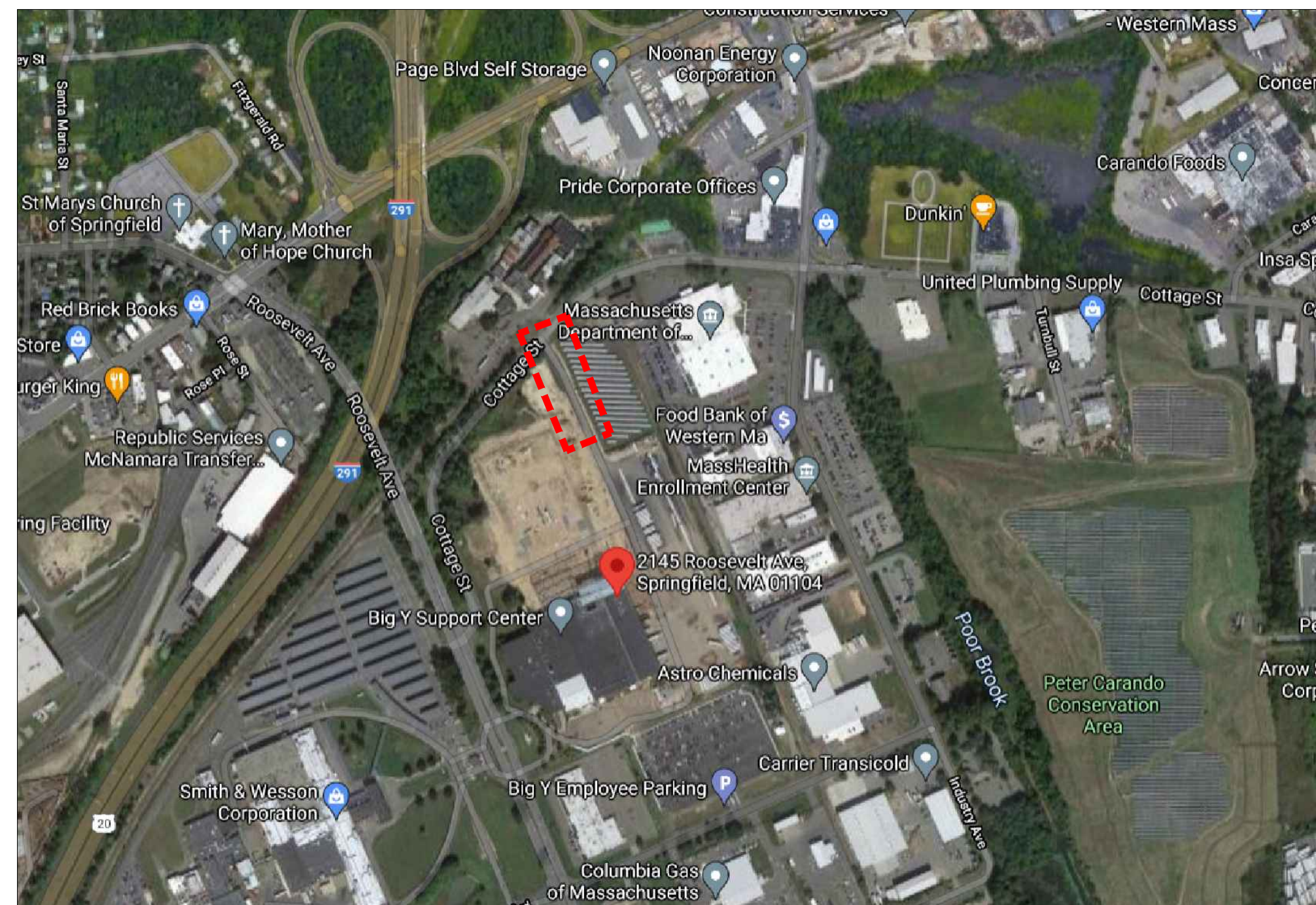








**PROPOSED CONDUIT INSTALLATION  
AT  
2145 ROOSEVELT AVE (COTTAGE ST)  
SPRINGFIELD, MA**



**LOCUS**  
N.T.S

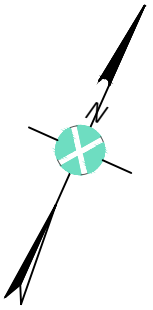
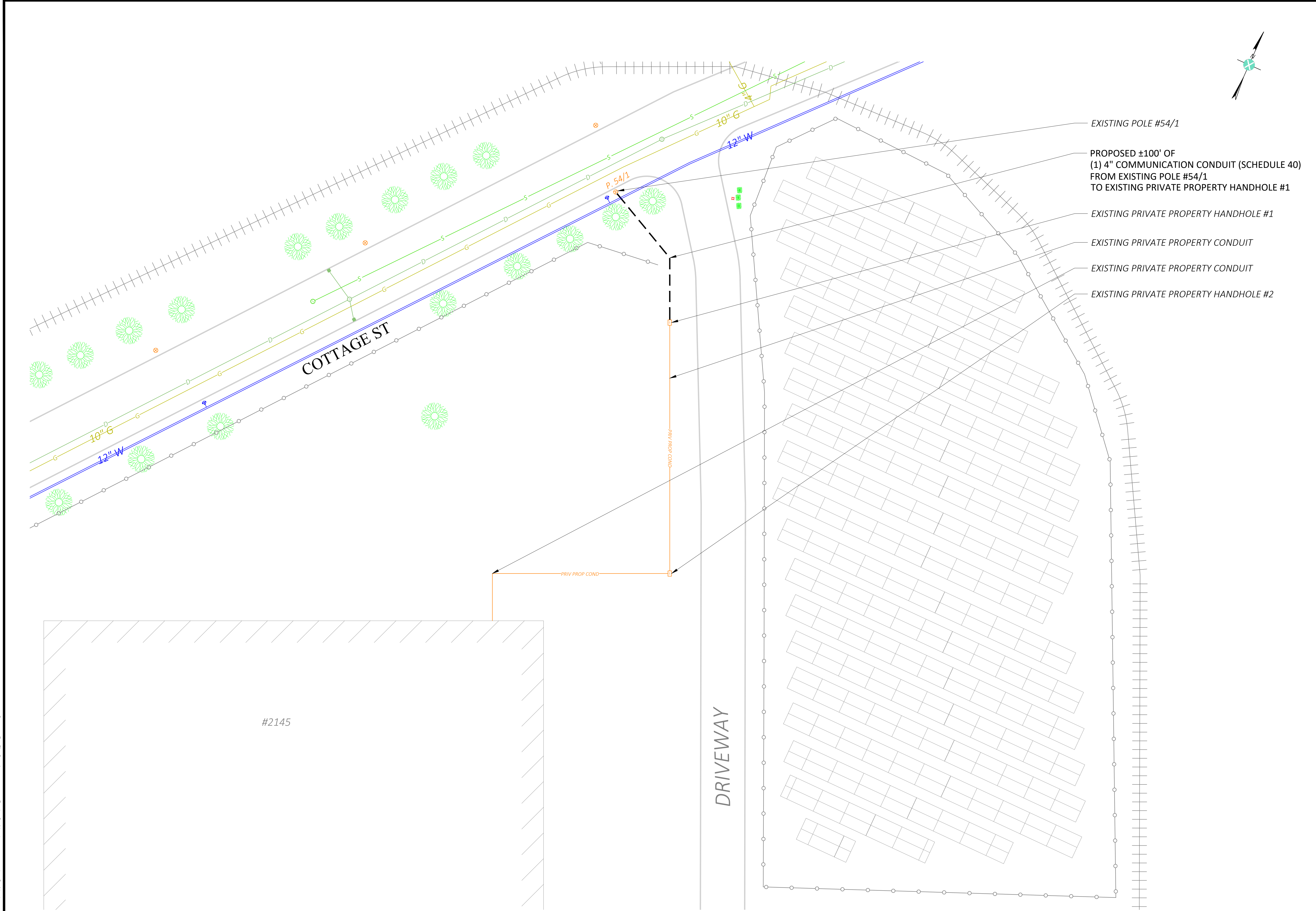
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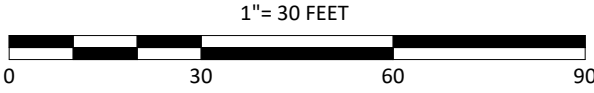
**AXIS**  
ENGINEERING GROUP  
201 Boston Post Rd West – Suite 100  
Marlborough, MA 01752  
(774) 556-2924 www.axisengr.com



09/19/2021 Y:\2021\Crown Castle\MA\Springfield\2145 Roosevelt Ave\CAD\Springfield, MA\_2145 Roosevelt Ave Cottage St\_Civil\_5-19-21.dwg



- EXISTING POLE #54/1
- PROPOSED ±100' OF (1) 4" COMMUNICATION CONDUIT (SCHEDULE 40) FROM EXISTING POLE #54/1 TO EXISTING PRIVATE PROPERTY HANDHOLE #1
- EXISTING PRIVATE PROPERTY HANDHOLE #1
- EXISTING PRIVATE PROPERTY CONDUIT
- EXISTING PRIVATE PROPERTY CONDUIT
- EXISTING PRIVATE PROPERTY HANDHOLE #2



| LEGEND |                    |   |                  |
|--------|--------------------|---|------------------|
| ×      | ELECTRIC POLE      | ⦿ | STREET LIGHT     |
| ⊗      | JOINT UTILITY POLE | ⌚ | ELECTRIC HH      |
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PREPARED FOR:



| REV # | DESCRIPTION | DATE |
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TITLE:  
**PROPOSED CONDUIT INSTALLATION**  
2145 ROOSEVELT AVE (COTTAGE ST)  
SPRINGFIELD, MA

|              |                  |           |          |
|--------------|------------------|-----------|----------|
| SURVEYED BY: | AXIS ENGINEERING | PRINT NO: | 1 OF 2   |
| DRAWN BY:    | SL               | SCALE:    | 1" = 30' |
| DATE:        | 05/19/2021       | AS-BUILT: |          |



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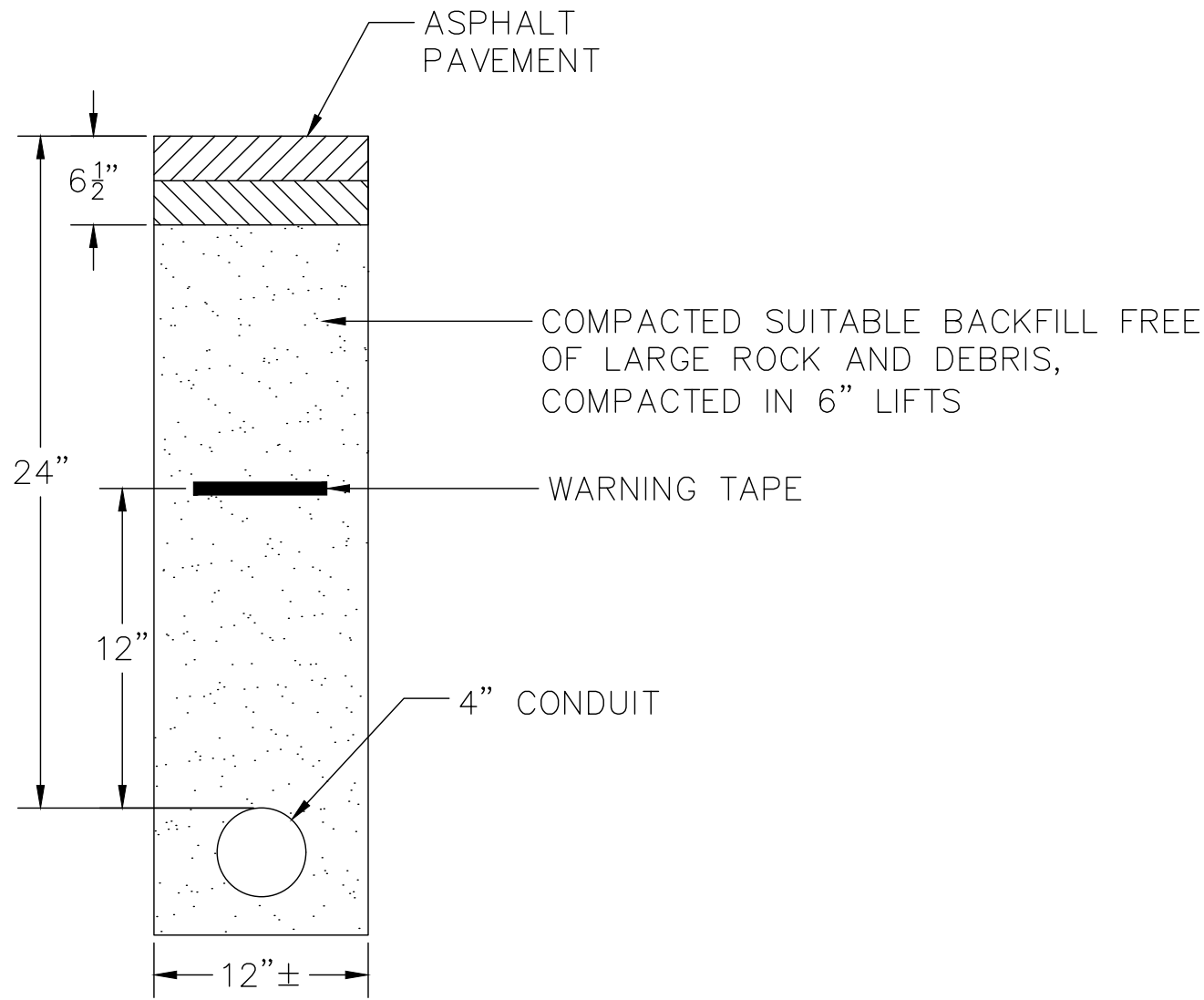
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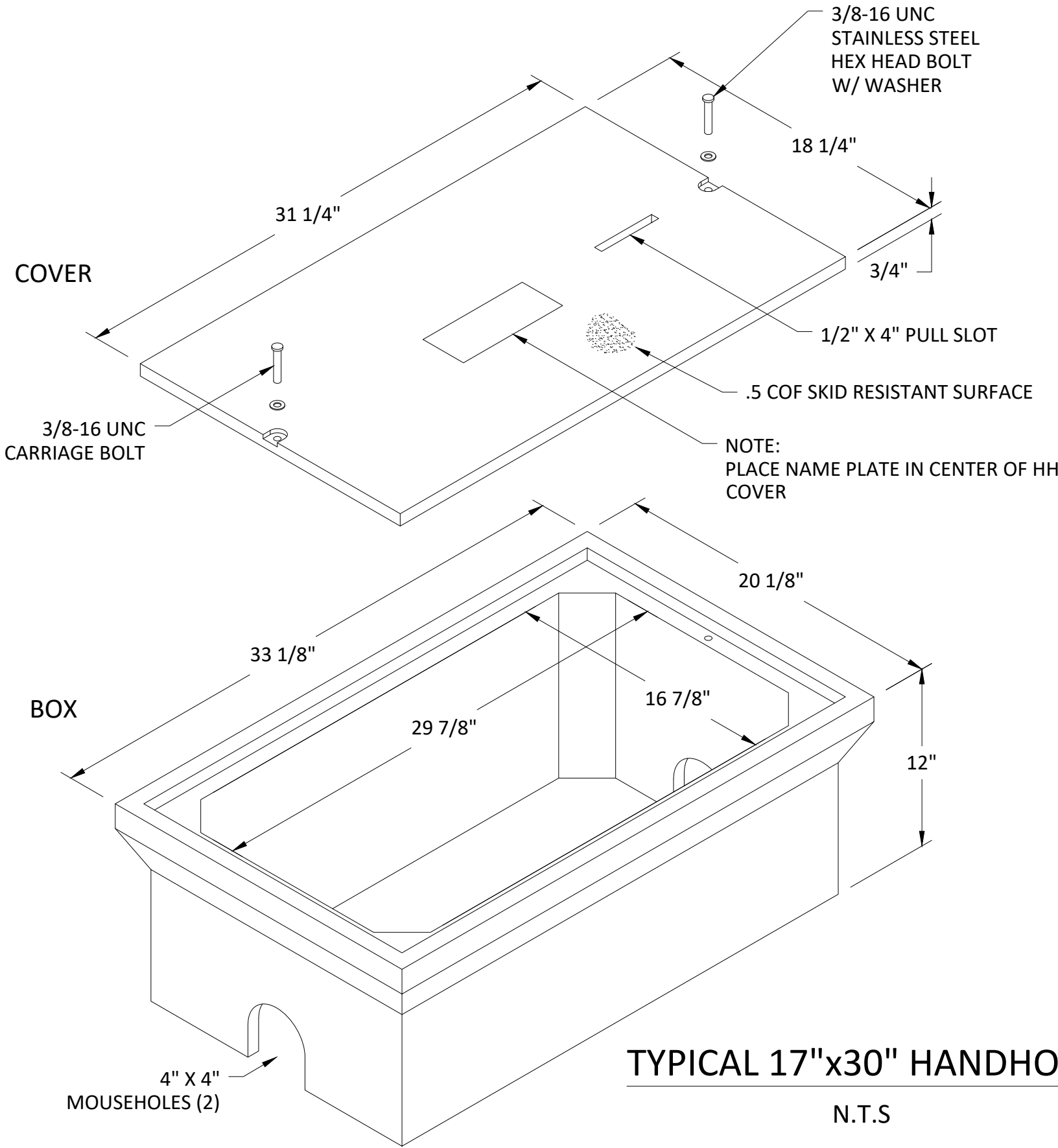


ROADWAY PATCH AND DUCT BANK  
INSTALLATION DETAIL

N.T.S.

TRENCH DETAIL NOTES:

1. 24" MAXIMUM FROM TOP OF CONDUIT TO SURFACE.
2. 12" FROM TOP OF CONDUIT TO METALLIC WARNING TAPE PLACED ABOVE.
3. REPAIR SIDEWALKS AND WALKWAYS WITH SAME MATERIALS AS EXISTING.



TYPICAL 17"x30" HANDHOLE

N.T.S.

LEGEND

|                    |                    |     |                  |
|--------------------|--------------------|-----|------------------|
| ×                  | ELECTRIC POLE      | ☎   | STREET LIGHT     |
| ⊗                  | JOINT UTILITY POLE | [E] | ELECTRIC HH      |
| ⊗                  | LAMP POST          | [7] | TEL HH           |
| ⊗                  | TRAFFIC LIGHT      | [C] | CATV HH          |
| [S]                | SEWER MH           | ☒   | COMM PEDESTAL    |
| [D]                | DRAIN MH           | [I] | IRRIGATION VALVE |
| [T]                | TELEPHONE MH       | [W] | WATER METER      |
| [E]                | ELECTRIC MH        | [G] | GAS METER        |
| [C]                | CATV MH            | [S] | SEWER GATE       |
| [W]                | WATER MH           | [G] | GAS GATE         |
| [PAG]              | PAG                | [W] | WATER GATE       |
| [BUSH/SHRUB]       | BUSH/SHRUB         | [H] | HYDRANT          |
| [R/W]              | RIGHT OF WAY       | [M] | MAIL BOX         |
| [CULVERT]          | CULVERT            | [S] | STONE BOUND      |
| [G]                | GUARD RAIL         | [P] | PARKING METER(S) |
| [FENCE]            | FENCE              | [O] | STEEL POST       |
| [ELECTRIC VAULT]   | ELECTRIC VAULT     | [S] | SIGN POLE        |
| [TRAFFIC HH]       | TRAFFIC HH         | [O] | UG CABLE MARKER  |
| [PROPOSED HH]      | PROPOSED HH        | [T] | TRANSFORMER      |
| [PROPOSED CONDUIT] | PROPOSED CONDUIT   | [C] | CATCH BASIN      |

NOTE:  
EXISTING UTILITIES SHOWN ARE APPROXIMATE AND NOT WARRANTED TO BE CORRECT. THE CONTRACTOR SHALL VERIFY THE LOCATION OF ALL PUBLIC AND PRIVATE UTILITIES PRIOR TO BEGINNING ANY EXCAVATION.



CALL BEFORE YOU DIG  
UNDERGROUND SERVICE ALERT  
72 HOURS NOTICE REQUIRED.  
ENTER 1-888-DIG-SAFE

PREPARED BY:



PREPARED FOR:



| REV # | DESCRIPTION | DATE |
|-------|-------------|------|
|       |             |      |
|       |             |      |
|       |             |      |
|       |             |      |
|       |             |      |

TITLE:  
**GENERAL NOTES AND DETAILS**  
2145 ROOSEVELT AVE (COTTAGE ST)  
SPRINGFIELD, MA

|              |                  |           |          |
|--------------|------------------|-----------|----------|
| SURVEYED BY: | AXIS ENGINEERING | PRINT NO: | 2 OF 2   |
| DRAWN BY:    | SL               | SCALE:    | N. T. S. |
| DATE:        | 05/19/2021       | AS-BUILT: |          |

## PETITION TO INSTALL AND MAINTAIN FIBER OPTIC FACILITIES

To: The City of Springfield, Massachusetts:

Crown Castle NG East, LLC, anticipates that, as provided by law, it may be granted permission to install and maintain fiber optic telecommunication facilities in the public way, hereinafter named, consisting of underground facilities substantially as shown upon the plan foiled herewith and made a part hereof, together with all necessary wires, cables, devices, equipment, and other items relating thereto, and likewise the manhole and vault construction connected with said fiber optic facilities, as indicated by said plan marked "Proposed Conduit Installation at 2145 Roosevelt Ave (Cottage St), Springfield, MA" subject to such deviations that may be required for technical, engineering, or other purpose. The following is the public way above referred to:

**Cottage St:** Starting at Existing Utility Pole #54/1 on Cottage St, trench and install (1) 4" conduit 100' +/- southeasterly to existing Private Property Handhole belonging to 2145 Roosevelt Ave.

Please see the attached plan.

If you should have any questions or need additional information in order to process this petition, please contact me.

*Steve Crescimanno*

Steve Crescimanno  
Network Construction Manager  
Crown Castle Fiber  
Mobile: 860-576-0742  
Steven.Crescimanno @crowncastle.com

Dated this 18<sup>th</sup> day of May, 2021

Attachment: Petition.2145 Roosevelt Ave (Cottage St) (6280 : Crown Castle- Cottage St.)

## ORDER OF LOCATION FOR UNDERGROUND FIBER OPTIC FACILITIES

By the City of Springfield, Massachusetts, as approved by law,

### IT IS HEREBY ORDERED:

That Crown Castle NG East, LLC, be and it is hereby granted permission to install and maintain fiber optic telecommunications facilities in the public way hereinafter named. Consisting of underground facilities as shown upon the plan filed herewith and made part hereof, together with all necessary wires, cables, devices, equipment, and other items relating thereto, and likewise the manhole and vault construction connected with said fiber optic facilities, as requested in petition of said company dated this \_\_\_\_ day of \_\_\_\_\_, 2021.

All construction under this order shall be performed with due regard to public safety, and shall be placed substantially at the points indicated upon the plan filed with and made part of said petition, subject to such deviations as may be required for technical, engineering, or other purposes.

**Cottage St:** Starting at Existing Utility Pole #54/1 on Cottage St, trench and install (1) 4" conduit 100' +/- southeasterly to existing Private Property Handhole belonging to 2145 Roosevelt Ave.

Please see the attached plan marked "Proposed Conduit Installation at 2145 Roosevelt Ave (Cottage St), Springfield, MA"

Attachment: Order.2145 Roosevelt Ave (Cottage St) (6280 : Crown Castle- Cottage St.)



We hereby certify that on \_\_\_\_\_ 2021, at \_\_\_\_\_ o'clock  
 At \_\_\_\_\_ a public hearing was held on the petition of:

CROWN CASTLE NG EAST, LLC

I hereby certify that the foregoing order was adopted at a meeting of the City Council of  
 Springfield, Massachusetts, held on the \_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
 City Clerk

I hereby certify that the foregoing is a true copy of a location order adopted by the City Council  
 of the City of Springfield, Massachusetts on the \_\_\_\_ day of \_\_\_\_\_, 2021, and  
 recorded with the records of location orders of said city, Book \_\_\_\_\_, Page \_\_\_\_\_.

This certified copy is made under the provisions of Chapter 166 of General Laws and any  
 additions thereto or attachments thereof.

Attest: \_\_\_\_\_

City Clerk





## REQUEST FOR GRANT SETUP

This form and the required attachments are required by the Office of the City Comptrollers before a Grant Fund and related accounts will be created in MUNIS. Please do not use this form for requesting a non-grant related account to be created – use the Request for New Account form instead. Please return this form and the required attachments to the Office of the City Comptrollers.

All fields are mandatory.

Date of Request 5/12/2021

Department Requesting Grant Setup Comm Dev

Department Phone # (Please include extension) 6082

Name and Title of Person to Contact in Case of Questions Cathy Buono

Was this Grant previously setup for a prior fiscal year?  
If yes, please indicate your previous project number: 630\_\_

If this is a new Grant, have you filled out the “Approval to apply for a grant” Form?  
(Y/N) If yes, please attach a copy of the Approved Form.

Grant Type:

X State – Highway

Federal Pass-Through DOE– School

Federal Direct– School

Federal – City

State DOE– School

State Other – School

State – City

Private/Other

Grant Name: HOME-ARP

Total Grant Amount Awarded: \$ 6,066,102.00

Attachment: HOME\_ARP (6247 : HOME - ARP Funds - No Match - \$6,066,102.00)

Is this a Reimbursable Grant?

(Y/N) yes

A Reimbursable Grant is defined as one that requires that you pay for expenses first and then you apply to the grantor for a reimbursement of the exact amount actually expended.

If it is a Reimbursable Grant, please enter Grantor contact information or the CID # if

Grantor is already in the customer file:

|                       |                        |
|-----------------------|------------------------|
| Entity Name           | US Dept of HUD         |
| Contact Person        | Samantha Graves        |
| Street Address        | 10 Causeway Street     |
| City, State, Zip Code | Boston, MA             |
| Telephone             | 617-994-8353           |
| Fax                   |                        |
| E-Mail                | samanthagraves@hud.com |

Actual Award Date 4/28/2021

Board Approval Date

Start Date 4/28/2021

Expiration Date 03/31/2023

Renewal Action Date (optional)

If there are any Matching Funds:

Type

Percent

Amount

Is there any Leverage? HUD FUNDING ONLY

Source

Amount

Comments re: Description/Purpose of Grant

American Rescue Plan HOME funding to meet the housing and service needs of low/mod individuals and families

Comments re: Conditions/Restrictions of Grant

If this is a Federal Grant, enter CFDA#: 14.239

If applicable enter the State ID # :

What is the required drawdown frequency?

(Ex: Monthly, Quarterly) monthly

If payment is to be sent by Grantor as a Wire,

Please enter any wire reference/identification # that may be used (if known)

Attachment: HOME\_ARP (6247 : HOME - ARP Funds - No Match - \$6,066,102.00)



Please list all object codes needed for the grant.  
(Attach additional sheets if additional orgs and roll-ups are needed):

Org Code:

Object Codes: same object codes as #63021

Budget Roll-Up Codes: all rolled up

I hereby attest that under the penalties of Chapter 656, I will adhere to all regulations in this grant agreement. I am responsible for timely and accurate reimbursements in the amounts listed above.

  
Signature

5-12-2021  
Date

Please attach the following documents:

- ☐ Signed Approval to Apply for a Grant Form
- ☐ Grant Award Letter
- ☐ City Council/Mayor Approval
- ☐ Any other relevant documentation

This Form and all relevant attachments will be scanned and attached in the Grant Maintenance module in MUNIS and can be viewed or printed at your convenience.

Attachment: HOME\_ARP (6247 : HOME - ARP Funds - No Match - \$6,066,102.00)



OFFICE OF COMMUNITY PLANNING  
AND DEVELOPMENT

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT  
WASHINGTON, DC 20410-7000

April 28, 2021

The Honorable Domenic J. Sarno  
Mayor of Springfield  
36 Court Street  
Springfield, MA 01103-1687

Dear Mayor Sarno:

I am pleased to inform you of your jurisdiction's Fiscal Year (FY) 2021 allocation for HUD's HOME Investment Partnerships Program – American Rescue Plan (HOME-ARP) funding. The American Rescue Plan appropriated \$5 billion to help communities provide housing, shelter, and services for people experiencing and other qualifying populations. These HOME-ARP funds are in addition to your regular FY 2021 HOME formula allocation. This one-time funding creates a significant opportunity for you to meet the housing and service needs of your community's most vulnerable populations.

Your jurisdiction's FY 2021 HOME-ARP allocation is \$6,066,102.

HOME-ARP funding gives jurisdictions significant new resources to address their homeless assistance needs by creating affordable housing or non-congregate shelter units and providing tenant-based rental assistance or supportive services. Later this year, the Department will issue an implementing notice providing guidance on HOME-ARP, including instructions and requirements for developing a substantial amendment to your jurisdiction's FY 2021 Annual Action Plan describing your proposed use of the funds. HOME-ARP funds are available for expenditure until September, 2030.

HOME-ARP funds are allocated through the HOME formula to all participating jurisdictions that qualified for an annual HOME Program allocation for FY 2021. HOME-ARP funds must be used for individuals or families from the following qualifying populations: homeless; at-risk of homelessness; fleeing or attempting to flee domestic violence, dating violence, sexual assault, stalking, or human trafficking; other populations where providing assistance would prevent the family's homelessness or would serve those with the greatest risk of housing instability; and veterans and families that include a veteran family member that meet one of the preceding criteria.

HOME-ARP funds can be used for four eligible activities including the production or preservation of affordable housing; tenant-based rental assistance; supportive services, including homeless prevention services and housing counseling; and the purchase or development of non-congregate shelter for individuals and families experiencing homelessness. Additionally, HOME-ARP provides up to 15 percent of the allocation for administrative and planning costs of the participating jurisdiction and for subrecipients administering all or a portion of the grant. HOME-ARP can provide up to 5 percent of the grant for operating costs of Community Housing

Development Organizations (CHDOs) and other non-profit organizations, including homeless providers. Additional funding is available to these organizations for capacity building. Like other formula grant funds, HOME-ARP funds will be administered in the Integrated Disbursement and Information System (IDIS).

While your jurisdiction will not have access to HOME-ARP funds until HUD has issued an implementing notice and subsequently reviewed and accepted a substantial amendment to your FY 2021 Annual Action Plan, I urge you to begin consulting with homeless service providers, domestic violence service organizations, public housing agencies, and other organizations and agencies that assist qualifying populations in your area. Early identification of the unmet needs among these populations and consideration of potential uses of HOME-ARP funds will position your jurisdiction to design and implement its HOME-ARP Program expeditiously.

The Office of Community Planning and Development looks forward to working with you to ensure the success of this critical program. If you or any member of your staff have questions, please contact your local CPD Office Director.

Sincerely,



James Arthur Jemison II  
Principal Deputy Assistant Secretary  
for Community Planning and Development

Attachment: HOME\_ARP (6247 : HOME - ARP Funds - No Match - \$6,066,102.00)



## REQUEST FOR GRANT SETUP

This form and the required attachments are required by the Office of the City Comptrollers before a Grant Fund and related accounts will be created in MUNIS. Please do not use this form for requesting a non-grant related account to be created – use the Request for New Account form instead. Please return this form and the required attachments to the Office of the City Comptrollers.

All fields are mandatory.

|                                                                                    |              |
|------------------------------------------------------------------------------------|--------------|
| Date of Request                                                                    | 6/3/2021     |
| Department Requesting Grant Setup                                                  | Public Works |
| Department Phone # (Please include extension)                                      | 750-2728     |
| Name and Title of Person to Contact in Case of Questions<br>Contract Administrator | Peg Merrill  |

Was this Grant previously setup for a prior fiscal year? NO  
If yes, please indicate your previous project number:

If this is a new Grant, have you filled out the "Approval to apply for a grant" Form?  
(Y/N) Y If yes, please attach a copy of the Approved Form.

### Grant Type:

- X      State – Mass. Gaming Commission  
          Federal Pass-Through DOE– School  
          Federal Direct– School  
          Federal – City  
          State DOE– School  
          State Other – School  
          State – City  
          Private/Other

Grant Name: 2021Transportation Construction Grant Award –Dwight & Hampden Streets



Total Grant Amount Awarded: \$200,000.00

Is this a Reimbursable Grant?

(Y/N) Y

A Reimbursable Grant is defined as one that requires that you pay for expenses first and then you apply to the grantor for a reimbursement of the exact amount actually expended.

If it is a Reimbursable Grant, please enter Grantor contact information or the CID # if Grantor is already in the customer file:

|                       |                                         |
|-----------------------|-----------------------------------------|
| Entity Name           | Mass. Gaming Commission                 |
| Contact Person        | Mary S. Thurlow, Senior Program Manager |
| Street Address        | 101 Federal Street                      |
| City, State, Zip Code | Boston, MA 02110                        |
| Telephone             | (617) 979-8420                          |
| Fax                   |                                         |
| E-Mail                | mary.thurlow@massgaming.gov             |

Actual Award Date 06/02/2021

Board Approval Date 06/14/2021

Start Date 07/01/2021

Expiration Date 6/30/2022

Renewal Action Date (optional) N/A

If there are any Matching Funds: Yes. One Third of the total project cost of \$600,000.00

Type Chapter 90.

Percent

Amount

Is there any Leverage? HUD FUNDING ONLY

Source

Amount \$400,000.

*\* NOTE: GRANTOR DOES NOT REQUIRE MATCH.  
ADD'L FUNDS BEING ALLOCATED BY DPW TO  
COVER TOTAL PROJECT COST*

Comments re: Description/Purpose of Grant. Roadway and Sidewalk Improvements on Dwight and Hampden Streets.

Comments re: Conditions/Restrictions of Grant

N/A

If this is a Federal Grant, enter CFDA#: N/A

If applicable enter the State ID # :

What is the required drawdown frequency?

(Ex: Monthly, Quarterly) Quarterly

If payment is to be sent by Grantor as a Wire,

Attachment: DPW Transportation Construction Grant (6276 : DPW Transportation Construction Grant - No Match Required - \$200,000)



Please enter any wire reference/identification # that may be used (if known)

Please list all object codes needed for the grant.  
(Attach additional sheets if additional orgs and roll-ups are needed):

Org Code:

Object Codes: 580800

Budget Roll-Up Codes:

I hereby attest that under the penalties of Chapter 656, I will adhere to all regulations in this grant agreement. I am responsible for timely and accurate reimbursements in the amounts listed above.

  
Signature

6/3/21  
Date

Please attach the following documents:

- ☒ Signed Approval to Apply for a Grant Form
- ☒ Grant Award Letter
- ☐ City Council/Mayor Approval
- ☐ Any other relevant documentation

This Form and all relevant attachments will be scanned and attached in the Grant Maintenance module in MUNIS and can be viewed or printed at your convenience.



June 2, 2021

*Via Email*

Chris Cignoli, Director of DPW  
City of Springfield  
70 Tapley Street  
Springfield, MA 01103

Andrew Krar, City Engineer  
City of Springfield  
70 Tapley Street  
Springfield, MA 01103

Re: 2021 Transportation Construction Grant Award – Dwight & Hampden Streets

Dear Mr. Cignoli and Mr. Krar:

On behalf of the Massachusetts Gaming Commission (“Commission”), I am pleased to notify you that on May 20, 2021 the Commission authorized the award of Two Hundred Thousand Dollars (\$200,000) to the City of Springfield for this Transportation Construction Project. Please note that any and all conditions set by the Commission will be included in the grant contract.

In a few weeks you will receive the grant award package that includes the grant instrument and the state contract that will need to be executed by the City of Springfield.

If you or your staff have any questions, please do not hesitate to contact Joseph Delaney at 617-721-9198 or via e-mail at [Joseph.Delaney@massgaming.gov](mailto:Joseph.Delaney@massgaming.gov).

Very truly yours,

Karen Wells, Executive Director

cc: The Honorable Mayor Domenic J. Sarno  
Melanie A. Acobe, Budget Director  
MGC Commissioners  
CMF Review Team



Massachusetts Gaming Commission

101 Federal Street, 12<sup>th</sup> Floor, Boston, Massachusetts 02110 | TEL 617.979.8400 | FAX 617.725.0258 | [www.massgaming.com](http://www.massgaming.com)

Attachment: DPW Transportation Construction Grant (6276 : DPW Transportation Construction Grant - No Match Required - \$200,000)

## DEPARTMENT OF THE TREASURY

### 31 CFR Part 35

#### RIN 1505-AC77

### Coronavirus State and Local Fiscal Recovery Funds

**AGENCY:** Department of the Treasury.

**ACTION:** Interim final rule.

**SUMMARY:** The Secretary of the Treasury (Treasury) is issuing this interim final rule to implement the Coronavirus State Fiscal Recovery Fund and the Coronavirus Local Fiscal Recovery Fund established under the American Rescue Plan Act.

**DATES:** *Effective date:* The provisions in this interim final rule are effective May 17, 2021.

*Comment date:* Comments must be received on or before July 16, 2021.

**ADDRESSES:** Please submit comments electronically through the Federal eRulemaking Portal: <http://www.regulations.gov>. Comments can be mailed to the Office of the Undersecretary for Domestic Finance, Department of the Treasury, 1500 Pennsylvania Avenue NW, Washington, DC 20220. Because postal mail may be subject to processing delay, it is recommended that comments be submitted electronically. All comments should be captions with "Coronavirus State and Local Fiscal Recovery Funds Interim Final Rule Comments." Please include your name, organization affiliation, address, email address and telephone number in your comment. Where appropriate, a comment should include a short executive summary.

In general, comments received will be posted on <http://www.regulations.gov> without change, including any business or personal information provided. Comments received, including attachments and other supporting materials, will be part of the public record and subject to public disclosure. Do not enclose any information in your comment or supporting materials that you consider confidential or inappropriate for public disclosure.

**FOR FURTHER INFORMATION CONTACT:** Katharine Richards, Senior Advisor, Office of Recovery Programs, Department of the Treasury, (844) 529-9527.

#### SUPPLEMENTARY INFORMATION:

### I. Background Information

#### A. Overview

Since the first case of coronavirus disease 2019 (COVID-19) was discovered in the United States in January 2020, the disease has infected

over 32 million and killed over 575,000 Americans.<sup>1</sup> The disease has impacted every part of life: As social distancing became a necessity, businesses closed, schools transitioned to remote education, travel was sharply reduced, and millions of Americans lost their jobs. In April 2020, the national unemployment rate reached its highest level in over seventy years following the most severe month-over-month decline in employment on record.<sup>2</sup> As of April 2021, there were still 8.2 million fewer jobs than before the pandemic.<sup>3</sup> During this time, a significant share of households have faced food and housing insecurity.<sup>4</sup> Economic disruptions impaired the flow of credit to households, State and local governments, and businesses of all sizes.<sup>5</sup> As businesses weathered closures and sharp declines in revenue, many were forced to shut down, especially small businesses.<sup>6</sup>

Amid this once-in-a-century crisis, State, territorial, Tribal, and local governments (State, local, and Tribal governments) have been called on to respond at an immense scale. Governments have faced myriad needs to prevent and address the spread of

<sup>1</sup> Centers for Disease Control and Prevention, COVID Data Tracker, <http://www.covid.cdc.gov/covid-data-tracker/#data-tracker-home> (last visited May 8, 2021).

<sup>2</sup> U.S. Bureau of Labor Statistics, Unemployment Rate [UNRATE], retrieved from FRED, Federal Reserve Bank of St. Louis; <https://fred.stlouisfed.org/series/UNRATE>, May 3, 2021. U.S. Bureau of Labor Statistics, Employment Level [LNU02000000], retrieved from FRED, Federal Reserve Bank of St. Louis; <https://fred.stlouisfed.org/series/LNU02000000>, May 3, 2021.

<sup>3</sup> U.S. Bureau of Labor Statistics, All Employees, Total Nonfarm [PAYEMS], retrieved from FRED, Federal Reserve Bank of St. Louis; <https://fred.stlouisfed.org/series/PAYEMS>, May 7, 2021.

<sup>4</sup> Nirmita Panchal et al., The Implications of COVID-19 for Mental Health and Substance Abuse (Feb. 10, 2021), <https://www.kff.org/coronavirus-covid-19/issue-brief/the-implications-of-covid-19-for-mental-health-and-substance-use/#:~:text=Older%20adults%20are%20also%20more,prior%20to%20the%20current%20crisis;U.S.CensusBureau,HouseholdPulseSurvey:MeasuringSocialandEconomicImpactsduringtheCoronavirusPandemic,https://www.census.gov/programs-surveys/household-pulse-survey.html> (last visited Apr. 26, 2021); Rebecca T. Leeb et al., Mental Health-Related Emergency Department Visits Among Children Aged <18 Years During the COVID Pandemic—United States, January 1—October 17, 2020, *Morb. Mortal. Wkly. Rep.* 69(45):1675–80 (Nov. 13, 2020), <https://www.cdc.gov/mmwr/volumes/69/wr/mm6945a3.htm>.

<sup>5</sup> Board of Governors of the Federal Reserve System, Monetary Policy Report (June 12, 2020), <https://www.federalreserve.gov/monetarypolicy/2020-06-mpr-summary.htm>.

<sup>6</sup> Joseph R. Biden, Remarks by President Biden on Helping Small Businesses (Feb. 22, 2021), <https://www.whitehouse.gov/briefing-room/speeches-remarks/2021/02/22/remarks-by-president-biden-on-helping-small-businesses/>.

COVID-19, including testing, contact tracing, isolation and quarantine, public communications, issuance and enforcement of health orders, expansions to health system capacity like alternative care facilities, and in recent months, a massive nationwide mobilization around vaccinations. Governments also have supported major efforts to prevent COVID-19 spread through safety measures in settings like nursing homes, schools, congregate living settings, dense worksites, incarceration settings, and public facilities. The pandemic's impacts on behavioral health, including the toll of pandemic-related stress, have increased the need for behavioral health resources.

At the same time, State, local and Tribal governments launched major efforts to address the economic impacts of the pandemic. These efforts have been tailored to the needs of their communities and have included expanded assistance to unemployed workers; food assistance; rent, mortgage, and utility support; cash assistance; internet access programs; expanded services to support individuals experiencing homelessness; support for individuals with disabilities and older adults; and assistance to small businesses facing closures or revenue loss or implementing new safety measures.

In responding to the public health emergency and its negative economic impacts, State, local, and Tribal governments have seen substantial increases in costs to provide these services, often amid substantial declines in revenue due to the economic downturn and changing economic patterns during the pandemic.<sup>7</sup> Facing these budget challenges, many State, local, and Tribal governments have been forced to make cuts to services or their workforces, or delay critical investments. From February to May of 2020, State, local, and Tribal governments reduced their workforces by more than 1.5 million jobs and, in April of 2021, State, local, and Tribal government employment remained nearly 1.3 million jobs below pre-pandemic levels.<sup>8</sup> These cuts to State, local, and Tribal government workforces

<sup>7</sup> Michael Leachman, House Budget Bill Provides Needed Fiscal Aid for States, Localities, Tribal Nations, and Territories (Feb. 10, 2021), <https://www.cbpp.org/research/state-budget-and-tax/house-budget-bill-provides-needed-fiscal-aid-for-states-localities>.

<sup>8</sup> U.S. Bureau of Labor Statistics, All Employees, State Government [CES9092000001] and All Employees, Local Government [CES9093000001], retrieved from FRED, Federal Reserve Bank of St. Louis, <https://fred.stlouisfed.org/series/CES9092000001> and <https://fred.stlouisfed.org/series/CES9093000001> (last visited May 8, 2021).

come at a time when demand for government services is high, with State, local, and Tribal governments on the frontlines of fighting the pandemic. Furthermore, State, local, and Tribal government austerity measures can hamper overall economic growth, as occurred in the recovery from the Great Recession.<sup>9</sup>

Finally, although the pandemic's impacts have been widespread, both the public health and economic impacts of the pandemic have fallen most severely on communities and populations disadvantaged before it began. Low-income communities, people of color, and Tribal communities have faced higher rates of infection, hospitalization, and death,<sup>10</sup> as well as higher rates of unemployment and lack of basic necessities like food and housing.<sup>11</sup> Pre-existing social vulnerabilities magnified the pandemic in these communities, where a reduced ability to work from home and, frequently, denser housing amplified the risk of infection. Higher rates of pre-existing health conditions also may have contributed to more severe COVID-19 health outcomes.<sup>12</sup> Similarly, communities or households facing economic insecurity before the pandemic were less able to weather business closures, job losses, or declines in earnings and were less able to participate in remote work or education due to the inequities in access to reliable and affordable broadband infrastructure.<sup>13</sup> Finally, though schools in all areas faced challenges, those in high poverty areas had fewer resources to adapt to remote and hybrid learning models.<sup>14</sup> Unfortunately, the pandemic

also has reversed many gains made by communities of color in the prior economic expansion.<sup>15</sup>

#### B. The Statute and Interim Final Rule

On March 11, 2021, the American Rescue Plan Act (ARPA) was signed into law by the President.<sup>16</sup> Section 9901 of ARPA amended Title VI of the Social Security Act<sup>17</sup> (the Act) to add section 602, which establishes the Coronavirus State Fiscal Recovery Fund, and section 603, which establishes the Coronavirus Local Fiscal Recovery Fund (together, the Fiscal Recovery Funds).<sup>18</sup> The Fiscal Recovery Funds are intended to provide support to State, local, and Tribal governments (together, recipients) in responding to the impact of COVID-19 and in their efforts to contain COVID-19 on their communities, residents, and businesses. The Fiscal Recovery Funds build on and expand the support provided to these governments over the last year, including through the Coronavirus Relief Fund (CRF).<sup>19</sup>

a lifetime (June 2020), [https://webtest.childreainsstitute.net/sites/default/files/documents/COVID-19-and-student-learning-in-the-United-States\\_FINAL.pdf](https://webtest.childreainsstitute.net/sites/default/files/documents/COVID-19-and-student-learning-in-the-United-States_FINAL.pdf); Andrew Bacher-Hicks et al., *Inequality in Household Adaptation to Schooling Shocks: Covid-Induced Online Engagement in Real Time*, J. of Public Econ. Vol. 193(C) (July 2020), available at <https://www.nber.org/papers/w27555>.

<sup>15</sup> See, e.g., Tyler Atkinson & Alex Richter, *Pandemic Disproportionately Affects Women, Minority Labor Force Participation*, <https://www.dallasfed.org/research/economics/2020/1110> (last visited May 9, 2021); Jared Bernstein & Janelle Jones, *The Impact of the COVID-19 Recession on the Jobs and Incomes of Persons of Color*, [https://www.cbpp.org/sites/default/files/atoms/files/6-2-20bud\\_0.pdf](https://www.cbpp.org/sites/default/files/atoms/files/6-2-20bud_0.pdf) (last visited May 9, 2021).

<sup>16</sup> American Rescue Plan Act of 2021 (ARPA), sec. 9901, Public Law 117-2, codified at 42 U.S.C. 802 *et seq.* The term "state" as used in this **SUPPLEMENTARY INFORMATION** and defined in section 602 of the Act means each of the 50 States and the District of Columbia. The term "territory" as used in this **SUPPLEMENTARY INFORMATION** and defined in section 602 of the Act means the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, the Commonwealth of Northern Mariana Islands, and American Samoa. Tribal government is defined in the Act and the interim final rule to mean "the recognized governing body of any Indian or Alaska Native tribe, band, nation, pueblo, village, community, component band, or component reservation, individually identified (including parenthetically) in the list published most recently as of the date of enactment of the [American Rescue Plan Act] pursuant to section 104 of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 5131)." See section 602(g)(7) of the Social Security Act, as added by the American Rescue Plan Act. On January 29, 2021, the Bureau of Indian Affairs published a current list of 574 Tribal entities. See 86 FR 7554, January 29, 2021. The term "local governments" as used in this **SUPPLEMENTARY INFORMATION** includes metropolitan cities, counties, and nonentitlement units of local government.

<sup>17</sup> 42 U.S.C. 801 *et seq.*

<sup>18</sup> Sections 602, 603 of the Act.

<sup>19</sup> The CRF was established by the section 601 of the Act as added by the Coronavirus Aid, Relief, and Economic Security Act (CARES Act), Public Law 116-136, 134 Stat. 281 (2020).

Through the Fiscal Recovery Funds, Congress provided State, local, and Tribal governments with significant resources to respond to the COVID-19 public health emergency and its economic impacts through four categories of eligible uses. Section 602 and section 603 contain the same eligible uses; the primary difference between the two sections is that section 602 establishes a fund for States, territories, and Tribal governments and section 603 establishes a fund for metropolitan cities, nonentitlement units of local government, and counties. Sections 602(c)(1) and 603(c)(1) provide that funds may be used:

(a) To respond to the public health emergency or its negative economic impacts, including assistance to households, small businesses, and nonprofits, or aid to impacted industries such as tourism, travel, and hospitality;

(b) To respond to workers performing essential work during the COVID-19 public health emergency by providing premium pay to eligible workers;

(c) For the provision of government services to the extent of the reduction in revenue due to the COVID-19 public health emergency relative to revenues collected in the most recent full fiscal year prior to the emergency; and

(d) To make necessary investments in water, sewer, or broadband infrastructure.

In addition, Congress clarified two types of uses which do not fall within these four categories. Sections 602(c)(2)(B) and 603(c)(2) provide that these eligible uses do not include, and thus funds may not be used for, depositing funds into any pension fund. Section 602(c)(2)(A) also provides, for States and territories, that the eligible uses do not include "directly or indirectly offset[ing] a reduction in the net tax revenue of [the] State or territory resulting from a change in law, regulation, or administrative interpretation."

The ARPA provides a substantial infusion of resources to meet pandemic response needs and rebuild a stronger, more equitable economy as the country recovers. First, payments from the Fiscal Recovery Funds help to ensure that State, local, and Tribal governments have the resources needed to continue to take actions to decrease the spread of COVID-19 and bring the pandemic under control. Payments from the Fiscal Recovery Funds may also be used by recipients to provide support for costs incurred in addressing public health and economic challenges resulting from the pandemic, including resources to offer premium pay to essential workers, in recognition of their sacrifices over the

<sup>9</sup> Tracy Gordon, *State and Local Budgets and the Great Recession*, Brookings Institution (Dec. 31, 2012), <http://www.brookings.edu/articles/state-and-local-budgets-and-the-great-recession>.

<sup>10</sup> Sebastian D. Romano et al., *Trends in Racial and Ethnic Disparities in COVID-19 Hospitalizations, by Region—United States, March–December 2020*, MMWR Morb Mortal Wkly Rep 2021, 70:560–565 (Apr. 16, 2021), [https://www.cdc.gov/mmwr/volumes/70/wr/mm7015e2.htm?s\\_cid=mm7015e2\\_w](https://www.cdc.gov/mmwr/volumes/70/wr/mm7015e2.htm?s_cid=mm7015e2_w).

<sup>11</sup> Center on Budget and Policy Priorities, *Tracking the COVID-19 Recession's Effects on Food, Housing, and Employment Hardships*, <https://www.cbpp.org/research/poverty-and-inequality/tracking-the-covid-19-recessions-effects-on-housing-and> (last visited May 4, 2021).

<sup>12</sup> Lisa R. Fortuna et al., *Inequity and the Disproportionate Impact of COVID-19 on Communities of Color in the United States: The Need for Trauma-Informed Social Justice Response*, Psychological Trauma Vol. 12(5):443–45 (2020), available at <https://psycnet.apa.org/fulltext/2020-37320-001.pdf>.

<sup>13</sup> Emily Vogles et al., *53% of Americans Say the internet Has Been Essential During the COVID-19 Outbreak* (Apr. 30, 2020), <https://www.pewresearch.org/internet/2020/04/30/53-of-americans-say-the-internet-has-been-essential-during-the-covid-19-outbreak/>.

<sup>14</sup> Emma Dorn et al., *COVID-19 and student learning in the United States: The hurt could last*



last year. Recipients may also use payments from the Fiscal Recovery Funds to replace State, local, and Tribal government revenue lost due to COVID-19, helping to ensure that governments can continue to provide needed services and avoid cuts or layoffs. Finally, these resources lay the foundation for a strong, equitable economic recovery, not only by providing immediate economic stabilization for households and businesses, but also by addressing the systemic public health and economic challenges that may have contributed to more severe impacts of the pandemic among low-income communities and people of color.

Within the eligible use categories outlined in the Fiscal Recovery Funds provisions of ARPA, State, local, and Tribal governments have flexibility to determine how best to use payments from the Fiscal Recovery Funds to meet the needs of their communities and populations. The interim final rule facilitates swift and effective implementation by establishing a framework for determining the types of programs and services that are eligible under the ARPA along with examples of uses that State, local, and Tribal governments may consider. These uses build on eligible expenditures under the CRF, including some expansions in eligible uses to respond to the public health emergency, such as vaccination campaigns. They also reflect changes in the needs of communities, as evidenced by, for example, nationwide data demonstrating disproportionate impacts of the COVID-19 public health emergency on certain populations, geographies, and economic sectors. The interim final rule takes into consideration these disproportionate impacts by recognizing a broad range of eligible uses to help States, local, and Tribal governments support the families, businesses, and communities hardest hit by the COVID-19 public health emergency.

Implementation of the Fiscal Recovery Funds also reflect the importance of public input, transparency, and accountability. Treasury seeks comment on all aspects of the interim final rule and, to better facilitate public comment, has included specific questions throughout this **SUPPLEMENTARY INFORMATION.** Treasury encourages State, local, and Tribal governments in particular to provide feedback and to engage with Treasury regarding issues that may arise regarding all aspects of this interim final rule and Treasury's work in administering the Fiscal Recovery Funds. In addition, the interim final rule establishes certain regular reporting

requirements, including by requiring State, local, and Tribal governments to publish information regarding uses of Fiscal Recovery Funds payments in their local jurisdiction. These reporting requirements reflect the need for transparency and accountability, while recognizing and minimizing the burden, particularly for smaller local governments. Treasury urges State, territorial, Tribal, and local governments to engage their constituents and communities in developing plans to use these payments, given the scale of funding and its potential to catalyze broader economic recovery and rebuilding.

## II. Eligible Uses

### A. Public Health and Economic Impacts

Sections 602(c)(1)(A) and 603(c)(1)(A) provide significant resources for State, territorial, Tribal governments, and counties, metropolitan cities, and nonentitlement units of local governments (each referred to as a recipient) to meet the wide range of public health and economic impacts of the COVID-19 public health emergency.

These provisions authorize the use of payments from the Fiscal Recovery Funds to respond to the public health emergency with respect to COVID-19 or its negative economic impacts. Section 602 and section 603 also describe several types of uses that would be responsive to the impacts of the COVID-19 public health emergency, including assistance to households, small businesses, and nonprofits and aid to impacted industries, such as tourism, travel, and hospitality.<sup>20</sup>

Accordingly, to assess whether a program or service is included in this category of eligible uses, a recipient should consider whether and how the use would respond to the COVID-19 public health emergency. Assessing whether a program or service "responds to" the COVID-19 public health emergency requires the recipient to, first, identify a need or negative impact of the COVID-19 public health emergency and, second, identify how the program, service, or other intervention addresses the identified need or impact. While the COVID-19 public health emergency affected many aspects of American life, eligible uses under this category must be in response to the disease itself or the harmful consequences of the economic disruptions resulting from or exacerbated by the COVID-19 public health emergency.

<sup>20</sup> Sections 602(c)(1)(A), 603(c)(1)(A) of the Act.

The interim final rule implements these provisions by identifying a non-exclusive list of programs or services that may be funded as responding to COVID-19 or the negative economic impacts of the COVID-19 public health emergency, along with considerations for evaluating other potential uses of the Fiscal Recovery Funds not explicitly listed. The interim final rule also provides flexibility for recipients to use payments from the Fiscal Recovery Funds for programs or services that are not identified on these non-exclusive lists but that fall under the terms of section 602(c)(1)(A) or 603(c)(1)(A) by responding to the COVID-19 public health emergency or its negative economic impacts. As an example, in determining whether a program or service responds to the negative economic impacts of the COVID-19 public health emergency, the interim final rule provides that payments from the Fiscal Recovery Funds should be designed to address an economic harm resulting from or exacerbated by the public health emergency. Recipients should assess the connection between the negative economic harm and the COVID-19 public health emergency, the nature and extent of that harm, and how the use of this funding would address such harm.

As discussed, the pandemic and the necessary actions taken to control the spread had a severe impact on households and small businesses, including in particular low-income workers and communities and people of color. While eligible uses under sections 602(c)(1)(A) and 603(c)(1)(A) provide flexibility to recipients to identify the most pressing local needs, Treasury encourages recipients to provide assistance to those households, businesses, and non-profits in communities most disproportionately impacted by the pandemic.

#### 1. Responding to COVID-19

On January 21, 2020, the Centers for Disease Control and Prevention (CDC) identified the first case of novel coronavirus in the United States.<sup>21</sup> By late March, the virus had spread to many States and the first wave was growing rapidly, centered in the northeast.<sup>22</sup> This wave brought acute

<sup>21</sup> Press Release, Centers for Disease Control and Prevention, First Travel-related Case of 2019 Novel Coronavirus Detected in United States (Jan. 21, 2020), <https://www.cdc.gov/media/releases/2020/p0121-novel-coronavirus-travel-case.html>.

<sup>22</sup> Anne Schuchat et al., Public Health Response to the Initiation and Spread of Pandemic COVID-19 in the United States, February 24–April 21, 2021, *MMWR Morb Mortal Wkly Rep* 2021, 69(18):551–56 (May 8, 2021), <https://www.cdc.gov/mmwr/volumes/69/wr/mm6918e2.htm>.

strain on health care and public health systems: Hospitals and emergency medical services struggled to manage a major influx of patients; response personnel faced shortages of personal protective equipment; testing for the virus was scarce; and congregate living facilities like nursing homes and prisons saw rapid spread. State, local, and Tribal governments mobilized to support the health care system, issue public health orders to mitigate virus spread, and communicate safety measures to the public. The United States has since faced at least two additional COVID-19 waves that brought many similar challenges: The second in the summer, centered in the south and southwest, and a wave throughout the fall and winter, in which the virus reached a point of uncontrolled spread across the country and over 3,000 people died per day.<sup>23</sup> By early May 2021, the United States has experienced over 32 million confirmed COVID-19 cases and over 575,000 deaths.<sup>24</sup>

Mitigating the impact of COVID-19, including taking actions to control its spread and support hospitals and health care workers caring for the sick, continues to require a major public health response from State, local and Tribal governments. New or heightened public health needs include COVID-19 testing, major expansions in contact tracing, support for individuals in isolation or quarantine, enforcement of public health orders, new public communication efforts, public health surveillance (e.g., monitoring case trends and genomic sequencing for variants), enhancement to health care capacity through alternative care facilities, and enhancement of public health data systems to meet new demands or scaling needs. State, local, and Tribal governments have also supported major efforts to prevent COVID-19 spread through safety measures at key settings like nursing homes, schools, congregate living settings, dense worksites, incarceration settings, and in other public facilities. This has included implementing infection prevention measures or making ventilation improvements in congregate settings, health care settings, or other key locations.

Other response and adaptation costs include capital investments in public facilities to meet pandemic operational

needs, such as physical plant improvements to public hospitals and health clinics or adaptations to public buildings to implement COVID-19 mitigation tactics. In recent months, State, local, and Tribal governments across the country have mobilized to support the national vaccination campaign, resulting in over 250 million doses administered to date.<sup>25</sup>

The need for public health measures to respond to COVID-19 will continue in the months and potentially years to come. This includes the continuation of the vaccination campaign for the general public and, if vaccinations are approved for children in the future, eventually for youths. This also includes monitoring the spread of COVID-19 variants, understanding the impact of these variants (especially on vaccination efforts), developing approaches to respond to those variants, and monitoring global COVID-19 trends to understand continued risks to the United States. Finally, the long-term health impacts of COVID-19 will continue to require a public health response, including medical services for individuals with “long COVID,” and research to understand how COVID-19 impacts future health needs and raises risks for the millions of Americans who have been infected.

Other areas of public health have also been negatively impacted by the COVID-19 pandemic. For example, in one survey in January 2021, over 40 percent of American adults reported symptoms of depression or anxiety, up from 11 percent in the first half of 2019.<sup>26</sup> The proportion of children’s emergency department visits related to mental health has also risen noticeably.<sup>27</sup> Similarly, rates of substance misuse and overdose deaths have spiked: Preliminary data from the CDC show a nearly 30 percent increase in drug overdose mortality from September 2019 to September 2020.<sup>28</sup> Stay-at-home orders and other pandemic responses may have also reduced the ability of individuals affected by domestic violence to access

services.<sup>29</sup> Finally, some preventative public health measures like childhood vaccinations have been deferred and potentially forgone.<sup>30</sup>

While the pandemic affected communities across the country, it disproportionately impacted some demographic groups and exacerbated health inequities along racial, ethnic, and socioeconomic lines.<sup>31</sup> The CDC has found that racial and ethnic minorities are at increased risk for infection, hospitalization, and death from COVID-19, with Hispanic or Latino and Native American or Alaska Native patients at highest risk.<sup>32</sup>

Similarly, low-income and socially vulnerable communities have seen the most severe health impacts. For example, counties with high poverty rates also have the highest rates of infections and deaths, with 223 deaths per 100,000 compared to the U.S. average of 175 deaths per 100,000, as of May 2021.<sup>33</sup> Counties with high social vulnerability, as measured by factors such as poverty and educational attainment, have also fared more poorly than the national average, with 211 deaths per 100,000 as of May 2021.<sup>34</sup>

<sup>29</sup> Megan L. Evans, et al., A Pandemic within a Pandemic—Intimate Partner Violence during Covid-19, *N. Engl. J. Med.* 383:2302–04 (Dec. 10, 2020), available at <https://www.nejm.org/doi/full/10.1056/NEJMp2024046>.

<sup>30</sup> Jeanne M. Santoli et al., Effects of the COVID-19 Pandemic on Routine Pediatric Vaccine Ordering and Administration—United States, *Morb. Mortal. Wkly. Rep.* 69(19):591–93 (May 8, 2020), <https://www.cdc.gov/mmwr/volumes/69/wr/mm6919e2.htm>; Marisa Langdon-Embry et al., Notes from the Field: Rebound in Routine Childhood Vaccine Administration Following Decline During the COVID-19 Pandemic—New York City, March 1–June 27, 2020, *Morb. Mortal. Wkly. Rep.* 69(30):999–1001 (Jul. 31 2020), <https://www.cdc.gov/mmwr/volumes/69/wr/mm6930a3.htm>.

<sup>31</sup> Office of the White House, National Strategy for the COVID-19 Response and Pandemic Preparedness (Jan. 21, 2021), <https://www.whitehouse.gov/wp-content/uploads/2021/01/National-Strategy-for-the-COVID-19-Response-and-Pandemic-Preparedness.pdf>.

<sup>32</sup> In a study of 13 states from October to December 2020, the CDC found that Hispanic or Latino and Native American or Alaska Native individuals were 1.7 times more likely to visit an emergency room for COVID-19 than White individuals, and Black individuals were 1.4 times more likely to do so than White individuals. See Romano, *supra* note 10.

<sup>33</sup> Centers for Disease Control and Prevention, COVID Data Tracker: Trends in COVID-19 Cases and Deaths in the United States, by County-level Population Factors, [https://covid.cdc.gov/covid-data-tracker/#pop-factors\\_totaldeaths](https://covid.cdc.gov/covid-data-tracker/#pop-factors_totaldeaths) (last visited May 8, 2021).

<sup>34</sup> The CDC’s Social Vulnerability Index includes fifteen variables measuring social vulnerability, including unemployment, poverty, education levels, single-parent households, disability status, non-English speaking households, crowded housing, and transportation access.

Centers for Disease Control and Prevention, COVID Data Tracker: Trends in COVID-19 Cases

Continued

<sup>23</sup> Centers for Disease Control and Prevention, COVID Data Tracker: Trends in Number of COVID-19 Cases and Deaths in the US Reported to CDC, by State/Territory, [https://covid.cdc.gov/covid-data-tracker/#trends\\_dailytrendscases](https://covid.cdc.gov/covid-data-tracker/#trends_dailytrendscases) (last visited May 8, 2021).

<sup>24</sup> *Id.*

<sup>25</sup> Centers for Disease Control and Prevention, COVID Data Tracker: COVID-19 Vaccinations in the United States, <https://covid.cdc.gov/covid-data-tracker/#vaccinations> (last visited May 8, 2021).

<sup>26</sup> Panchal, *supra* note 4; Mark E. Czeisler et al., Mental Health, Substance Abuse, and Suicidal Ideation During COVID-19 Pandemic—United States, June 24–30 2020, *Morb. Mortal. Wkly. Rep.* 69(32):1049–57 (Aug. 14, 2020), <https://www.cdc.gov/mmwr/volumes/69/wr/mm6932a1.htm>.

<sup>27</sup> Leeb, *supra* note 4.

<sup>28</sup> Centers for Disease Prevention and Control, National Center for Health Statistics, Provisional Drug Overdose Death Counts, <https://www.cdc.gov/nchs/nvss/vsrr/drug-overdose-data.htm> (last visited May 8, 2021).



Over the last year, Native Americans have experienced more than one and a half times the rate of COVID-19 infections, more than triple the rate of hospitalizations, and more than double the death rate compared to White Americans.<sup>35</sup> Low-income and minority communities also exhibit higher rates of pre-existing conditions that may contribute to an increased risk of COVID-19 mortality.<sup>36</sup>

In addition, individuals living in low-income communities may have had more limited ability to socially distance or to self-isolate when ill, resulting in faster spread of the virus, and were over-represented among essential workers, who faced greater risk of exposure.<sup>37</sup> Social distancing measures in response to the pandemic may have also exacerbated pre-existing public health challenges. For example, for children living in homes with lead paint, spending substantially more time at home raises the risk of developing elevated blood lead levels, while screenings for elevated blood lead levels declined during the pandemic.<sup>38</sup> The combination of these underlying social and health vulnerabilities may have contributed to more severe public health outcomes of the pandemic within these communities, resulting in an exacerbation of pre-existing disparities in health outcomes.<sup>39</sup>

and Deaths in the United States, by Social Vulnerability Index, [https://covid.cdc.gov/covid-data-tracker/#pop-factors\\_totaldeaths](https://covid.cdc.gov/covid-data-tracker/#pop-factors_totaldeaths) (last visited May 8, 2021).

<sup>35</sup> Centers for Disease Control and Prevention, Risk for COVID-19 Infection, Hospitalization, and Death By Race/Ethnicity, <https://www.cdc.gov/coronavirus/2019-ncov/covid-data/investigations-discovery/hospitalization-death-by-race-ethnicity.html> (last visited Apr. 26, 2021).

<sup>36</sup> See, e.g., Centers for Disease Control and Prevention, Risk of Severe Illness or Death from COVID-19 (Dec. 10, 2020), <https://www.cdc.gov/coronavirus/2019-ncov/community/health-equity/racial-ethnic-disparities/disparities-illness.html> (last visited Apr. 26, 2021).

<sup>37</sup> Milena Almagro et al., Racial Disparities in Frontline Workers and Housing Crowding During COVID-19: Evidence from Geolocation Data (Sept. 22, 2020), NYU Stern School of Business (forthcoming), available at [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=3695249](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3695249); Grace McCormack et al., Economic Vulnerability of Households with Essential Workers, *JAMA* 324(4):388–90 (2020), available at <https://jamanetwork.com/journals/jama/fullarticle/2767630>.

<sup>38</sup> See, e.g., Joseph G. Courtney et al., Decreases in Young Children Who Received Blood Lead Level Testing During COVID-19—34 Jurisdictions, *January–May 2020*, *Morb. Mort. Wkly. Rep.* 70(5):155–61 (Feb. 5, 2021), <https://www.cdc.gov/mmwr/volumes/70/wr/mm7005a2.htm>; Emily A. Benfer & Lindsay F. Wiley, Health Justice Strategies to Combat COVID-19: Protecting Vulnerable Communities During a Pandemic, *Health Affairs Blog* (Mar. 19, 2020), <https://www.healthaffairs.org/doi/10.1377/hlbg20200319.757883/full/>.

<sup>39</sup> See, e.g., Centers for Disease Control and Prevention, *supra* note 34; Benfer & Wiley, *supra*

*Eligible Public Health Uses.* The Fiscal Recovery Funds provide resources to meet and address these emergent public health needs, including through measures to counter the spread of COVID-19, through the provision of care for those impacted by the virus, and through programs or services that address disparities in public health that have been exacerbated by the pandemic. To facilitate implementation and use of payments from the Fiscal Recovery Funds, the interim final rule identifies a non-exclusive list of eligible uses of funding to respond to the COVID-19 public health emergency. Eligible uses listed under this section build and expand upon permissible expenditures under the CRF, while recognizing the differences between the ARPA and CARES Act, and recognizing that the response to the COVID-19 public health emergency has changed and will continue to change over time. To assess whether additional uses would be eligible under this category, recipients should identify an effect of COVID-19 on public health, including either or both of immediate effects or effects that may manifest over months or years, and assess how the use would respond to or address the identified need.

The interim final rule identifies a non-exclusive list of uses that address the effects of the COVID-19 public health emergency, including:

- *COVID-19 Mitigation and Prevention.* A broad range of services and programming are needed to contain COVID-19. Mitigation and prevention efforts for COVID-19 include vaccination programs; medical care; testing; contact tracing; support for isolation or quarantine; supports for vulnerable populations to access medical or public health services; public health surveillance (e.g., monitoring case trends, genomic sequencing for variants); enforcement of public health orders; public communication efforts; enhancement to health care capacity, including through alternative care facilities; purchases of personal protective equipment; support for prevention, mitigation, or other services in congregate living facilities (e.g., nursing homes, incarceration settings, homeless shelters, group living facilities) and other key settings like schools;<sup>40</sup> ventilation improvements in

note 38; Nathaniel M. Lewis et al., Disparities in COVID-19 Incidence, Hospitalizations, and Testing, by Area-Level Deprivation—Utah, March 3–July 9, 2020, *Morb. Mort. Wkly. Rep.* 69(38):1369–73 (Sept. 25, 2020), <https://www.cdc.gov/mmwr/volumes/69/wr/mm6938a4.htm>.

<sup>40</sup> This includes implementing mitigation strategies consistent with the Centers for Disease Control and Prevention's (CDC) Operational

congregate settings, health care settings, or other key locations; enhancement of public health data systems; and other public health responses.<sup>41</sup> They also include capital investments in public facilities to meet pandemic operational needs, such as physical plant improvements to public hospitals and health clinics or adaptations to public buildings to implement COVID-19 mitigation tactics. These COVID-19 prevention and mitigation programs and services, among others, were eligible expenditures under the CRF and are eligible uses under this category of eligible uses for the Fiscal Recovery Funds.<sup>42</sup>

- *Medical Expenses.* The COVID-19 public health emergency continues to have devastating effects on public health; the United States continues to average hundreds of deaths per day and the spread of new COVID-19 variants has raised new risks and genomic surveillance needs.<sup>43</sup> Moreover, our understanding of the potentially serious and long-term effects of the virus is growing, including the potential for symptoms like shortness of breath to continue for weeks or months, for multi-organ impacts from COVID-19, or for post-intensive care syndrome.<sup>44</sup> State and local governments may need to continue to provide care and services to address these near- and longer-term needs.<sup>45</sup>

Strategy for K–12 Schools through Phased Prevention, available at <https://www.cdc.gov/coronavirus/2019-ncov/community/schools-childcare/operation-strategy.html>.

<sup>41</sup> Many of these expenses were also eligible in the CRF. Generally, funding uses eligible under CRF as a response to the direct public health impacts of COVID-19 will continue to be eligible under the ARPA, including those not explicitly listed here (e.g., telemedicine costs, costs to facilitate compliance with public health orders, disinfection of public areas, facilitating distance learning, increased solid waste disposal needs related to PPE, paid sick and paid family and medical leave to public employees to enable compliance with COVID-19 public health precautions), with the following two exceptions: (1) The standard for eligibility of public health and safety payrolls has been updated (see section II.A of this **SUPPLEMENTARY INFORMATION**) and (2) expenses related to the issuance of tax-anticipation notes are no longer an eligible funding use (see discussion of debt service in section II.B of this **SUPPLEMENTARY INFORMATION**).

<sup>42</sup> Coronavirus Relief Fund for States, Tribal Governments, and Certain Eligible Local Governments, 86 FR 4182 (Jan. 15, 2021), available at [https://home.treasury.gov/system/files/136/CRF-Guidance-Federal-Register\\_2021-00827.pdf](https://home.treasury.gov/system/files/136/CRF-Guidance-Federal-Register_2021-00827.pdf).

<sup>43</sup> Centers for Disease Control and Prevention, *supra* note 24.

<sup>44</sup> Centers for Disease Control and Prevention, Long-Term Effects (Apr. 8, 2021), <https://www.cdc.gov/coronavirus/2019-ncov/long-term-effects.html> (last visited Apr. 26, 2021).

<sup>45</sup> Pursuant to 42 CFR 433.51 and 45 CFR 75.306, Fiscal Recovery Funds may not serve as a State or locality's contribution of certain Federal funds.

- *Behavioral Health Care.* In addition, new or enhanced State, local, and Tribal government services may be needed to meet behavioral health needs exacerbated by the pandemic and respond to other public health impacts. These services include mental health treatment, substance misuse treatment, other behavioral health services, hotlines or warmlines, crisis intervention, overdose prevention, infectious disease prevention, and services or outreach to promote access to physical or behavioral health primary care and preventative medicine.

- *Public Health and Safety Staff.* Treasury recognizes that responding to the public health and negative economic impacts of the pandemic, including administering the services described above, requires a substantial commitment of State, local, and Tribal government human resources. As a result, the Fiscal Recovery Funds may be used for payroll and covered benefits expenses for public safety, public health, health care, human services, and similar employees, to the extent that their services are devoted to mitigating or responding to the COVID-19 public health emergency.<sup>46</sup> Accordingly, the Fiscal Recovery Funds may be used to support the payroll and covered benefits for the portion of the employee's time that is dedicated to responding to the COVID-19 public health emergency. For administrative convenience, the recipient may consider public health and safety employees to be entirely devoted to mitigating or responding to the COVID-19 public health emergency, and therefore fully covered, if the employee, or his or her operating unit or division, is primarily dedicated to responding to the COVID-19 public health emergency. Recipients may consider other presumptions for assessing the extent to which an employee, division, or operating unit is engaged in activities that respond to the COVID-19 public health emergency, provided that the recipient reassesses periodically and maintains records to support its assessment, such as payroll records, attestations from supervisors or staff, or regular work product or correspondence demonstrating work on

<sup>46</sup> In general, if an employee's wages and salaries are an eligible use of Fiscal Recovery Funds, recipients may treat the employee's covered benefits as an eligible use of Fiscal Recovery Funds. For purposes of the Fiscal Recovery Funds, covered benefits include costs of all types of leave (vacation, family-related, sick, military, bereavement, sabbatical, jury duty), employee insurance (health, life, dental, vision), retirement (pensions, 401(k)), unemployment benefit plans (Federal and state), workers compensation insurance, and Federal Insurance Contributions Act (FICA) taxes (which includes Social Security and Medicare taxes).

the COVID-19 response. Recipients need not routinely track staff hours.

- *Expenses to Improve the Design and Execution of Health and Public Health Programs.* State, local, and Tribal governments may use payments from the Fiscal Recovery Funds to engage in planning and analysis in order to improve programs addressing the COVID-19 pandemic, including through use of targeted consumer outreach, improvements to data or technology infrastructure, impact evaluations, and data analysis.

*Eligible Uses to Address Disparities in Public Health Outcomes.* In addition, in recognition of the disproportionate impacts of the COVID-19 pandemic on health outcomes in low-income and Native American communities and the importance of mitigating these effects, the interim final rule identifies a broader range of services and programs that will be presumed to be responding to the public health emergency when provided in these communities. Specifically, Treasury will presume that certain types of services, outlined below, are eligible uses when provided in a Qualified Census Tract (QCT),<sup>47</sup> to families living in QCTs, or when these services are provided by Tribal governments.<sup>48</sup> Recipients may also provide these services to other populations, households, or geographic areas that are disproportionately impacted by the pandemic. In identifying these disproportionately-impacted communities, recipients should be able to support their determination that the pandemic resulted in disproportionate public health or economic outcomes to the

<sup>47</sup> Qualified Census Tracts are a common, readily-accessible, and geographically granular method of identifying communities with a large proportion of low-income residents. Using an existing measure may speed implementation and decrease administrative burden, while identifying areas of need at a highly-localized level.

While QCTs are an effective tool generally, many tribal communities have households with a wide range of income levels due in part to non-tribal member, high income residents living in the community. Mixed income communities, with a significant share of tribal members at the lowest levels of income, are often not included as eligible QCTs yet tribal residents are experiencing disproportionate impacts due to the pandemic. Therefore, including all services provided by Tribal governments is a more effective means of ensuring that disproportionately impacted Tribal members can receive services.

<sup>48</sup> U.S. Department of Housing and Urban Development (HUD), Qualified Census Tracts and Difficult Development Areas, <https://www.huduser.gov/portal/datasets/qct.html> (last visited Apr. 26, 2021); U.S. Department of the Interior, Bureau of Indian Affairs, Indian Lands of Federally Recognized Tribes of the United States (June 2016), <https://www.bia.gov/sites/bia.gov/files/assets/bia/ots/webteam/pdf/idc1-028635.pdf> (last visited Apr. 26, 2021).

specific populations, households, or geographic areas to be served.

Given the exacerbation of health disparities during the pandemic and the role of pre-existing social vulnerabilities in driving these disparate outcomes, services to address health disparities are presumed to be responsive to the public health impacts of the pandemic. Specifically, recipients may use payments from the Fiscal Recovery Funds to facilitate access to resources that improve health outcomes, including services that connect residents with health care resources and public assistance programs and build healthier environments, such as:

- Funding community health workers to help community members access health services and services to address the social determinants of health;<sup>49</sup>
- Funding public benefits navigators to assist community members with navigating and applying for available Federal, State, and local public benefits or services;
- Housing services to support healthy living environments and neighborhoods conducive to mental and physical wellness;
- Remediation of lead paint or other lead hazards to reduce risk of elevated blood lead levels among children; and
- Evidence-based community violence intervention programs to prevent violence and mitigate the increase in violence during the pandemic.<sup>50</sup>

## 2. Responding to Negative Economic Impacts

*Impacts on Households and Individuals.* The public health emergency, including the necessary measures taken to protect public health, resulted in significant economic and financial hardship for many Americans. As businesses closed, consumers stayed home, schools shifted to remote

<sup>49</sup> The social determinants of health are the social and environmental conditions that affect health outcomes, specifically economic stability, health care access, social context, neighborhoods and built environment, and education access. See, e.g., U.S. Department of Health and Human Services, Office of Disease Prevention and Health Promotion, Healthy People 2030: Social Determinants of Health, <https://health.gov/healthypeople/objectives-and-data/social-determinants-health> (last visited Apr. 26, 2021).

<sup>50</sup> National Commission on COVID-19 and Criminal Justice, Impact Report: COVID-19 and Crime (Jan. 31, 2021), <https://covid19.counciloncj.org/2021/01/31/impact-report-covid-19-and-crime-3/> (showing a spike in homicide and assaults); Brad Boesrup et al., Alarming Trends in US domestic violence during the COVID-19 pandemic, *Am. J. of Emerg. Med.* 38(12): 2753–55 (Dec. 1, 2020), available at [https://www.ajemjournal.com/article/S0735-6757\(20\)30307-7/fulltext](https://www.ajemjournal.com/article/S0735-6757(20)30307-7/fulltext) (showing a spike in domestic violence).



education, and travel declined precipitously, over 20 million jobs were lost in March and April 2020.<sup>51</sup> Although many have returned to work, as of April 2021, the economy remains 8.2 million jobs below its pre-pandemic peak,<sup>52</sup> and more than 3 million workers have dropped out of the labor market altogether relative to February 2020.<sup>53</sup>

Rates of unemployment are particularly severe among workers of color and workers with lower levels of educational attainment; for example, the overall unemployment rate in the United States was 6.1 percent in April 2021, but certain groups saw much higher rates: 9.7 percent for Black workers, 7.9 percent for Hispanic or Latino workers, and 9.3 percent for workers without a high school diploma.<sup>54</sup> Job losses have also been particularly steep among low wage workers, with these workers remaining furthest from recovery as of the end of 2020.<sup>55</sup> A severe recession—and its concentrated impact among low-income workers—has amplified food and housing insecurity, with an estimated nearly 17 million adults living in households where there is sometimes or often not enough food to eat and an estimated 10.7 million adults living in households that were not current on rent.<sup>56</sup> Over the course of the pandemic,

inequities also manifested along gender lines, as schools closed to in-person activities, leaving many working families without child care during the day.<sup>57</sup> Women of color have been hit especially hard: The labor force participation rate for Black women has fallen by 3.2 percentage points<sup>58</sup> during the pandemic as compared to 1.0 percentage points for Black men<sup>59</sup> and 2.0 percentage points for White women.<sup>60</sup>

As the economy recovers, the effects of the pandemic-related recession may continue to impact households, including a risk of longer-term effects on earnings and economic potential. For example, unemployed workers, especially those who have experienced longer periods of unemployment, earn lower wages over the long term once rehired.<sup>61</sup> In addition to the labor market consequences for unemployed workers, recessions can also cause longer-term economic challenges through, among other factors, damaged consumer credit scores<sup>62</sup> and reduced familial and childhood wellbeing.<sup>63</sup>

Food, Housing, and Employment Hardships, <https://www.cbpp.org/research/poverty-and-inequality/tracking-the-covid-19-recessions-effects-on-food-housing-and> (last visited May 8, 2021).

<sup>51</sup> Women have carried a larger share of childcare responsibilities than men during the COVID-19 crisis. See, e.g., Gema Zamarro & Maria J. Prados, Gender differences in couples' division of childcare, work and mental health during COVID-19, *Rev. Econ. Household* 19:11–40 (2021), available at <https://link.springer.com/article/10.1007/s11150-020-09534-7>; Titan Alon et al., The Impact of COVID-19 on Gender Equality, National Bureau of Economic Research Working Paper 26947 (April 2020), available at <https://www.nber.org/papers/w26947>.

<sup>52</sup> U.S. Bureau of Labor Statistics, Labor Force Participation Rate—20 Yrs. & Over, Black or African American Women [LNS11300032], retrieved from FRED, Federal Reserve Bank of St. Louis; <https://fred.stlouisfed.org/series/LNS11300032> (last visited May 8, 2021).

<sup>53</sup> U.S. Bureau of Labor Statistics, Labor Force Participation Rate—20 Yrs. & Over, Black or African American Men [LNS11300031], retrieved from FRED, Federal Reserve Bank of St. Louis; <https://fred.stlouisfed.org/series/LNS11300031> (last visited May 8, 2021).

<sup>54</sup> U.S. Bureau of Labor Statistics, Labor Force Participation Rate—20 Yrs. & Over, White Women [LNS11300029], retrieved from FRED, Federal Reserve Bank of St. Louis; <https://fred.stlouisfed.org/series/LNS11300029> (last visited May 8, 2021).

<sup>55</sup> See, e.g., Michael Greenstone & Adam Looney, Unemployment and Earnings Losses: A Look at Long-Term Impacts of the Great Recession on American Workers, Brookings Institution (Nov. 4, 2021), <https://www.brookings.edu/blog/jobs/2011/11/04/unemployment-and-earnings-losses-a-look-at-long-term-impacts-of-the-great-recession-on-american-workers/>.

<sup>56</sup> Chi Chi Wu, Solving the Credit Conundrum: Helping Consumers' Credit Records Impaired by the Foreclosure Crisis and Great Recession (Dec. 2013), [https://www.nclc.org/images/pdf/credit\\_reports/report-credit-conundrum-2013.pdf](https://www.nclc.org/images/pdf/credit_reports/report-credit-conundrum-2013.pdf).

<sup>57</sup> Irwin Garfinkel, Sara McLanahan, Christopher Wimer, eds., *Children of the Great Recession*,

These potential long-term economic consequences underscore the continued need for robust policy support.

*Impacts on Businesses.* The pandemic has also severely impacted many businesses, with small businesses hit especially hard. Small businesses make up nearly half of U.S. private-sector employment<sup>64</sup> and play a key role in supporting the overall economic recovery as they are responsible for two-thirds of net new jobs.<sup>65</sup> Since the beginning of the pandemic, however, 400,000 small businesses have closed, with many more at risk.<sup>66</sup> Sectors with a large share of small business employment have been among those with the most drastic drops in employment.<sup>67</sup> The negative outlook for small businesses has continued: As of April 2021, approximately 70 percent of small businesses reported that the pandemic has had a moderate or large negative effect on their business, and over a third expect that it will take over 6 months for their business to return to their normal level of operations.<sup>68</sup>

This negative outlook is likely the result of many small businesses having faced periods of closure and having seen declining revenues as customers stayed home.<sup>69</sup> In general, small businesses can face greater hurdles in accessing credit,<sup>70</sup> and many small businesses were already financially fragile at the outset of the pandemic.<sup>71</sup> Non-profits, which provide vital services to communities, have similarly faced

Russell Sage Foundation (Aug. 2016), available at <https://www.russellsage.org/publications/children-great-recession>.

<sup>64</sup> Board of Governors of the Federal Reserve System, *supra* note 5.

<sup>65</sup> U.S. Small Business Administration, Office of Advocacy, Small Businesses Generate 44 Percent of U.S. Economic Activity (Jan. 30, 2019), <https://advocacy.sba.gov/2019/01/30/small-businesses-generate-44-percent-of-u-s-economic-activity/>.

<sup>66</sup> Biden, *supra* note 6.

<sup>67</sup> Daniel Wilmoth, U.S. Small Business Administration Office of Advocacy, The Effects of the COVID-19 Pandemic on Small Businesses, Issue Brief No. 16 (Mar. 2021), available at <https://cdn.advocacy.sba.gov/wp-content/uploads/2021/03/02112318/COVID-19-Impact-On-Small-Business.pdf>.

<sup>68</sup> U.S. Census Bureau, Small Business Pulse Survey, <https://portal.census.gov/pulse/data/> (last visited May 8, 2021).

<sup>69</sup> Olivia S. Kim et al., Revenue Collapses and the Consumption of Small Business Owners in the Early Stages of the COVID-19 Pandemic (Nov. 2020), <https://www.nber.org/papers/w28151>.

<sup>70</sup> See e.g., Board of Governors of the Federal Reserve System, Report to Congress on the Availability of Credit to Small Businesses (Sept. 2017), available at <https://www.federalreserve.gov/publications/2017-september-availability-of-credit-to-small-businesses.htm>.

<sup>71</sup> Alexander W. Bartik et al., The Impact of COVID-19 on small business outcomes and expectations, PNAS 117(30): 17656–66 (July 28, 2020), available at <https://www.pnas.org/content/117/30/17656>.

<sup>51</sup> U.S. Bureau of Labor Statistics, All Employees, Total Nonfarm (PAYEMS), retrieved from FRED, Federal Reserve Bank of St. Louis; <https://fred.stlouisfed.org/series/PAYEMS> (last visited May 8, 2021).

<sup>52</sup> *Id.*

<sup>53</sup> U.S. Bureau of Labor Statistics, Civilian Labor Force Level [CLF16OV], retrieved from FRED, Federal Reserve Bank of St. Louis; <https://fred.stlouisfed.org/series/CLF16OV> (last visited May 8, 2021).

<sup>54</sup> U.S. Bureau of Labor Statistics, Labor Force Statistics from the Current Population Survey: Employment status of the civilian population by sex and age (May 8 2021), <https://www.bls.gov/news.release/empsit.t01.htm> (last visited May 8, 2021); U.S. Bureau of Labor Statistics, Labor Force Statistics from the Current Population Survey: Employment status of the civilian noninstitutional population by race, Hispanic or Latino ethnicity, sex, and age (May 8, 2021), <https://www.bls.gov/web/empsit/cpseea04.htm> (last visited May 8, 2021); U.S. Bureau of Labor Statistics, Labor Force Statistics from the Current Population Survey: Employment status of the civilian noninstitutional population 25 years and over by educational attainment (May 8, 2021), <https://www.bls.gov/web/empsit/cpseea05.htm> (last visited May 8, 2021).

<sup>55</sup> Elise Gould & Jori Kandra, Wages grew in 2020 because the bottom fell out of the low-wage labor market, Economic Policy Institute (Feb. 24, 2021), <https://files.epi.org/pdf/219418.pdf>. See also, Michael Dalton et al., The K-Shaped Recovery: Examining the Diverging Fortunes of Workers in the Recovery from the COVID-19 Pandemic using Business and Household Survey Microdata, U.S. Bureau of Labor Statistics Working Paper Series (Feb. 2021), <https://www.bls.gov/osmr/research-papers/2021/pdf/ec210020.pdf>.

<sup>56</sup> Center on Budget and Policy Priorities, Tracking the COVID-19 Recession's Effects on

economic and financial challenges due to the pandemic.<sup>72</sup>

*Impacts to State, Local, and Tribal Governments.* State, local, and Tribal governments have felt substantial fiscal pressures. As noted above, State, local, and Tribal governments have faced significant revenue shortfalls and remain over 1 million jobs below their pre-pandemic staffing levels.<sup>73</sup> These reductions in staffing may undermine the ability to deliver services effectively, as well as add to the number of unemployed individuals in their jurisdictions.

*Exacerbation of Pre-existing Disparities.* The COVID-19 public health emergency may have lasting negative effects on economic outcomes, particularly in exacerbating disparities that existed prior to the pandemic.

The negative economic impacts of the COVID-19 pandemic are particularly pronounced in certain communities and families. Low- and moderate-income jobs make up a substantial portion of both total pandemic job losses,<sup>74</sup> and jobs that require in-person frontline work, which are exposed to greater risk of contracting COVID-19.<sup>75</sup> Both factors compound pre-existing vulnerabilities and the likelihood of food, housing, or other financial insecurity in low- and moderate-income families and, given the concentration of low- and moderate-income families within certain communities,<sup>76</sup> raise a substantial risk that the effects of the COVID-19 public health emergency will be amplified within these communities.

These compounding effect of recessions on concentrated poverty and the long-lasting nature of this effect were observed after the 2007–2009 recession, including a large increase in concentrated poverty with the number of people living in extremely poor

neighborhoods more than doubling by 2010–2014 relative to 2000.<sup>77</sup> Concentrated poverty has a range of deleterious impacts, including additional burdens on families and reduced economic potential and social cohesion.<sup>78</sup> Given the disproportionate impact of COVID-19 on low-income households discussed above, there is a risk that the current pandemic-induced recession could further increase concentrated poverty and cause long-term damage to economic prospects in neighborhoods of concentrated poverty.

The negative economic impacts of COVID-19 also include significant impacts to children in disproportionately affected families and include impacts to education, health, and welfare, all of which contribute to long-term economic outcomes.<sup>79</sup> Many low-income and minority students, who were disproportionately served by remote or hybrid education during the pandemic, lacked the resources to participate fully in remote schooling or live in households without adults available throughout the day to assist with online coursework.<sup>80</sup> Given these trends, the pandemic may widen educational disparities and worsen outcomes for low-income students,<sup>81</sup> an

<sup>77</sup> Elizabeth Kneebone & Natalie Holmes, U.S. concentrated poverty in the wake of the Great Recession, Brookings Institution (Mar. 31, 2016), <https://www.brookings.edu/research/u-s-concentrated-poverty-in-the-wake-of-the-great-recession/>.

<sup>78</sup> David Erickson et al., The Enduring Challenge of Concentrated Poverty in America: Case Studies from Communities Across the U.S. (2008), available at [https://www.frbsf.org/community-development/files/cp\\_fullreport.pdf](https://www.frbsf.org/community-development/files/cp_fullreport.pdf).

<sup>79</sup> Educational quality, as early as Kindergarten, has a long-term impact on children's public health and economic outcomes. See, e.g., Tyler W. Watts et al., The Chicago School Readiness Project: Examining the long-term impacts of an early childhood intervention, *PLoS ONE* 13(7) (2018), available at <https://journals.plos.org/plosone/article?id=10.1371/journal.pone.0200144>; Opportunity Insights, How Can We Amplify Education as an Engine of Mobility? Using big data to help children get the most from school, <https://opportunityinsights.org/education/> (last visited Apr. 26, 2021); U.S. Department of Health and Human Services (HHS), Office of Disease Prevention and Health Promotion, Early Childhood Development and Education, <https://www.healthypeople.gov/2020/topics-objectives/topic/social-determinants-health/interventions-resources/early-childhood-development-and-education> (last visited Apr. 26, 2021).

<sup>80</sup> See, e.g., Bacher-Hicks, *supra* note 14.

<sup>81</sup> A Department of Education survey found that, as of February 2021, 42 percent of fourth grade students nationwide were offered only remote education, compared to 48 percent of economically disadvantaged students, 54 percent of Black students and 57 percent of Hispanic students. Large districts often disproportionately serve low-income students. See Institute of Education Sciences, Monthly School Survey Dashboard, <https://ies.ed.gov/schoolsurvey/> (last visited Apr. 26, 2021). In summer 2020, a review found that 74 percent of the largest 100 districts chose remote learning only.

effect that would substantially impact their long-term economic outcomes. Increased economic strain or material hardship due to the pandemic could also have a long-term impact on health, educational, and economic outcomes of young children.<sup>82</sup> Evidence suggests that adverse conditions in early childhood, including exposure to poverty, food insecurity, housing insecurity, or other economic hardships, are particularly impactful.<sup>83</sup>

The pandemic's disproportionate economic impacts are also seen in Tribal communities across the country—for Tribal governments as well as families and businesses on and off Tribal lands. In the early months of the pandemic, Native American unemployment spiked to 26 percent and, while partially recovered, remains at nearly 11 percent.<sup>84</sup> Tribal enterprises are a significant source of revenue for Tribal governments to support the provision of government services. These enterprises, notably concentrated in gaming, tourism, and hospitality, frequently closed, significantly reducing both revenues to Tribal governments and employment. As a result, Tribal governments have reduced essential services to their citizens and communities.<sup>85</sup>

*Eligible Uses.* Sections 602(c)(1)(A) and 603(c)(1)(A) permit use of payments from the Fiscal Recovery Funds to respond to the negative economic impacts of the COVID-19 public health emergency. Eligible uses that respond to the negative economic impacts of the public health emergency must be designed to address an economic harm resulting from or exacerbated by the public health emergency. In considering whether a program or service would be

See Education Week, School Districts' Reopening Plans: A Snapshot (Jul. 15, 2020), <https://www.edweek.org/leadership/school-districts-reopening-plans-a-snapshot/2020/07> (last visited May 4, 2021).

<sup>82</sup> HHS, *supra* note 79.

<sup>83</sup> Hirokazu Yoshikawa, Effects of the Global Coronavirus Disease—2019 Pandemic on Early Childhood Development: Short- and Long-Term Risks and Mitigating Program and Policy Actions, *J. of Pediatrics* Vol. 223:188–93 (Aug. 1, 2020), available at [https://www.jpeds.com/article/S0022-3476\(20\)30606-5/abstract](https://www.jpeds.com/article/S0022-3476(20)30606-5/abstract).

<sup>84</sup> Based on calculations conducted by the Minneapolis Fed's Center for Indian Country Development using Flood et al. (2020)'s Current Population Survey." Sarah Flood, Miriam King, Renae Rodgers, Steven Ruggles and J. Robert Warren. Integrated Public Use Microdata Series, Current Population Survey: Version 8.0 [dataset]. Minneapolis, MN: IPUMS, 2020. <https://doi.org/10.18128/D030.V8.0>; see also Donna Feir & Charles Golding, Native Employment During COVID-19: Hard hit in April but Starting to Rebound? (Aug. 5, 2020), <https://www.minneapolisfed.org/article/2020/native-employment-during-covid-19-hit-hard-in-april-but-starting-to-rebound>.

<sup>85</sup> Moreno & Sobrepena, *supra* note 73.

<sup>72</sup> Federal Reserve Bank of San Francisco, Impacts of COVID-19 on Nonprofits in the Western United States (May 2020), <https://www.frbsf.org/community-development/files/impact-of-covid-nonprofits-serving-western-united-states.pdf>.

<sup>73</sup> Bureau of Labor Statistics, *supra* note 8; Elijah Moreno & Heather Sobrepena, Tribal entities remain resilient as COVID-19 batters their finances, Federal Reserve Bank of Minneapolis (Nov. 10, 2021), <https://www.minneapolisfed.org/article/2020/tribal-entities-remain-resilient-as-covid-19-batters-their-finances>.

<sup>74</sup> Kim Parker et al., Economic Fallout from COVID-19 Continues to Hit Lower-Income Americans the Hardest, Pew Research Center (Sept. 24, 2020), <https://www.pewresearch.org/social-trends/2020/09/24/economic-fallout-from-covid-19-continues-to-hit-lower-income-americans-the-hardest/>; Gould, *supra* note 55.

<sup>75</sup> See *infra* Section II.B of this Supplementary Information.

<sup>76</sup> Elizabeth Kneebone, The Changing geography of US poverty, Brookings Institution (Feb. 15, 2017), <https://www.brookings.edu/testimonies/the-changing-geography-of-us-poverty/>.



eligible under this category, the recipient should assess whether, and the extent to which, there has been an economic harm, such as loss of earnings or revenue, that resulted from the COVID-19 public health emergency and whether, and the extent to which, the use would respond or address this harm.<sup>86</sup> A recipient should first consider whether an economic harm exists and whether this harm was caused or made worse by the COVID-19 public health emergency. While economic impacts may either be immediate or delayed, assistance or aid to individuals or businesses that did not experience a negative economic impact from the public health emergency would not be an eligible use under this category.

In addition, the eligible use must “respond to” the identified negative economic impact. Responses must be related and reasonably proportional to the extent and type of harm experienced; uses that bear no relation or are grossly disproportionate to the type or extent of harm experienced would not be eligible uses. Where there has been a negative economic impact resulting from the public health emergency, States, local, and Tribal governments have broad latitude to choose whether and how to use the Fiscal Recovery Funds to respond to and address the negative economic impact. Sections 602(c)(1)(A) and 603(c)(1)(A) describe several types of uses that would be eligible under this category, including assistance to households, small businesses, and nonprofits and aid to impacted industries such as tourism, travel, and hospitality.

To facilitate implementation and use of payments from the Fiscal Recovery Funds, the interim final rule identifies a non-exclusive list of eligible uses of funding that respond to the negative economic impacts of the public health emergency. Consistent with the discussion above, the eligible uses listed below would respond directly to the economic or financial harms resulting from and/or exacerbated by the public health emergency.

- *Assistance to Unemployed Workers.* This includes assistance to unemployed workers, including services like job training to accelerate rehiring of unemployed workers; these services may extend to workers unemployed due to the pandemic or the resulting recession, or who were already unemployed when the pandemic began

and remain so due to the negative economic impacts of the pandemic.

- *State Unemployment Insurance Trust Funds.* Consistent with the approach taken in the CRF, recipients may make deposits into the state account of the Unemployment Trust Fund established under section 904 of the Social Security Act (42 U.S.C. 1104) up to the level needed to restore the pre-pandemic balances of such account as of January 27, 2020 or to pay back advances received under Title XII of the Social Security Act (42 U.S.C. 1321) for the payment of benefits between January 27, 2020 and May 17, 2021, given the close nexus between Unemployment Trust Fund costs, solvency of Unemployment Trust Fund systems, and pandemic economic impacts. Further, Unemployment Trust Fund deposits can decrease fiscal strain on Unemployment Insurance systems impacted by the pandemic. States facing a sharp increase in Unemployment Insurance claims during the pandemic may have drawn down positive Unemployment Trust Fund balances and, after exhausting the balance, required advances to fund continuing obligations to claimants. Because both of these impacts were driven directly by the need for assistance to unemployed workers during the pandemic, replenishing Unemployment Trust Funds up to the pre-pandemic level responds to the pandemic’s negative economic impacts on unemployed workers.

- *Assistance to Households.* Assistance to households or populations facing negative economic impacts due to COVID-19 is also an eligible use. This includes: Food assistance; rent, mortgage, or utility assistance; counseling and legal aid to prevent eviction or homelessness; cash assistance (discussed below); emergency assistance for burials, home repairs, weatherization, or other needs; internet access or digital literacy assistance; or job training to address negative economic or public health impacts experienced due to a worker’s occupation or level of training. As discussed above, in considering whether a potential use is eligible under this category, a recipient must consider whether, and the extent to which, the household has experienced a negative economic impact from the pandemic. In assessing whether a household or population experienced economic harm as a result of the pandemic, a recipient may presume that a household or population that experienced unemployment or increased food or housing insecurity or is low- or moderate-income experienced negative

economic impacts resulting from the pandemic. For example, a cash transfer program may focus on unemployed workers or low- and moderate-income families, which have faced disproportionate economic harms due to the pandemic. Cash transfers must be reasonably proportional to the negative economic impact they are intended to address. Cash transfers grossly in excess of the amount needed to address the negative economic impact identified by the recipient would not be considered to be a response to the COVID-19 public health emergency or its negative impacts. In particular, when considering the appropriate size of permissible cash transfers made in response to the COVID-19 public health emergency, State, local and Tribal governments may consider and take guidance from the per person amounts previously provided by the Federal Government in response to the COVID-19 crisis. Cash transfers that are grossly in excess of such amounts would be outside the scope of eligible uses under sections 602(c)(1)(A) and 603(c)(1)(A) and could be subject to recoupment. In addition, a recipient could provide survivor’s benefits to surviving family members of COVID-19 victims, or cash assistance to widows, widowers, and dependents of eligible COVID-19 victims.

- *Expenses to Improve Efficacy of Economic Relief Programs.* State, local, and Tribal governments may use payments from the Fiscal Recovery Funds to improve efficacy of programs addressing negative economic impacts, including through use of data analysis, targeted consumer outreach, improvements to data or technology infrastructure, and impact evaluations.

- *Small Businesses and Non-profits.*

As discussed above, small businesses and non-profits faced significant challenges in covering payroll, mortgages or rent, and other operating costs as a result of the public health emergency and measures taken to contain the spread of the virus. State, local, and Tribal governments may provide assistance to small businesses to adopt safer operating procedures, weather periods of closure, or mitigate financial hardship resulting from the COVID-19 public health emergency, including:

- Loans or grants to mitigate financial hardship such as declines in revenues or impacts of periods of business closure, for example by supporting payroll and benefits costs, costs to retain employees, mortgage, rent, or utilities costs, and other operating costs;
- Loans, grants, or in-kind assistance to implement COVID-19 prevention or mitigation tactics, such as physical

<sup>86</sup> In some cases, a use may be permissible under another eligible use category even if it falls outside the scope of section (c)(1)(A) of the Act.

plant changes to enable social distancing, enhanced cleaning efforts, barriers or partitions, or COVID-19 vaccination, testing, or contact tracing programs; and

- Technical assistance, counseling, or other services to assist with business planning needs.

As discussed above, these services should respond to the negative economic impacts of COVID-19. Recipients may consider additional criteria to target assistance to businesses in need, including small businesses. Such criteria may include businesses facing financial insecurity, substantial declines in gross receipts (e.g., comparable to measures used to assess eligibility for the Paycheck Protection Program), or other economic harm due to the pandemic, as well as businesses with less capacity to weather financial hardship, such as the smallest businesses, those with less access to credit, or those serving disadvantaged communities. Recipients should consider local economic conditions and business data when establishing such criteria.<sup>87</sup>

- *Rehiring State, Local, and Tribal Government Staff.* State, local, and Tribal governments continue to see pandemic impacts in overall staffing levels: State, local, and Tribal government employment remains more than 1 million jobs lower in April 2021 than prior to the pandemic.<sup>88</sup> Employment losses decrease a state or local government's ability to effectively administer services. Thus, the interim final rule includes as an eligible use payroll, covered benefits, and other costs associated with rehiring public sector staff, up to the pre-pandemic staffing level of the government.

- *Aid to Impacted Industries.* Sections 602(c)(1)(A) and 603(c)(1)(A) recognize that certain industries, such as tourism, travel, and hospitality, were disproportionately and negatively impacted by the COVID-19 public health emergency. Aid provided to tourism, travel, and hospitality industries should respond to the negative economic impacts of the

pandemic on those and similarly impacted industries. For example, aid may include assistance to implement COVID-19 mitigation and infection prevention measures to enable safe resumption of tourism, travel, and hospitality services, for example, improvements to ventilation, physical barriers or partitions, signage to facilitate social distancing, provision of masks or personal protective equipment, or consultation with infection prevention professionals to develop safe reopening plans.

Aid may be considered responsive to the negative economic impacts of the pandemic if it supports businesses, attractions, business districts, and Tribal development districts operating prior to the pandemic and affected by required closures and other efforts to contain the pandemic. For example, a recipient may provide aid to support safe reopening of businesses in the tourism, travel, and hospitality industries and to business districts that were closed during the COVID-19 public health emergency, as well as aid for a planned expansion or upgrade of tourism, travel, and hospitality facilities delayed due to the pandemic.

When considering providing aid to industries other than tourism, travel, and hospitality, recipients should consider the extent of the economic impact as compared to tourism, travel, and hospitality, the industries enumerated in the statute. For example, on net, the leisure and hospitality industry has experienced an approximately 24 percent decline in revenue and approximately 17 percent decline in employment nationwide due to the COVID-19 public health emergency.<sup>89</sup> Recipients should also consider whether impacts were due to the COVID-19 pandemic, as opposed to longer-term economic or industrial trends unrelated to the pandemic.

To facilitate transparency and accountability, the interim final rule requires that State, local, and Tribal governments publicly report assistance provided to private-sector businesses under this eligible use, including

tourism, travel, hospitality, and other impacted industries, and its connection to negative economic impacts of the pandemic. Recipients also should maintain records to support their assessment of how businesses or business districts receiving assistance were affected by the negative economic impacts of the pandemic and how the aid provided responds to these impacts.

As discussed above, economic disparities that existed prior to the COVID-19 public health emergency amplified the impact of the pandemic among low-income and minority groups. These families were more likely to face housing, food, and financial insecurity; are over-represented among low-wage workers; and many have seen their livelihoods deteriorate further during the pandemic and economic contraction. In recognition of the disproportionate negative economic impacts on certain communities and populations, the interim final rule identifies services and programs that will be presumed to be responding to the negative economic impacts of the COVID-19 public health emergency when provided in these communities.

Specifically, Treasury will presume that certain types of services, outlined below, are eligible uses when provided in a QCT, to families and individuals living in QCTs, or when these services are provided by Tribal governments.<sup>90</sup> Recipients may also provide these services to other populations, households, or geographic areas disproportionately impacted by the pandemic. In identifying these disproportionately impacted communities, recipients should be able to support their determination that the pandemic resulted in disproportionate public health or economic outcomes to the specific populations, households, or geographic areas to be served. The interim final rule identifies a non-exclusive list of uses that address the disproportionate negative economic effects of the COVID-19 public health emergency, including:

- *Building Stronger Communities through Investments in Housing and Neighborhoods.* The economic impacts of COVID-19 have likely been most acute in lower-income neighborhoods, including concentrated areas of high unemployment, limited economic opportunity, and housing insecurity.<sup>91</sup>

<sup>89</sup> HUD, *supra* note 48.

<sup>91</sup> Stuart M. Butler & Jonathan Grabinsky, Tackling the legacy of persistent urban inequality and concentrated poverty, Brookings Institution (Nov. 16, 2020), <https://www.brookings.edu/blog/up-front/2020/11/16/tackling-the-legacy-of->

<sup>87</sup> See Federal Reserve Bank of Cleveland, An Uphill Battle: COVID-19's Outsized Toll on Minority-Owned Firms (Oct. 8, 2020), <https://www.clevelandfed.org/newsroom-and-events/publications/community-development-briefs/db-20201008-misera-report.aspx> (discussing the impact of COVID-19 on minority owned businesses).

<sup>88</sup> U.S. Bureau of Labor Statistics, All Employees, State Government [CES9092000001] and All Employees, Local Government [CES9093000001], retrieved from FRED, Federal Reserve Bank of St. Louis, <https://fred.stlouisfed.org/series/CES9092000001> and <https://fred.stlouisfed.org/series/CES9093000001> (last visited May 8, 2021).

<sup>89</sup> From February 2020 to April 2021, employment in "Leisure and hospitality" has fallen by approximately 17 percent. See U.S. Bureau of Labor Statistics, All Employees, Leisure and Hospitality, retrieved from FRED, Federal Reserve Bank of St. Louis, <https://fred.stlouisfed.org/series/USLAH> (last visited May 8, 2021). From 2019Q4 to 2020Q4, gross output (e.g. revenue) in arts, entertainment, recreation, accommodation, and food services has fallen by approximately 24 percent. See Bureau of Economic Analysis, News Release: Gross Domestic Product (Third Estimate), Corporate Profits, and GDP by Industry, Fourth Quarter and Year 2020 (Mar. 25, 2021), Table 17, [https://www.bea.gov/sites/default/files/2021-03/gdp4q20\\_3rd.pdf](https://www.bea.gov/sites/default/files/2021-03/gdp4q20_3rd.pdf).



Services in this category alleviate the immediate economic impacts of the COVID-19 pandemic on housing insecurity, while addressing conditions that contributed to poor public health and economic outcomes during the pandemic, namely concentrated areas with limited economic opportunity and inadequate or poor-quality housing.<sup>92</sup> Eligible services include:

- Services to address homelessness such as supportive housing, and to improve access to stable, affordable housing among unhoused individuals;
- Affordable housing development to increase supply of affordable and high-quality living units; and
- Housing vouchers, residential counseling, or housing navigation assistance to facilitate household moves to neighborhoods with high levels of economic opportunity and mobility for low-income residents, to help residents increase their economic opportunity and reduce concentrated areas of low economic opportunity.<sup>93</sup>

- *Addressing Educational Disparities.* As outlined above, school closures and the transition to remote education raised particular challenges for lower-income students, potentially exacerbating educational disparities, while increases in economic hardship among families could have long-lasting impacts on children's educational and economic prospects. Services under this prong would enhance educational supports to help mitigate impacts of the pandemic. Eligible services include:

- New, expanded, or enhanced early learning services, including pre-kindergarten, Head Start, or partnerships between pre-kindergarten programs and local education authorities, or administration of those services;

- Providing assistance to high-poverty school districts to advance equitable funding across districts and geographies;

- Evidence-based educational services and practices to address the academic needs of students, including tutoring, summer, afterschool, and other

extended learning and enrichment programs; and

- Evidence-based practices to address the social, emotional, and mental health needs of students;

- *Promoting Healthy Childhood Environments.* Children's economic and family circumstances have a long-term impact on their future economic outcomes.<sup>94</sup> Increases in economic hardship, material insecurity, and parental stress and behavioral health challenges all raise the risk of long-term harms to today's children due to the pandemic. Eligible services to address this challenge include:

- New or expanded high-quality childcare to provide safe and supportive care for children;

- Home visiting programs to provide structured visits from health, parent educators, and social service professionals to pregnant women or families with young children to offer education and assistance navigating resources for economic support, health needs, or child development; and

- Enhanced services for child welfare-involved families and foster youth to provide support and training on child development, positive parenting, coping skills, or recovery for mental health and substance use challenges.

State, local, and Tribal governments are encouraged to use payments from the Fiscal Recovery Funds to respond to the direct and immediate needs of the pandemic and its negative economic impacts and, in particular, the needs of households and businesses that were disproportionately and negatively impacted by the public health emergency. As highlighted above, low-income communities and workers and people of color have faced more severe health and economic outcomes during the pandemic, with pre-existing social vulnerabilities like low-wage or insecure employment, concentrated neighborhoods with less economic opportunity, and pre-existing health disparities likely contributing to the magnified impact of the pandemic. The Fiscal Recovery Funds provide resources to not only respond to the immediate harms of the pandemic but also to mitigate its longer-term impact in compounding the systemic public health and economic challenges of disproportionately impacted populations. Treasury encourages recipients to consider funding uses that foster a strong, inclusive, and equitable recovery, especially uses with long-term benefits for health and economic outcomes.

<sup>94</sup> See *supra* notes 52 and 84.

*Uses Outside the Scope of this Category.* Certain uses would not be within the scope of this eligible use category, although may be eligible under other eligible use categories. A general infrastructure project, for example, typically would not be included unless the project responded to a specific pandemic public health need (e.g., investments in facilities for the delivery of vaccines) or a specific negative economic impact like those described above (e.g., affordable housing in a QCT). The ARPA explicitly includes infrastructure if it is "necessary" and in water, sewer, or broadband. See Section II.D of this **SUPPLEMENTARY INFORMATION**. State, local, and Tribal governments also may use the Fiscal Recovery Funds under sections 602(c)(1)(C) or 603(c)(1)(C) to provide "government services" broadly to the extent of their reduction in revenue. See Section II.C of this **SUPPLEMENTARY INFORMATION**.

This category of eligible uses also would not include contributions to rainy day funds, financial reserves, or similar funds. Resources made available under this eligible use category are intended to help meet pandemic response needs and provide relief for households and businesses facing near- and long-term negative economic impacts. Contributions to rainy day funds and similar financial reserves would not address these needs or respond to the COVID-19 public health emergency but would rather constitute savings for future spending needs. Similarly, this eligible use category would not include payment of interest or principal on outstanding debt instruments, including, for example, short-term revenue or tax anticipation notes, or other debt service costs. As discussed below, payments from the Fiscal Recovery Funds are intended to be used prospectively and the interim final rule precludes use of these funds to cover the costs of debt incurred prior to March 3, 2021. Fees or issuance costs associated with the issuance of new debt would also not be covered using payments from the Fiscal Recovery Funds because such costs would not themselves have been incurred to address the needs of pandemic response or its negative economic impacts. The purpose of the Fiscal Recovery Funds is to provide fiscal relief that will permit State, local, and Tribal governments to continue to respond to the COVID-19 public health emergency.

For the same reasons, this category of eligible uses would not include satisfaction of any obligation arising under or pursuant to a settlement agreement, judgment, consent decree, or judicially confirmed debt restructuring

*persistent-urban-inequality-and-concentrated-poverty/*.

<sup>92</sup> U.S. Department of Health and Human Services (HHS), Office of Disease Prevention and Health Promotion, Quality of Housing, <https://www.healthypeople.gov/2020/topics-objectives/topic/social-determinants-health/interventions-resources/quality-of-housing#11> (last visited Apr. 26, 2021).

<sup>93</sup> The Opportunity Atlas, <https://www.opportunityatlas.org/> (last visited Apr. 26, 2021); Raj Chetty & Nathaniel Hendren, The Impacts of Neighborhoods on Intergenerational Mobility I: Childhood Exposure Effects, Quarterly J. of Econ. 133(3):1107–162 (2018), available at <https://opportunityinsights.org/paper/neighborhoodsi/>.

plan in a judicial, administrative, or regulatory proceeding, except to the extent the judgment or settlement requires the provision of services that would respond to the COVID-19 public health emergency. That is, satisfaction of a settlement or judgment would not itself respond to COVID-19 with respect to the public health emergency or its negative economic impacts, unless the settlement requires the provision of services or aid that did directly respond to these needs, as described above.

In addition, as described in Section V.III of this **SUPPLEMENTARY INFORMATION**, Treasury will establish reporting and record keeping requirements for uses within this category, including enhanced reporting requirements for certain types of uses.

*Question 1: Are there other types of services or costs that Treasury should consider as eligible uses to respond to the public health impacts of COVID-19? Describe how these respond to the COVID-19 public health emergency.*

*Question 2: The interim final rule permits coverage of payroll and benefits costs of public health and safety staff primarily dedicated to COVID-19 response, as well as rehiring of public sector staff up to pre-pandemic levels. For how long should these measures remain in place? What other measures or presumptions might Treasury consider to assess the extent to which public sector staff are engaged in COVID-19 response, and therefore reimbursable, in an easily-administrable manner?*

*Question 3: The interim final rule permits rehiring of public sector staff up to the government's pre-pandemic staffing level, which is measured based on employment as of January 27, 2020. Does this approach adequately measure the pre-pandemic staffing level in a manner that is both accurate and easily administrable? Why or why not?*

*Question 4: The interim final rule permits deposits to Unemployment Insurance Trust Funds, or using funds to pay back advances, up to the pre-pandemic balance. What, if any, conditions should be considered to ensure that funds repair economic impacts of the pandemic and strengthen unemployment insurance systems?*

*Question 5: Are there other types of services or costs that Treasury should consider as eligible uses to respond to the negative economic impacts of COVID-19? Describe how these respond to the COVID-19 public health emergency.*

*Question 6: What other measures, presumptions, or considerations could be used to assess "impacted industries"*

*affected by the COVID-19 public health emergency?*

*Question 7: What are the advantages and disadvantages of using Qualified Census Tracts and services provided by Tribal governments to delineate where a broader range of eligible uses are presumed to be responsive to the public health and economic impacts of COVID-19? What other measures might Treasury consider? Are there other populations or geographic areas that were disproportionately impacted by the pandemic that should be explicitly included?*

*Question 8: Are there other services or costs that Treasury should consider as eligible uses to respond to the disproportionate impacts of COVID-19 on low-income populations and communities? Describe how these respond to the COVID-19 public health emergency or its negative economic impacts, including its exacerbation of pre-existing challenges in these areas.*

*Question 9: The interim final rule includes eligible uses to support affordable housing and stronger neighborhoods in disproportionately-impacted communities. Discuss the advantages and disadvantages of explicitly including other uses to support affordable housing and stronger neighborhoods, including rehabilitation of blighted properties or demolition of abandoned or vacant properties. In what ways does, or does not, this potential use address public health or economic impacts of the pandemic? What considerations, if any, could support use of Fiscal Recovery Funds in ways that do not result in resident displacement or loss of affordable housing units?*

#### B. Premium Pay

Fiscal Recovery Funds payments may be used by recipients to provide premium pay to eligible workers performing essential work during the COVID-19 public health emergency or to provide grants to third-party employers with eligible workers performing essential work.<sup>95</sup> These are workers who have been and continue to be relied on to maintain continuity of operations of essential critical infrastructure sectors, including those who are critical to protecting the health and wellbeing of their communities.

Since the start of the COVID-19 public health emergency in January 2020, essential workers have put their physical wellbeing at risk to meet the daily needs of their communities and to provide care for others. In the course of this work, many essential workers have

contracted or died of COVID-19.<sup>96</sup> Several examples reflect the severity of the health impacts for essential workers. Meat processing plants became "hotspots" for transmission, with 700 new cases reported at a single plant on a single day in May 2020.<sup>97</sup> In New York City, 120 employees of the Metropolitan Transit Authority were estimated to have died due to COVID-19 by mid-May 2020, with nearly 4,000 testing positive for the virus.<sup>98</sup> Furthermore, many essential workers are people of color or low-wage workers.<sup>99</sup> These workers, in particular, have borne a disproportionate share of the health and economic impacts of the pandemic. Such workers include:

- Staff at nursing homes, hospitals, and home care settings;
- Workers at farms, food production facilities, grocery stores, and restaurants;
- Janitors and sanitation workers;
- Truck drivers, transit staff, and warehouse workers;
- Public health and safety staff;
- Childcare workers, educators, and other school staff; and
- Social service and human services staff.

During the public health emergency, employers' policies on COVID-19-related hazard pay have varied widely, with many essential workers not yet compensated for the heightened risks they have faced and continue to face.<sup>100</sup>

<sup>96</sup> See, e.g., Centers for Disease Control and Prevention, COVID Data Tracker: Cases & Death among Healthcare Personnel, <https://covid.cdc.gov/covid-data-tracker/#health-care-personnel> (last visited May 4, 2021); Centers for Disease Control and Prevention, COVID Data Tracker: Confirmed COVID-19 Cases and Deaths among Staff and Rate per 1,000 Resident-Weeks in Nursing Homes, by Week—United States, <https://covid.cdc.gov/covid-data-tracker/#nursing-home-staff> (last visited May 4, 2021).

<sup>97</sup> See, e.g., The Lancet, The plight of essential workers during the COVID-19 pandemic, Vol. 395, Issue 10237:1587 (May 23, 2020), available at <https://www.thelancet.com/journals/lancet/article/PIIS0140-6736%2820%2931200-9/fulltext>.

<sup>98</sup> *Id.*

<sup>99</sup> Joanna Gaitens et al., Covid-19 and essential workers: A narrative review of health outcomes and moral injury, *Int'l J. of Envtl. Research and Pub. Health* 18(4):1446 (Feb. 4, 2021), available at <https://pubmed.ncbi.nlm.nih.gov/33557075/>; Tiana N. Rogers et al., Racial Disparities in COVID-19 Mortality Among Essential Workers in the United States, *World Med. & Health policy* 12(3):311–27 (Aug. 5, 2020), available at <https://onlinelibrary.wiley.com/doi/full/10.1002/wmh3.358> (finding that vulnerability to coronavirus exposure was increased among non-Hispanic blacks, who disproportionately occupied the top nine essential occupations).

<sup>100</sup> Economic Policy Institute, Only 30% of those working outside their home are receiving hazard pay (June 16, 2020), <https://www.epi.org/press/only-30-of-those-working-outside-their-home-are-receiving-hazard-pay-black-and-hispanic-workers-are-most-concerned-about-bringing-the-coronavirus-home/>.

<sup>95</sup> Sections 602(c)(1)(B), 603(c)(1)(B) of the Act.



Many of these workers earn lower wages on average and live in socioeconomically vulnerable communities as compared to the general population.<sup>101</sup> A recent study found that 25 percent of essential workers were estimated to have low household income, with 13 percent in high-risk households.<sup>102</sup> The low pay of many essential workers makes them less able to cope with the financial consequences of the pandemic or their work-related health risks, including working hours lost due to sickness or disruptions to childcare and other daily routines, or the likelihood of COVID-19 spread in their households or communities. Thus, the threats and costs involved with maintaining the ongoing operation of vital facilities and services have been, and continue to be, borne by those that are often the most vulnerable to the pandemic. The added health risk to essential workers is one prominent way in which the pandemic has amplified pre-existing socioeconomic inequities.

The Fiscal Recovery Funds will help respond to the needs of essential workers by allowing recipients to remunerate essential workers for the elevated health risks they have faced and continue to face during the public health emergency. To ensure that premium pay is targeted to workers that faced or face heightened risks due to the character of their work, the interim final rule defines essential work as work involving regular in-person interactions or regular physical handling of items that were also handled by others. A worker would not be engaged in essential work and, accordingly may not receive premium pay, for telework performed from a residence.

Sections 602(g)(2) and 603(g)(2) define eligible worker to mean “those workers needed to maintain continuity of operations of essential critical infrastructure sectors and additional sectors as each Governor of a State or territory, or each Tribal government, may designate as critical to protect the health and well-being of the residents of their State, territory, or Tribal government.”<sup>103</sup> The rule incorporates this definition and provides a list of industries recognized as essential critical infrastructure sectors.<sup>104</sup> These sectors include healthcare, public health and safety, childcare, education, sanitation, transportation, and food production and services, among others

as noted above. As provided under sections 602(g)(2) and 603(g)(2), the chief executive of each recipient has discretion to add additional sectors to this list, so long as additional sectors are deemed critical to protect the health and well-being of residents.

In providing premium pay to essential workers or grants to eligible employers, a recipient must consider whether the pay or grant would “respond to” to the worker or workers performing essential work. Premium pay or grants provided under this section respond to workers performing essential work if it addresses the heightened risk to workers who must be physically present at a jobsite and, for many of whom, the costs associated with illness were hardest to bear financially. Many of the workers performing critical essential services are low- or moderate-income workers, such as those described above. The ARPA recognizes this by defining premium pay to mean an amount up to \$13 per hour in addition to wages or remuneration the worker otherwise receives and in an aggregate amount not to exceed \$25,000 per eligible worker. To ensure the provision is implemented in a manner that compensates these workers, the interim final rule provides that any premium pay or grants provided using the Fiscal Recovery Funds should prioritize compensation of those lower income eligible workers that perform essential work.

As such, providing premium pay to eligible workers responds to such workers by helping address the disparity between the critical services and risks taken by essential workers and the relatively low compensation they tend to receive in exchange. If premium pay would increase a worker’s total pay above 150 percent of their residing state’s average annual wage for all occupations, as defined by the Bureau of Labor Statistics’ Occupational Employment and Wage Statistics, or their residing county’s average annual wage, as defined by the Bureau of Labor Statistics’ Occupational Employment and Wage Statistics, whichever is higher, on an annual basis, the State, local, or Tribal government must provide Treasury and make publicly available, whether for themselves or on behalf of a grantee, a written justification of how the premium pay or grant is responsive to workers performing essential worker during the public health emergency.<sup>105</sup>

The threshold of 150 percent for requiring additional written justification is based on an analysis of the distribution of labor income for a sample of 20 occupations that generally correspond to the essential workers as defined in the interim final rule.<sup>106</sup> For these occupations, labor income for the vast majority of workers was under 150 percent of average annual labor income across all occupations. Treasury anticipates that the threshold of 150 percent of the annual average wage will be greater than the annual average wage of the vast majority of eligible workers performing essential work. These enhanced reporting requirements help to ensure grants are directed to essential workers in critical infrastructure sectors and responsive to the impacts of the pandemic observed among essential workers, namely the mis-alignment between health risks and compensation. Enhanced reporting also provides transparency to the public. Finally, using a localized measure reflects differences in wages and cost of living across the country, making this standard administrable and reflective of essential worker incomes across a diverse range of geographic areas.

Furthermore, because premium pay is intended to compensate essential workers for heightened risk due to COVID-19, it must be entirely additive to a worker’s regular rate of wages and other remuneration and may not be used to reduce or substitute for a worker’s normal earnings. The definition of premium pay also clarifies that premium pay may be provided retrospectively for work performed at any time since the start of the COVID-19 public health emergency, where those workers have yet to be compensated adequately for work previously performed.<sup>107</sup> Treasury encourages recipients to prioritize providing retrospective premium pay where possible, recognizing that many essential workers have not yet received additional compensation for work conducted over the course of many

of Labor Statistics, May 2020 Metropolitan and Nonmetropolitan Area Estimates listed by county or town, [https://www.bls.gov/oes/current/county\\_links.htm](https://www.bls.gov/oes/current/county_links.htm) (last visited May 1, 2021).

<sup>106</sup> Treasury performed this analysis with data from the U.S. Census Bureau’s 2019 Annual Social and Economic Supplement. In determining which occupations to include in this analysis, Treasury excluded management and supervisory positions, as such positions may not necessarily involve regular in-person interactions or physical handling of items to the same extent as non-managerial positions.

<sup>107</sup> However, such compensation must be “in addition to” remuneration or wages already received. That is, employers may not reduce such workers’ current pay and use Fiscal Recovery Funds to compensate themselves for premium pay previously provided to the worker.

<sup>101</sup> McCormack, *supra* note 37.

<sup>102</sup> *Id.*

<sup>103</sup> Sections 602(g)(2), 603(g)(2) of the Act.

<sup>104</sup> The list of critical infrastructure sectors provided in the interim final rule is based on the list of essential workers under The Heroes Act, H.R. 6800, 116th Cong. (2020).

<sup>105</sup> County median annual wage is taken to be that of the metropolitan or nonmetropolitan area that includes the county. See U.S. Bureau of Labor Statistics, State Occupational Employment and Wage Estimates, <https://www.bls.gov/oes/current/oesrcst.htm> (last visited May 1, 2021); U.S. Bureau

months. Essential workers who have already earned premium pay for essential work performed during the COVID-19 public health emergency remain eligible for additional payments, and an essential worker may receive both retrospective premium pay for prior work as well as prospective premium pay for current or ongoing work.

To ensure any grants respond to the needs of essential workers and are made in a fair and transparent manner, the rule imposes some additional reporting requirements for grants to third-party employers, including the public disclosure of grants provided. *See* Section VIII of this **SUPPLEMENTARY INFORMATION**, discussing reporting requirements. In responding to the needs of essential workers, a grant to an employer may provide premium pay to eligible workers performing essential work, as these terms are defined in the interim final rule and discussed above. A grant provided to an employer may also be for essential work performed by eligible workers pursuant to a contract. For example, if a municipality contracts with a third party to perform sanitation work, the third-party contractor could be eligible to receive a grant to provide premium pay for these eligible workers.

*Question 10: Are there additional sectors beyond those listed in the interim final rule that should be considered essential critical infrastructure sectors?*

*Question 11: What, if any, additional criteria should Treasury consider to ensure that premium pay responds to essential workers?*

*Question 12: What consideration, if any, should be given to the criteria on salary threshold, including measure and level, for requiring written justification?*

### C. Revenue Loss

Recipients may use payments from the Fiscal Recovery Funds for the provision of government services to the extent of the reduction in revenue experienced due to the COVID-19 public health emergency.<sup>108</sup> Pursuant to sections 602(c)(1)(C) and 603(c)(1)(C) of the Act, a recipient's reduction in revenue is measured relative to the revenue collected in the most recent full fiscal year prior to the emergency.

Many State, local, and Tribal governments are experiencing significant budget shortfalls, which can have a devastating impact on communities. State government tax revenue from major sources were down 4.3 percent in the six months ended September 2020, relative to the same

period 2019.<sup>109</sup> At the local level, nearly 90 percent of cities have reported being less able to meet the fiscal needs of their communities and, on average, cities expect a double-digit decline in general fund revenues in their fiscal year 2021.<sup>110</sup> Similarly, surveys of Tribal governments and Tribal enterprises found majorities of respondents reporting substantial cost increases and revenue decreases, with Tribal governments reporting reductions in healthcare, housing, social services, and economic development activities as a result of reduced revenues.<sup>111</sup> These budget shortfalls are particularly problematic in the current environment, as State, local, and Tribal governments work to mitigate and contain the COVID-19 pandemic and help citizens weather the economic downturn.

Further, State, local, and Tribal government budgets affect the broader economic recovery. During the period following the 2007–2009 recession, State and local government budget pressures led to fiscal austerity that was a significant drag on the overall economic recovery.<sup>112</sup> Inflation-adjusted State and local government revenue did not return to the previous peak until 2013,<sup>113</sup> while State, local, and Tribal government employment did not recover to its prior peak for over a decade, until August 2019—just a few months before the COVID-19 public health emergency began.<sup>114</sup>

<sup>109</sup> Major sources include personal income tax, corporate income tax, sales tax, and property tax. *See* Lucy Dadayan, States Reported Revenue Growth in July–September Quarter, Reflecting Revenue Shifts from the Prior Quarter, State Tax and Econ. Rev. (Q. 3, 2020), available at [https://www.urban.org/sites/default/files/publication/103938/state-tax-and-economic-review-2020-q3\\_0.pdf](https://www.urban.org/sites/default/files/publication/103938/state-tax-and-economic-review-2020-q3_0.pdf).

<sup>110</sup> National League of Cities, City Fiscal Conditions (2020), available at [https://www.nlc.org/wp-content/uploads/2020/08/City\\_Fiscal\\_Conditions\\_2020\\_FINAL.pdf](https://www.nlc.org/wp-content/uploads/2020/08/City_Fiscal_Conditions_2020_FINAL.pdf).

<sup>111</sup> Surveys conducted by the Center for Indian Country Development at the Federal Reserve Bank of Minneapolis in March, April, and September 2020. *See* Moreno & Sobrepna, *supra* note 73.

<sup>112</sup> *See, e.g.,* Fitzpatrick, Haughwout & Setren, Fiscal Drag from the State and Local Sector?, Liberty Street Economics Blog, Federal Reserve Bank of New York (June 27, 2012), <https://www.libertystreeteconomics.newyorkfed.org/2012/06/fiscal-drag-from-the-state-and-local-sector.html>; Jiri Jonas, Great Recession and Fiscal Squeeze at U.S. Subnational Government Level, IMF Working Paper 12/184, (July 2012), available at <https://www.imf.org/external/pubs/ft/wp/2012/wp12184.pdf>; Gordon, *supra* note 9.

<sup>113</sup> State and local government general revenue from own sources, adjusted for inflation using the GDP price index. U.S. Census Bureau, Annual Survey of State Government Finances and U.S. Bureau of Economic Analysis, National Income and Product Accounts.

<sup>114</sup> U.S. Bureau of Labor Statistics, All Employees, State Government [CES9092000001] and All Employees, Local Government [CES9093000001],

Sections 602(c)(1)(C) and 603(c)(1)(C) of the Act allow recipients facing budget shortfalls to use payments from the Fiscal Recovery Funds to avoid cuts to government services and, thus, enable State, local, and Tribal governments to continue to provide valuable services and ensure that fiscal austerity measures do not hamper the broader economic recovery. The interim final rule implements these provisions by establishing a definition of “general revenue” for purposes of calculating a loss in revenue and by providing a methodology for calculating revenue lost due to the COVID-19 public health emergency.

*General Revenue.* The interim final rule adopts a definition of “general revenue” based largely on the components reported under “General Revenue from Own Sources” in the Census Bureau’s Annual Survey of State and Local Government Finances, and for purposes of this interim final rule, helps to ensure that the components of general revenue would be calculated in a consistent manner.<sup>115</sup> By relying on a methodology that is both familiar and comprehensive, this approach minimizes burden to recipients and provides consistency in the measurement of general revenue across a diverse set of recipients.

The interim final rule defines the term “general revenue” to include revenues collected by a recipient and generated from its underlying economy and would capture a range of different types of tax revenues, as well as other types of revenue that are available to support government services.<sup>116</sup> In calculating revenue, recipients should sum across all revenue streams covered as general revenue. This approach minimizes the administrative burden for recipients, provides for greater consistency across recipients, and presents a more accurate representation of the overall impact of

retrieved from FRED, Federal Reserve Bank of St. Louis, <https://fred.stlouisfed.org/series/CES9092000001> and <https://fred.stlouisfed.org/series/CES9093000001> (last visited Apr. 27, 2021).

<sup>115</sup> U.S. Census Bureau, Annual Survey of State and Local Government Finances, <https://www.census.gov/programs-surveys/gov-finances.html> (last visited Apr. 30, 2021).

<sup>116</sup> The interim final rule would define tax revenue in a manner consistent with the Census Bureau’s definition of tax revenue, with certain changes (*i.e.*, inclusion of revenue from liquor stores and certain intergovernmental transfers). Current charges are defined as “charges imposed for providing current services or for the sale of products in connection with general government activities.” It includes revenues such as public education institution, public hospital, and toll revenues. Miscellaneous general revenue comprises of all other general revenue of governments from their own sources (*i.e.*, other than liquor store, utility, and insurance trust revenue), including rents, royalties, lottery proceeds, and fines.

<sup>108</sup> ARPA, *supra* note 16.



the COVID-19 public health emergency on a recipient's revenue, rather than relying on financial reporting prepared by each recipient, which vary in methodology used and which generally aggregates revenue by purpose rather than by source.<sup>117</sup>

Consistent with the Census Bureau's definition of "general revenue from own sources," the definition of general revenue in the interim final rule would exclude refunds and other correcting transactions, proceeds from issuance of debt or the sale of investments, and agency or private trust transactions. The definition of general revenue also would exclude revenue generated by utilities and insurance trusts. In this way, the definition of general revenue focuses on sources that are generated from economic activity and are available to fund government services, rather than a fund or administrative unit established to account for and control a particular activity.<sup>118</sup> For example, public utilities typically require financial support from the State, local, or Tribal government, rather than providing revenue to such government, and any revenue that is generated by public utilities typically is used to support the public utility's continued operation, rather than being used as a source of revenue to support government services generally.

The definition of general revenue would include all revenue from Tribal enterprises, as this revenue is generated from economic activity and is available to fund government services. Tribes are not able to generate revenue through taxes in the same manner as State and local governments and, as a result, Tribal enterprises are critical sources of revenue for Tribal governments that enable Tribal governments to provide a range of services, including elder care, health clinics, wastewater management, and forestry.

Finally, the term "general revenue" includes intergovernmental transfers between State and local governments, but excludes intergovernmental transfers from the Federal Government, including Federal transfers made via a State to a local government pursuant to the CRF or as part of the Fiscal Recovery Funds. States and local governments often share or collect revenue on behalf of one another, which results in

intergovernmental transfers. When attributing revenue to a unit of government, the Census Bureau's methodology considers which unit of government imposes, collects, and retains the revenue and assigns the revenue to the unit of government that meets at least two of those three factors.<sup>119</sup> For purposes of measuring loss in general revenue due to the COVID-19 public health emergency and to better allow continued provision of government services, the retention and ability to use the revenue is a more critical factor. Accordingly, and to better measure the funds available for the provision of government services, the definition of general revenue would include intergovernmental transfers from States or local governments other than funds transferred pursuant to ARPA, CRF, or another Federal program. This formulation recognizes the importance of State transfers for local government revenue.<sup>120</sup>

**Calculation of Loss.** In general, recipients will compute the extent of the reduction in revenue by comparing actual revenue to a counterfactual trend representing what could have been expected to occur in the absence of the pandemic. This approach measures losses in revenue relative to the most recent fiscal year prior to the COVID-19 public health emergency by using the most recent pre-pandemic fiscal year as the starting point for estimates of revenue growth absent the pandemic. In other words, the counterfactual trend starts with the last full fiscal year prior to the COVID-19 public health emergency and then assumes growth at a constant rate in the subsequent years. Because recipients can estimate the revenue shortfall at multiple points in time throughout the covered period as revenue is collected, this approach accounts for variation across recipients in the timing of pandemic impacts.<sup>121</sup> Although revenue may decline for

reasons unrelated to the COVID-19 public health emergency, to minimize the administrative burden on recipients and taking into consideration the devastating effects of the COVID-19 public health emergency, any diminution in actual revenues relative to the counterfactual pre-pandemic trend would be presumed to have been due to the COVID-19 public health emergency.

For purposes of measuring revenue growth in the counterfactual trend, recipients may use a *growth adjustment* of either 4.1 percent per year or the recipient's average annual revenue growth over the three full fiscal years prior to the COVID-19 public health emergency, whichever is higher. The option of 4.1 percent represents the average annual growth across all State and local government "General Revenue from Own Sources" in the most recent three years of available data.<sup>122</sup> This approach provides recipients with a standardized growth adjustment when calculating the counterfactual revenue trend and thus minimizes administrative burden, while not disadvantaging recipients with revenue growth that exceeded the national average prior to the COVID-19 public health emergency by permitting these recipients to use their own revenue growth rate over the preceding three years.

Recipients should calculate the extent of the reduction in revenue as of four points in time: December 31, 2020; December 31, 2021; December 31, 2022; and December 31, 2023. To calculate the extent of the reduction in revenue at each of these dates, recipients should follow a four-step process:

- **Step 1:** Identify revenues collected in the most recent full fiscal year prior to the public health emergency (*i.e.*, last full fiscal year before January 27, 2020), called the *base year revenue*.
- **Step 2:** Estimate *counterfactual revenue*, which is equal to *base year revenue* \*  $[(1 + \text{growth adjustment})^{(n/12)}]$ , where *n* is the number of months elapsed since the end of the base year to the calculation date, and *growth adjustment* is the greater of 4.1 percent and the recipient's average annual revenue growth in the three full fiscal

<sup>119</sup> U.S. Census Bureau, Government Finance and Employment Classification Manual (Dec. 2000), <https://www2.census.gov/govs/class/classfull.pdf>.

<sup>120</sup> For example, in 2018, state transfers to localities accounted for approximately 27 percent of local revenues. U.S. Census Bureau, Annual Survey of State and Local Government Finances, Table 1 (2018), <https://www.census.gov/data/datasets/2018/econ/local/public-use-datasets.html>.

<sup>121</sup> For example, following the 2007–09 recession, local government property tax collections did not begin to decline until 2011, suggesting that property tax collection declines can lag downturns. See U.S. Bureau of Economic Analysis, Personal current taxes: State and local: Property taxes [S210401A027NBEA], retrieved from Federal Reserve Economic Data, Federal Reserve Bank of St. Louis, <https://fred.stlouisfed.org/graph/?g=r3YI> (last visited Apr. 22, 2021). Estimating the reduction in revenue at points throughout the covered period will allow for this type of lagged effect to be taken into account during the covered period.

<sup>117</sup> Fund-oriented reporting, such as what is used under the Governmental Accounting Standards Board (GASB), focuses on the types of uses and activities funded by the revenue, as opposed to the economic activity from which the revenue is sourced. See Governmental Accounting Standards Series, Statement No. 54 of the Governmental Accounting Standards Board: Fund Balance Reporting and Governmental Fund Type Definitions, No. 287–B (Feb. 2009).

<sup>118</sup> *Supra* note 116.

<sup>122</sup> Together with revenue from liquor stores from 2015 to 2018. This estimate does not include any intergovernmental transfers. A recipient using the three-year average to calculate their growth adjustment must be based on the definition of general revenue, including treatment of intergovernmental transfers. 2015–2018 represents the most recent available data. See U.S. Census Bureau, State & Local Government Finance Historical Datasets and Tables (2018), <https://www.census.gov/programs-surveys/gov-finances/data/datasets.html>.

years prior to the COVID-19 public health emergency.

- *Step 3:* Identify *actual revenue*, which equals revenues collected over the past twelve months as of the calculation date.

- *Step 4:* The extent of the reduction in revenue is equal to *counterfactual*

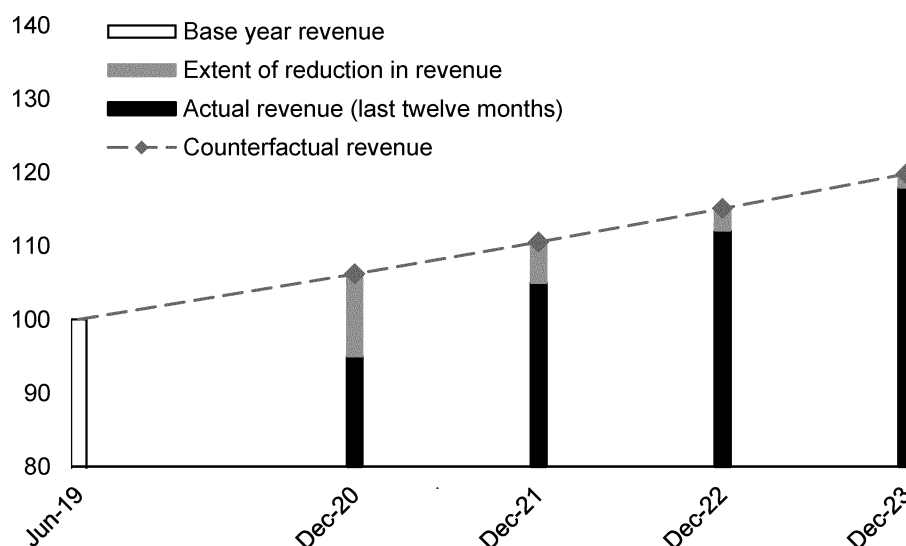
*revenue less actual revenue*. If actual revenue exceeds counterfactual revenue, the extent of the reduction in revenue is set to zero for that calculation date.

For illustration, consider a hypothetical recipient with *base year revenue* equal to 100. In Step 2, the hypothetical recipient finds that 4.1

percent is greater than the recipient's average annual revenue growth in the three full fiscal years prior to the public health emergency. Furthermore, this recipient's base year ends June 30. In this illustration, *n* (months elapsed) and *counterfactual revenue* would be equal to:

| As of:                               | 12/31/2020 | 12/31/2021 | 12/31/2022 | 12/31/2023 |
|--------------------------------------|------------|------------|------------|------------|
| <i>n</i> (months elapsed) .....      | 18         | 30         | 42         | 54         |
| <i>Counterfactual revenue:</i> ..... | 106.2      | 110.6      | 115.1      | 119.8      |

The overall methodology for calculating the reduction in revenue is illustrated in the figure below:



Upon receiving Fiscal Recovery Fund payments, recipients may immediately calculate revenue loss for the period ending December 31, 2020.

Sections 602(c)(1)(C) and 603(c)(1)(C) of the Act provide recipients with broad latitude to use the Fiscal Recovery Funds for the provision of government services. Government services can include, but are not limited to, maintenance or pay-go funded building<sup>123</sup> of infrastructure, including roads; modernization of cybersecurity, including hardware, software, and protection of critical infrastructure; health services; environmental remediation; school or educational services; and the provision of police, fire, and other public safety services. However, expenses associated with obligations under instruments evidencing financial indebtedness for

borrowed money would not be considered the provision of government services, as these financing expenses do not directly provide services or aid to citizens. Specifically, government services would not include interest or principal on any outstanding debt instrument, including, for example, short-term revenue or tax anticipation notes, or fees or issuance costs associated with the issuance of new debt. For the same reasons, government services would not include satisfaction of any obligation arising under or pursuant to a settlement agreement, judgment, consent decree, or judicially confirmed debt restructuring in a judicial, administrative, or regulatory proceeding, except if the judgment or settlement required the provision of government services. That is, satisfaction of a settlement or judgment itself is not a government service, unless the settlement required the provision of government services. In addition, replenishing financial reserves (e.g., rainy day or other reserve funds) would

not be considered provision of a government service, since such expenses do not directly relate to the provision of government services.

*Question 13: Are there sources of revenue that either should or should not be included in the interim final rule's measure of "general revenue" for recipients? If so, discuss why these sources either should or should not be included.*

*Question 14: In the interim final rule, recipients are expected to calculate the reduction in revenue on an aggregate basis. Discuss the advantages and disadvantages of, and any potential concerns with, this approach, including circumstances in which it could be necessary or appropriate to calculate the reduction in revenue by source.*

*Question 15: Treasury is considering whether to take into account other factors, including actions taken by the recipient as well as the expiration of the COVID-19 public health emergency, in determining whether to presume that revenue losses are "due to" the COVID-*

<sup>123</sup> Pay-go infrastructure funding refers to the practice of funding capital projects with cash-on-hand from taxes, fees, grants, and other sources, rather than with borrowed sums.

19 public health emergency. Discuss the advantages and disadvantages of this presumption, including when, if ever, during the covered period it would be appropriate to reevaluate the presumption that all losses are attributable to the COVID-19 public health emergency.

Question 16: Do recipients anticipate lagged revenue effects of the public health emergency? If so, when would these lagged effects be expected to occur, and what can Treasury do to support these recipients through its implementation of the program?

Question 17: In the interim final rule, paying interest or principal on government debt is not considered provision of a government service. Discuss the advantages and disadvantages of this approach, including circumstances in which paying interest or principal on government debt could be considered provision of a government service.

#### D. Investments in Infrastructure

To assist in meeting the critical need for investments and improvements to existing infrastructure in water, sewer, and broadband, the Fiscal Recovery Funds provide funds to State, local, and Tribal governments to make necessary investments in these sectors. The interim final rule outlines eligible uses within each category, allowing for a broad range of necessary investments in projects that improve access to clean drinking water, improve wastewater and stormwater infrastructure systems, and provide access to high-quality broadband service. Necessary investments are designed to provide an adequate minimum level of service and are unlikely to be made using private sources of funds. Necessary investments include projects that are required to maintain a level of service that, at least, meets applicable health-based standards, taking into account resilience to climate change, or establishes or improves broadband service to unserved or underserved populations to reach an adequate level to permit a household to work or attend school, and that are unlikely to be met with private sources of funds.<sup>124</sup>

It is important that necessary investments in water, sewer, or broadband infrastructure be carried out in ways that produce high-quality infrastructure, avert disruptive and costly delays, and promote efficiency. Treasury encourages recipients to

ensure that water, sewer, and broadband projects use strong labor standards, including project labor agreements and community benefits agreements that offer wages at or above the prevailing rate and include local hire provisions, not only to promote effective and efficient delivery of high-quality infrastructure projects but also to support the economic recovery through strong employment opportunities for workers. Using these practices in construction projects may help to ensure a reliable supply of skilled labor that would minimize disruptions, such as those associated with labor disputes or workplace injuries.

To provide public transparency on whether projects are using practices that promote on-time and on-budget delivery, Treasury will seek information from recipients on their workforce plans and practices related to water, sewer, and broadband projects undertaken with Fiscal Recovery Funds. Treasury will provide additional guidance and instructions on the reporting requirements at a later date.

#### 1. Water and Sewer Infrastructure

The ARPA provides funds to State, local, and Tribal governments to make necessary investments in water and sewer infrastructure.<sup>125</sup> By permitting funds to be used for water and sewer infrastructure needs, Congress recognized the critical role that clean drinking water and services for the collection and treatment of wastewater and stormwater play in protecting public health. Understanding that State, local, and Tribal governments have a broad range of water and sewer infrastructure needs, the interim final rule provides these governments with wide latitude to identify investments in water and sewer infrastructure that are of the highest priority for their own communities, which may include projects on privately-owned infrastructure. The interim final rule does this by aligning eligible uses of the Fiscal Recovery Funds with the wide range of types or categories of projects that would be eligible to receive financial assistance through the Environmental Protection Agency's (EPA) Clean Water State Revolving Fund (CWSRF) or Drinking Water State Revolving Fund (DWSRF).<sup>126</sup>

<sup>125</sup> Sections 602(c)(1)(D), 603(c)(1)(D) of the Act.

<sup>126</sup> Environmental Protection Agency, Drinking Water State Revolving fund, <https://www.epa.gov/dwsrf> (last visited Apr. 30, 2021); Environmental Protection Agency, Clean Water State Revolving Fund, <https://www.epa.gov/cwsrf> (last visited Apr. 30, 2021).

Established by the 1987 amendments<sup>127</sup> to the Clean Water Act (CWA),<sup>128</sup> the CWSRF provides financial assistance for a wide range of water infrastructure projects to improve water quality and address water pollution in a way that enables each State to address and prioritize the needs of their populations. The types of projects eligible for CWSRF assistance include projects to construct, improve, and repair wastewater treatment plants, control non-point sources of pollution, improve resilience of infrastructure to severe weather events, create green infrastructure, and protect waterbodies from pollution.<sup>129</sup> Each of the 51 State programs established under the CWSRF have the flexibility to direct funding to their particular environmental needs, and each State may also have its own statutes, rules, and regulations that guide project eligibility.<sup>130</sup>

The DWSRF was modeled on the CWSRF and created as part of the 1996 amendments to the Safe Drinking Water Act (SDWA),<sup>131</sup> with the principal objective of helping public water systems obtain financing for improvements necessary to protect public health and comply with drinking water regulations.<sup>132</sup> Like the CWSRF,

<sup>127</sup> Water Quality Act of 1987, Public Law 100-4.

<sup>128</sup> Federal Water Pollution Control Act as amended, codified at 33 U.S.C. 1251 *et seq.*, common name (Clean Water Act). In 2009, the American Recovery and Reinvestment Act created the Green Project Reserve, which increased the focus on green infrastructure, water and energy efficient, and environmentally innovative projects. Public Law 111-5. The CWA was amended by the Water Resources Reform and Development Act of 2014 to further expand the CWSRF's eligibilities. Public Law 113-121. *The CWSRF's eligibilities were further expanded in 2018 by the America's Water Infrastructure Act of 2018*, Public Law 115-270.

<sup>129</sup> See Environmental Protection Agency, The Drinking Water State Revolving Funds: Financing America's Drinking Water, EPA-816-R-00-023 (Nov. 2000), <https://nepis.epa.gov/Exe/ZyPDF.cgi/200024WB.PDF?Dockey=200024WB.PDF>; See also Environmental Protection Agency, *Learn About the Clean Water State Revolving Fund*, <https://www.epa.gov/cwsrf/learn-about-clean-water-state-revolving-fund-cwsrf> (last visited Apr. 30, 2021).

<sup>130</sup> 33 U.S.C. 1383(c). See also Environmental Protection Agency, *Overview of Clean Water State Revolving Fund Eligibilities* (May 2016), [https://www.epa.gov/sites/production/files/2016-07/documents/overview\\_of\\_cwsrf\\_eligibilities\\_may\\_2016.pdf](https://www.epa.gov/sites/production/files/2016-07/documents/overview_of_cwsrf_eligibilities_may_2016.pdf); Claudia Copeland, *Clean Water Act: A Summary of the Law*, Congressional Research Service (Oct. 18, 2016), <https://fas.org/sgp/crs/misc/RL30030.pdf>; Jonathan L. Ramseur, *Wastewater Infrastructure: Overview, Funding, and Legislative Developments*, Congressional Research Service (May 22, 2018), <https://fas.org/sgp/crs/misc/R44963.pdf>.

<sup>131</sup> 42 U.S.C. 300j-12.

<sup>132</sup> Environmental Protection Agency, *Drinking Water State Revolving Fund Eligibility Handbook*, (June 2017), [https://www.epa.gov/sites/production/files/2017-06/documents/dwsrf\\_eligibility\\_handbook\\_june\\_13\\_2017\\_updated\\_508\\_version.pdf](https://www.epa.gov/sites/production/files/2017-06/documents/dwsrf_eligibility_handbook_june_13_2017_updated_508_version.pdf); Environmental Protection Agency, *Drinking Water*

<sup>124</sup> Treasury notes that using funds to support or oppose collective bargaining would not be included as part of "necessary investments in water, sewer, or broadband infrastructure."



the DWSRF provides States with the flexibility to meet the needs of their populations.<sup>133</sup> The primary use of DWSRF funds is to assist communities in making water infrastructure capital improvements, including the installation and replacement of failing treatment and distribution systems.<sup>134</sup> In administering these programs, States must give priority to projects that ensure compliance with applicable health and environmental safety requirements; address the most serious risks to human health; and assist systems most in need on a per household basis according to State affordability criteria.<sup>135</sup>

By aligning use of Fiscal Recovery Funds with the categories or types of eligible projects under the existing EPA state revolving fund programs, the interim final rule provides recipients with the flexibility to respond to the needs of their communities while ensuring that investments in water and sewer infrastructure made using Fiscal Recovery Funds are necessary. As discussed above, the CWSRF and DWSRF were designed to provide funding for projects that protect public health and safety by ensuring compliance with wastewater and drinking water health standards.<sup>136</sup> The need to provide funding through the state revolving funds suggests that these projects are less likely to be addressed with private sources of funding; for example, by remediating failing or inadequate infrastructure, much of which is publicly owned, and by addressing non-point sources of pollution. This approach of aligning with the EPA state revolving fund programs also supports expedited project identification and investment so that needed relief for the people and communities most affected by the pandemic can be deployed expeditiously and have a positive impact on their health and wellbeing as soon as possible. Further, the interim final rule is intended to preserve flexibility for award recipients to direct funding to their own particular needs and priorities and would not preclude recipients from applying their own additional project eligibility criteria.

In addition, responding to the immediate needs of the COVID-19 public health emergency may have diverted both personnel and financial resources from other State, local, and Tribal priorities, including projects to ensure compliance with applicable water health and quality standards and provide safe drinking and usable water.<sup>137</sup> Through sections 602(c)(1)(D) and 603(c)(1)(D), the ARPA provides resources to address these needs. Moreover, using Fiscal Recovery Funds in accordance with the priorities of the CWA and SWDA to “assist systems most in need on a per household basis according to state affordability criteria” would also have the benefit of providing vulnerable populations with safe drinking water that is critical to their health and, thus, their ability to work and learn.<sup>138</sup>

Recipients may use Fiscal Recovery Funds to invest in a broad range of projects that improve drinking water infrastructure, such as building or upgrading facilities and transmission, distribution, and storage systems, including replacement of lead service lines. Given the lifelong impacts of lead exposure for children, and the widespread nature of lead service lines, Treasury encourages recipients to consider projects to replace lead service lines.

Fiscal Recovery Funds may also be used to support the consolidation or establishment of drinking water systems. With respect to wastewater infrastructure, recipients may use Fiscal Recovery Funds to construct publicly owned treatment infrastructure, manage and treat stormwater or subsurface drainage water, facilitate water reuse, and secure publicly owned treatment works, among other uses. Finally, consistent with the CWSRF and DWSRF, Fiscal Recovery Funds may be used for cybersecurity needs to protect water or sewer infrastructure, such as developing effective cybersecurity practices and measures at drinking water systems and publicly owned treatment works.

Many of the types of projects eligible under either the CWSRF or DWSRF also

support efforts to address climate change. For example, by taking steps to manage potential sources of pollution and preventing these sources from reaching sources of drinking water, projects eligible under the DWSRF and the ARPA may reduce energy required to treat drinking water. Similarly, projects eligible under the CWSRF include measures to conserve and reuse water or reduce the energy consumption of public water treatment facilities. Treasury encourages recipients to consider green infrastructure investments and projects to improve resilience to the effects of climate change. For example, more frequent and extreme precipitation events combined with construction and development trends have led to increased instances of stormwater runoff, water pollution, and flooding. Green infrastructure projects that support stormwater system resiliency could include rain gardens that provide water storage and filtration benefits, and green streets, where vegetation, soil, and engineered systems are combined to direct and filter rainwater from impervious surfaces. In cases of a natural disaster, recipients may also use Fiscal Recovery Funds to provide relief, such as interconnecting water systems or rehabilitating existing wells during an extended drought.

*Question 18: What are the advantages and disadvantages of aligning eligible uses with the eligible project type requirements of the DWSRF and CWSRF? What other water or sewer project categories, if any, should Treasury consider in addition to DWSRF and CWSRF eligible projects? Should Treasury consider a broader general category of water and sewer projects?*

*Question 19: What additional water and sewer infrastructure categories, if any, should Treasury consider to address and respond to the needs of unserved, underserved, or rural communities? How do these projects differ from DWSRF and CWSRF eligible projects?*

*Question 20: What new categories of water and sewer infrastructure, if any, should Treasury consider to support State, local, and Tribal governments in mitigating the negative impacts of climate change? Discuss emerging technologies and processes that support resiliency of water and sewer infrastructure. Discuss any challenges faced by States and local governments when pursuing or implementing climate resilient infrastructure projects.*

*Question 21: Infrastructure projects related to dams and reservoirs are generally not eligible under the CWSRF and DWSRF categories. Should Treasury consider expanding eligible*

Infrastructure Needs Survey and Assessment: Sixth Report to Congress (March 2018), [https://www.epa.gov/sites/production/files/2018-10/documents/corrected\\_sixth\\_drinking\\_water\\_infrastructure\\_needs\\_survey\\_and\\_assessment.pdf](https://www.epa.gov/sites/production/files/2018-10/documents/corrected_sixth_drinking_water_infrastructure_needs_survey_and_assessment.pdf).

<sup>133</sup> *Id.*

<sup>134</sup> *Id.*

<sup>135</sup> 42 U.S.C. 300j–12(b)(3)(A).

<sup>136</sup> Environmental Protection Agency, Learn About the Clean Water State Revolving Fund, <https://www.epa.gov/cwsrf/learn-about-clean-water-state-revolving-fund-cwsrf> (last visited Apr. 30, 2021); 42 U.S.C. 300j–12.

<sup>137</sup> House Committee on the Budget, State and Local Governments are in Dire Need of Federal Relief (Aug. 19, 2020), <https://budget.house.gov/publications/report/state-and-local-governments-are-dire-need-federal-relief>.

<sup>138</sup> Environmental Protection Agency, Drinking Water State Revolving Fund (Nov. 2019), [https://www.epa.gov/sites/production/files/2019-11/documents/fact\\_sheet\\_-\\_dwsrf\\_overview\\_final\\_0.pdf](https://www.epa.gov/sites/production/files/2019-11/documents/fact_sheet_-_dwsrf_overview_final_0.pdf); Environmental Protection Agency, National Benefits Analysis for Drinking Water Regulations, <https://www.epa.gov/sdwa/national-benefits-analysis-drinking-water-regulations> (last visited Apr. 30, 2020).



*infrastructure under the interim final rule to include dam and reservoir projects? Discuss public health, environmental, climate, or equity benefits and costs in expanding the eligibility to include these types of projects.*

## 2. Broadband Infrastructure

The COVID-19 public health emergency has underscored the importance of universally available, high-speed, reliable, and affordable broadband coverage as millions of Americans rely on the internet to participate in, among critical activities, remote school, healthcare, and work. Recognizing the need for such connectivity, the ARPA provides funds to State, territorial, local, and Tribal governments to make necessary investments in broadband infrastructure.

The National Telecommunications and Information Administration (NTIA) highlighted the growing necessity of broadband in daily lives through its analysis of NTIA Internet Use Survey data, noting that Americans turn to broadband internet access service for every facet of daily life including work, study, and healthcare.<sup>139</sup> With increased use of technology for daily activities and the movement by many businesses and schools to operating remotely during the pandemic, broadband has become even more critical for people across the country to carry out their daily lives.

By at least one measure, however, tens of millions of Americans live in areas where there is no broadband infrastructure that provides download speeds greater than 25 Mbps and upload speeds of 3 Mbps.<sup>140</sup> By contrast, as noted below, many households use upload and download speeds of 100 Mbps to meet their daily needs. Even in areas where broadband infrastructure

exists, broadband access may be out of reach for millions of Americans because it is unaffordable, as the United States has some of the highest broadband prices in the Organisation for Economic Co-operation and Development (OECD).<sup>141</sup> There are disparities in availability as well; historically, Americans living in territories and Tribal lands as well as rural areas have disproportionately lacked sufficient broadband infrastructure.<sup>142</sup> Moreover, rapidly growing demand has, and will likely continue to, quickly outpace infrastructure capacity, a phenomenon acknowledged by various states around the country that have set scalability requirements to account for this anticipated growth in demand.<sup>143</sup>

The interim final rule provides that eligible investments in broadband are those that are designed to provide services meeting adequate speeds and are provided to unserved and underserved households and businesses. Understanding that States, territories, localities, and Tribal governments have a wide range of varied broadband infrastructure needs, the interim final rule provides award recipients with flexibility to identify the specific locations within their communities to be served and to otherwise design the project.

Under the interim final rule, eligible projects are expected to be designed to deliver, upon project completion, service that reliably meets or exceeds symmetrical upload and download speeds of 100 Mbps. There may be instances in which it would not be practicable for a project to deliver such service speeds because of the geography, topography, or excessive costs associated with such a project. In these instances, the affected project would be expected to be designed to deliver, upon project completion, service that reliably meets or exceeds 100 Mbps download and between at least 20 Mbps and 100 Mbps upload speeds and be scalable to

a minimum of 100 Mbps symmetrical for download and upload speeds.<sup>144</sup> In setting these standards, Treasury identified speeds necessary to ensure that broadband infrastructure is sufficient to enable users to generally meet household needs, including the ability to support the simultaneous use of work, education, and health applications, and also sufficiently robust to meet increasing household demands for bandwidth. Treasury also recognizes that different communities and their members may have a broad range of internet needs and that those needs may change over time.

In considering the appropriate speed requirements for eligible projects, Treasury considered estimates of typical households demands during the pandemic. Using the Federal Communication Commission's (FCC) Broadband Speed Guide, for example, a household with two telecommuters and two to three remote learners today are estimated to need 100 Mbps download to work simultaneously.<sup>145</sup> In households with more members, the demands may be greater, and in households with fewer members, the demands may be less.

In considering the appropriate speed requirements for eligible projects, Treasury also considered data usage patterns and how bandwidth needs have changed over time for U.S. households and businesses as people's use of technology in their daily lives has evolved. In the few years preceding the pandemic, market research data showed that average upload speeds in the United States surpassed over 10 Mbps in 2017<sup>146</sup> and continued to increase significantly, with the average upload speed as of November, 2019 increasing to 48.41 Mbps,<sup>147</sup> attributable, in part to a shift to using broadband and the internet by individuals and businesses

<sup>139</sup> See, e.g., <https://www.ntia.gov/blog/2020/more-half-american-households-used-internet-health-related-activities-2019-ntia-data-show>; <https://www.ntia.gov/blog/2020/nearly-third-american-employees-worked-remotely-2019-ntia-data-show>; and generally, <https://www.ntia.gov/data/digital-nation-data-explorer>.

<sup>140</sup> As an example, data from the Federal Communications Commission shows that as of June 2020, 9.07 percent of the U.S. population had no available cable or fiber broadband providers providing greater than 25 Mbps download speeds and 3 Mbps upload speeds. Availability was significantly less for rural versus urban populations, with 35.57 percent of the rural population lacking such access, compared with 2.57 percent of the urban population. Availability was also significantly less for tribal versus non-tribal populations, with 35.93 percent of the tribal population lacking such access, compared with 8.74 of the non-tribal population. Federal Communications Commission, Fixed Broadband Deployment, <https://broadbandmap.fcc.gov/#/> (last visited May 9, 2021).

<sup>141</sup> How Do U.S. Internet Costs Compare To The Rest Of The World?, BroadbandSearch Blog Post, available at <https://www.broadbandsearch.net/blog/internet-costs-compared-worldwide>.

<sup>142</sup> See, e.g., Federal Communications Commission, Fourteenth Broadband Deployment Report, available at <https://docs.fcc.gov/public/attachments/FCC-21-18A1.pdf>.

<sup>143</sup> See, e.g., Illinois Department of Commerce & Economic Opportunity, Broadband Grants, h (last visited May 9, 2021), <https://www2.illinois.gov/dceo/ConnectIllinois/Pages/BroadbandGrants.aspx>; Kansas Office of Broadband Development, Broadband Acceleration Grant, <https://www.kansascommerce.gov/wp-content/uploads/2020/11/Broadband-Acceleration-Grant.pdf> (last visited May 9, 2021); New York State Association of Counties, Universal Broadband: Deploying High Speed Internet Access in NYS (Jul. 2017), [https://www.nysac.org/files/BroadbandUpdateReport2017\(1\).pdf](https://www.nysac.org/files/BroadbandUpdateReport2017(1).pdf).

<sup>144</sup> This scalability threshold is consistent with scalability requirements used in other jurisdictions. *Id.*

<sup>145</sup> Federal Communications Commission, Broadband Speed Guide, <https://www.fcc.gov/consumers/guides/broadband-speed-guide> (last visited Apr. 30, 2021).

<sup>146</sup> Letter from Lisa R. Youngers, President and CEO of Fiber Broadband Association to FCC, WC Docket No. 19-126 (filed Jan. 3, 2020), including an Appendix with research from RVA LLC, *Data Review Of The Importance of Upload Speeds* (Jan. 2020), and Ookla speed test data, available at <https://ecfsapi.fcc.gov/file/101030085118517/FCC%20RDOF%20Jan%203%20Ex%20Parte.pdf>. Additional information on historic growth in data usage is provided in Schools, Health & Libraries Broadband Coalition, *Common Sense Solutions for Closing the Digital Divide*, Apr. 29, 2021.

<sup>147</sup> *Id.* See also United States's Mobile and Broadband internet Speeds—Speedtest Global Index, available at <https://www.speedtest.net/global-index/united-states#fixed>.

to create and share content using video sharing, video conferencing, and other applications.<sup>148</sup>

The increasing use of data accelerated markedly during the pandemic as households across the country became increasingly reliant on tools and applications that require greater internet capacity, both to download data but also to upload data. Sending information became as important as receiving it. A video consultation with a healthcare provider or participation by a child in a live classroom with a teacher and fellow students requires video to be sent and received simultaneously.<sup>149</sup> As an example, some video conferencing technology platforms indicate that download and upload speeds should be roughly equal to support two-way, interactive video meetings.<sup>150</sup> For both work and school, client materials or completed school assignments, which may be in the form of PDF files, videos, or graphic files, also need to be shared with others. This is often done by uploading materials to a collaboration site, and the upload speed available to a user can have a significant impact on the time it takes for the content to be shared with others.<sup>151</sup> These activities require significant capacity from home internet connections to both download and upload data, especially when there are multiple individuals in one household engaging in these activities simultaneously.

This need for increased broadband capacity during the pandemic was reflected in increased usage patterns seen over the last year. As OpenVault noted in recent advisories, the pandemic significantly increased the amount of data users consume. Among data users observed by OpenVault, per-subscriber average data usage for the fourth quarter of 2020 was 482.6 gigabytes per month, representing a 40 percent increase over the 344 gigabytes consumed in the fourth quarter of 2019 and a 26 percent increase over the third quarter 2020 average of 383.8

<sup>148</sup> *Id.*

<sup>149</sup> One high definition Zoom meeting or class requires approximately 3.8 Mbps/3.0 Mbps (up/down).

<sup>150</sup> See, e.g., Zoom, System Requirements for Windows, macOS, and Linux, [https://support.zoom.us/hc/en-us/articles/201362023-System-requirements-for-Windows-macOS-and-Linux#h\\_d278c327-e03d-4896-b19a-96a8f3c0c69c](https://support.zoom.us/hc/en-us/articles/201362023-System-requirements-for-Windows-macOS-and-Linux#h_d278c327-e03d-4896-b19a-96a8f3c0c69c) (last visited May 8, 2021).

<sup>151</sup> By one estimate, to upload a one gigabit video file to YouTube would take 15 minutes at an upload speed of 10 Mbps compared with 1 minute, 30 seconds at an upload speed of 100 Mbps, and 30 seconds at an upload speed of 300 Mbps. *Reviews.org: What is Symmetrical internet?* (March 2020).

gigabytes.<sup>152</sup> OpenVault also noted significant increases in upstream usage among the data users it observed, with upstream data usage growing 63 percent—from 19 gigabytes to 31 gigabytes—between December, 2019 and December, 2020.<sup>153</sup> According to an OECD Broadband statistic from June 2020, the largest percentage of U.S. broadband subscribers have services providing speeds between 100 Mbps and 1 Gbps.<sup>154</sup>

Jurisdictions and Federal programs are increasingly responding to the growing demands of their communities for both heightened download and upload speeds. For example, Illinois now requires 100 Mbps symmetrical service as the construction standard for its state broadband grant programs. This standard is also consistent with speed levels, particularly download speed levels, prioritized by other Federal programs supporting broadband projects. Bids submitted as part of the FCC in its Rural Digital Opportunity Fund (RDOF), established to support the construction of broadband networks in rural communities across the country, are given priority if they offer faster service, with the service offerings of 100 Mbps download and 20 Mbps upload being included in the “above baseline” performance tier set by the FCC.<sup>155</sup> The Broadband Infrastructure Program (BBIP)<sup>156</sup> of the Department of Commerce, which provides Federal funding to deploy broadband

<sup>152</sup> OVBI: Covid-19 Drove 15 percent Increase in Broadband Traffic in 2020, OpenVault, Quarterly Advisory, (Feb. 10, 2021), available at <https://openvault.com/ovbi-covid-19-drove-15-increase-in-broadband-traffic-in-2020>; See OpenVault's data set incorporates information on usage by subscribers across multiple continents, including North America and Europe. Additional data and detail on increases in the amount of data users consume and the broadband speeds they are using is provided in *OpenVault Broadband Insights Report Q4*, Quarterly Advisory (Feb. 10, 2021), available at <https://openvault.com/complimentary-report-4q20/>.

<sup>153</sup> OVBI Special Report: 202 Upstream Growth Nearly 4X of Pre-Pandemic Years, OpenVault, Quarterly Advisory, (April 1, 2020), available at <https://openvault.com/ovbi-special-report-2020-upstream-growth-rate-nearly-4x-of-pre-pandemic-years/>; Additional data is provided in *OpenVault Broadband Insights Pandemic Impact on Upstream Broadband Usage and Network Capacity*, available at <https://openvault.com/upstream-whitepaper/>.

<sup>154</sup> Organisation for Economic Co-operation and Development, Fixed broadband subscriptions per 100 inhabitants, per speed tiers (June 2020), <https://www.oecd.org/sti/broadband/5.1-FixedBB-SpeedTiers-2020-06.xls> [www.oecd.org/sti/broadband-statistics](https://www.oecd.org/sti/broadband/broadband-statistics).

<sup>155</sup> *Rural Digital Opportunity Fund*, Report and Order, 35 FCC Rcd 686, 690, para. 9 (2020), available at <https://www.fcc.gov/document/fcc-launches-20-billion-rural-digital-opportunity-fund-0>.

<sup>156</sup> The BBIP was authorized by the Consolidated Appropriations Act, 2021, Section 905, Public Law 116–260, 134 Stat. 1182 (Dec. 27, 2020).

infrastructure to eligible service areas of the country also prioritizes projects designed to provide broadband service with a download speed of not less than 100 Mbps and an upload speed of not less than 20 Mbps.<sup>157</sup>

The 100 Mbps upload and download speeds will support the increased and growing needs of households and businesses. Recognizing that, in some instances, 100 Mbps upload speed may be impracticable due to geographical, topographical, or financial constraints, the interim final rule permits upload speeds of between at least 20 Mbps and 100 Mbps in such instances. To provide for investments that will accommodate technologies requiring symmetry in download and upload speeds, as noted above, eligible projects that are not designed to deliver, upon project completion, service that reliably meets or exceeds symmetrical speeds of 100 Mbps because it would be impracticable to do so should be designed so that they can be scalable to such speeds. Recipients are also encouraged to prioritize investments in fiber optic infrastructure where feasible, as such advanced technology enables the next generation of application solutions for all communities.

Under the interim final rule, eligible projects are expected to focus on locations that are unserved or underserved. The interim final rule treats users as being unserved or underserved if they lack access to a wireline connection capable of reliably delivering at least minimum speeds of 25 Mbps download and 3 Mbps upload as households and businesses lacking this level of access are generally not viewed as being able to originate and receive high-quality voice, data, graphics, and video telecommunications. This threshold is consistent with the FCC's benchmark for an “advanced telecommunications capability.”<sup>158</sup> This threshold is also consistent with thresholds used in other Federal programs to identify eligible areas to be served by programs to improve broadband services. For example, in the FCC's RDOF program, eligible areas include those without current (or already funded) access to terrestrial broadband service providing 25 Mbps download and 3 Mbps upload speeds.<sup>159</sup> The Department of Commerce's BBIP also considers households to be “unserved” generally if they lack access to broadband service

<sup>157</sup> Section 905(d)(4) of the Consolidated Appropriations Act, 2021.

<sup>158</sup> *Deployment Report*, *supra* note 142.

<sup>159</sup> *Rural Digital Opportunity Fund*, *supra* note 156.



with a download speed of not less than 25 Mbps download and 3 Mbps upload, among other conditions. In selecting an area to be served by a project, recipients are encouraged to avoid investing in locations that have existing agreements to build reliable wireline service with minimum speeds of 100 Mbps download and 20 Mbps upload by December 31, 2024, in order to avoid duplication of efforts and resources.

Recipients are also encouraged to consider ways to integrate affordability options into their program design. To meet the immediate needs of unserved and underserved households and businesses, recipients are encouraged to focus on projects that deliver a physical broadband connection by prioritizing projects that achieve last mile-connections. Treasury also encourages recipients to prioritize support for broadband networks owned, operated by, or affiliated with local governments, non-profits, and co-operatives—providers with less pressure to turn profits and with a commitment to serving entire communities.

Under sections 602(c)(1)(A) and 603(c)(1)(A), assistance to households facing negative economic impacts due to COVID-19 is also an eligible use, including internet access or digital literacy assistance. As discussed above, in considering whether a potential use is eligible under this category, a recipient must consider whether, and the extent to which, the household has experienced a negative economic impact from the pandemic.

*Question 22: What are the advantages and disadvantages of setting minimum symmetrical download and upload speeds of 100 Mbps? What other minimum standards would be appropriate and why?*

*Question 23: Would setting such a minimum be impractical for particular types of projects? If so, where and on what basis should those projects be identified? How could such a standard be set while also taking into account the practicality of using this standard in particular types of projects? In addition to topography, geography, and financial factors, what other constraints, if any, are relevant to considering whether an investment is impracticable?*

*Question 24: What are the advantages and disadvantages of setting a minimum level of service at 100 Mbps download and 20 Mbps upload in projects where it is impracticable to set minimum symmetrical download and upload speeds of 100 Mbps? What are the advantages and disadvantages of setting a scalability requirement in these cases? What other minimum standards would be appropriate and why?*

*Question 25: What are the advantages and disadvantages of focusing these investments on those without access to a wireline connection that reliably delivers 25 Mbps download by 3 Mbps upload? Would another threshold be appropriate and why?*

*Question 26: What are the advantages and disadvantages of setting any particular threshold for identifying unserved or underserved areas, minimum speed standards or scalability minimum? Are there other standards that should be set (e.g., latency)? If so, why and how? How can such threshold, standards, or minimum be set in a way that balances the public's interest in making sure that reliable broadband services meeting the daily needs of all Americans are available throughout the country with the providing recipients flexibility to meet the varied needs of their communities?*

### III. Restrictions on Use

As discussed above, recipients have considerable flexibility to use Fiscal Recovery Funds to address the diverse needs of their communities. To ensure that payments from the Fiscal Recovery Funds are used for these congressionally permitted purposes, the ARPA includes two provisions that further define the boundaries of the statute's eligible uses. Section 602(c)(2)(A) of the Act provides that States and territories may not "use the funds . . . to either directly or indirectly offset a reduction in . . . net tax revenue . . . resulting from a change in law, regulation, or administrative interpretation during the covered period that reduces any tax . . . or delays the imposition of any tax or tax increase." In addition, sections 602(c)(2)(B) and 603(c)(2) prohibit any recipient, including cities, nonentitlement units of government, and counties, from using Fiscal Recovery Funds for deposit into any pension fund. These restrictions support the use of funds for the congressionally permitted purposes described in Section II of this Supplementary Information by providing a backstop against the use of funds for purposes outside of the eligible use categories.

These provisions give force to Congress's clear intent that Fiscal Recovery Funds be spent within the four eligible uses identified in the statute—(1) to respond to the public health emergency and its negative economic impacts, (2) to provide premium pay to essential workers, (3) to provide government services to the extent of eligible governments' revenue losses, and (4) to make necessary water, sewer, and broadband infrastructure investments—and not otherwise. These

four eligible uses reflect Congress's judgment that the Fiscal Recovery Funds should be expended in particular ways that support recovery from the COVID-19 public health emergency. The further restrictions reflect Congress's judgment that tax cuts and pension deposits do not fall within these eligible uses. The interim final rule describes how Treasury will identify when such uses have occurred and how it will recoup funds put toward these impermissible uses and, as discussed in Section VIII of this **SUPPLEMENTARY INFORMATION**, establishes a reporting framework for monitoring the use of Fiscal Recovery Funds for eligible uses.

#### A. Deposit Into Pension Funds

The statute provides that recipients may not use Fiscal Recovery Funds for "deposit into any pension fund." For the reasons discussed below, Treasury interprets "deposit" in this context to refer to an extraordinary payment into a pension fund for the purpose of reducing an accrued, unfunded liability. More specifically, the interim final rule does not permit this assistance to be used to make a payment into a pension fund if both:

1. The payment reduces a liability incurred prior to the start of the COVID-19 public health emergency, and
2. the payment occurs outside the recipient's regular timing for making such payments.

Under this interpretation, a "deposit" is distinct from a "payroll contribution," which occurs when employers make payments into pension funds on regular intervals, with contribution amounts based on a predetermined percentage of employees' wages and salaries.

As discussed above, eligible uses for premium pay and responding to the negative economic impacts of the COVID-19 public health emergency include hiring and compensating public sector employees. Interpreting the scope of "deposit" to exclude contributions that are part of payroll contributions is more consistent with these eligible uses and would reduce administrative burden for recipients. Accordingly, if an employee's wages and salaries are an eligible use of Fiscal Recovery Funds, recipients may treat the employee's covered benefits as an eligible use of Fiscal Recovery Funds. For purposes of the Fiscal Recovery Funds, covered benefits include costs of all types of leave (vacation, family-related, sick, military, bereavement, sabbatical, jury duty), employee insurance (health, life, dental, vision), retirement (pensions, 401(k)), unemployment benefit plans

(Federal and State), workers' compensation insurance, and Federal Insurance Contributions Act taxes (which includes Social Security and Medicare taxes).

Treasury anticipates that this approach to employees' covered benefits will be comprehensive and, for employees whose wage and salary costs are eligible expenses, will allow all covered benefits listed in the previous paragraph to be eligible under the Fiscal Recovery Funds. Treasury expects that this will minimize the administrative burden on recipients by treating all the specified covered benefit types as eligible expenses, for employees whose wage and salary costs are eligible expenses.

*Question 27: Beyond a "deposit" and a "payroll contribution," are there other types of payments into a pension fund that Treasury should consider?*

#### **B. Offset a Reduction in Net Tax Revenue**

For States and territories (recipient governments<sup>160</sup>), section 602(c)(2)(A)—the offset provision—prohibits the use of Fiscal Recovery Funds to directly or indirectly offset a reduction in net tax revenue resulting from a change in law, regulation, or administrative interpretation<sup>161</sup> during the covered period. If a State or territory uses Fiscal Recovery Funds to offset a reduction in net tax revenue, the ARPA provides that the State or territory must repay to the Treasury an amount equal to the lesser of (i) the amount of the applicable reduction attributable to the impermissible offset and (ii) the amount received by the State or territory under the ARPA. See Section IV of this

**SUPPLEMENTARY INFORMATION.** As discussed below Section IV of this **SUPPLEMENTARY INFORMATION**, a State or territory that chooses to use Fiscal Recovery Funds to offset a reduction in net tax revenue does not forfeit its entire allocation of Fiscal Recovery Funds (unless it misused the full allocation to offset a reduction in net tax revenue) or any non-ARPA funding received.

The interim final rule implements these conditions by establishing a framework for States and territories to determine the cost of changes in law, regulation, or interpretation that reduce tax revenue and to identify and value the sources of funds that will offset—

*i.e.*, cover the cost of—any reduction in net tax revenue resulting from such changes. A recipient government would only be considered to have used Fiscal Recovery Funds to offset a reduction in net tax revenue resulting from changes in law, regulation, or interpretation if, and to the extent that, the recipient government could not identify sufficient funds from sources other than the Fiscal Recovery Funds to offset the reduction in net tax revenue. If sufficient funds from other sources cannot be identified to cover the full cost of the reduction in net tax revenue resulting from changes in law, regulation, or interpretation, the remaining amount not covered by these sources will be considered to have been offset by Fiscal Recovery Funds, in contravention of the offset provision. The interim final rule recognizes three sources of funds that may offset a reduction in net tax revenue other than Fiscal Recovery Funds—organic growth, increases in revenue (*e.g.*, an increase in a tax rate), and certain cuts in spending.

In order to reduce burden, the interim final rule's approach also incorporates the types of information and modeling already used by States and territories in their own fiscal and budgeting processes. By incorporating existing budgeting processes and capabilities, States and territories will be able to assess and evaluate the relationship of tax and budget decisions to uses of the Fiscal Recovery Funds based on information they likely have or can obtain. This approach ensures that recipient governments have the information they need to understand the implications of their decisions regarding the use of the Fiscal Recovery Funds—and, in particular, whether they are using the funds to directly or indirectly offset a reduction in net tax revenue, making them potentially subject to recoupment.

Reporting on both the eligible uses and on a State's or territory's covered tax changes that would reduce tax revenue will enable identification of, and recoupment for, use of Fiscal Recovery Funds to directly offset reductions in tax revenue resulting from tax relief. Moreover, this approach recognizes that, because money is fungible, even if Fiscal Recovery Funds are not explicitly or directly used to cover the costs of changes that reduce net tax revenue, those funds may be used in a manner inconsistent with the statute by indirectly being used to substitute for the State's or territory's funds that would otherwise have been needed to cover the costs of the reduction. By focusing on the cost of changes that reduce net tax revenue—and how a recipient government is

offsetting those reductions in constructing its budget over the covered period—the framework prevents efforts to use Fiscal Recovery Funds to indirectly offset reductions in net tax revenue for which the recipient government has not identified other offsetting sources of funding.

As discussed in greater detail below in this preamble, the framework set forth in the interim final rule establishes a step-by-step process for determining whether, and the extent to which, Fiscal Recovery Funds have been used to offset a reduction in net tax revenue. Based on information reported annually by the recipient government:

- First, each year, each recipient government will identify and value the changes in law, regulation, or interpretation that would result in a reduction in net tax revenue, as it would in the ordinary course of its budgeting process. The sum of these values in the year for which the government is reporting is the amount it needs to "pay for" with sources other than Fiscal Recovery Funds (total value of revenue reducing changes).

- Second, the interim final rule recognizes that it may be difficult to predict how a change would affect net tax revenue in future years and, accordingly, provides that if the total value of the changes in the year for which the recipient government is reporting is below a de minimis level, as discussed below, the recipient government need not identify any sources of funding to pay for revenue reducing changes and will not be subject to recoupment.

- Third, a recipient government will consider the amount of actual tax revenue recorded in the year for which they are reporting. If the recipient government's actual tax revenue is greater than the amount of tax revenue received by the recipient for the fiscal year ending 2019, adjusted annually for inflation, the recipient government will not be considered to have violated the offset provision because there will not have been a reduction in net tax revenue.

- Fourth, if the recipient government's actual tax revenue is less than the amount of tax revenue received by the recipient government for the fiscal year ending 2019, adjusted annually for inflation, in the reporting year the recipient government will identify any sources of funds that have been used to permissibly offset the total value of covered tax changes other than Fiscal Recovery Funds. These are:

- State or territory tax changes that would increase any source of general

<sup>160</sup> In this sub-section, "recipient governments" refers only to States and territories. In other sections, "recipient governments" refers more broadly to eligible governments receiving funding from the Fiscal Recovery Funds.

<sup>161</sup> For brevity, referred to as "changes in law, regulation, or interpretation" for the remainder of this preamble.



fund revenue, such as a change that would increase a tax rate; and

- Spending cuts in areas not being replaced by Fiscal Recovery Funds.

The recipient government will calculate the value of revenue reduction remaining after applying these sources of offsetting funding to the total value of revenue reducing changes—that, is, how much of the tax change has not been paid for. The recipient government will then compare that value to the difference between the baseline and actual tax revenue. A recipient government will not be required to repay to the Treasury an amount that is greater than the recipient government's actual tax revenue shortfall relative to the baseline (*i.e.*, fiscal year 2019 tax revenue adjusted for inflation). This “revenue reduction cap,” together with Step 3, ensures that recipient governments can use organic revenue growth to offset the cost of revenue reductions.

- Finally, if there are any amounts that could be subject to recoupment, Treasury will provide notice to the recipient government of such amounts. This process is discussed in greater detail in Section IV of this

#### **SUPPLEMENTARY INFORMATION.**

Together, these steps allow Treasury to identify the amount of reduction in net tax revenue that both is attributable to covered changes and has been directly or indirectly offset with Fiscal Recovery Funds. This process ensures Fiscal Recovery Funds are used in a manner consistent with the statute's defined eligible uses and the offset provision's limitation on these eligible uses, while avoiding undue interference with State and territory decisions regarding tax and spending policies.

The interim final rule also implements a process for recouping Fiscal Recovery Funds that were used to offset reductions in net tax revenue, including the calculation of any amounts that may be subject to recoupment, a process for a recipient government to respond to a notice of recoupment, and clarification regarding amounts excluded from recoupment. See Section IV of this **SUPPLEMENTARY INFORMATION**.

The interim final rule includes several definitions that are applicable to the implementation of the offset provision.

**Covered change.** The offset provision is triggered by a reduction in net tax revenue resulting from “a change in law, regulation, or administrative interpretation.” A covered change includes any final legislative or regulatory action, a new or changed administrative interpretation, and the phase-in or taking effect of any statute

or rule where the phase-in or taking effect was not prescribed prior to the start of the covered period. Changed administrative interpretations would not include corrections to replace prior inaccurate interpretations; such corrections would instead be treated as changes implementing legislation enacted or regulations issued prior to the covered period; the operative change in those circumstances is the underlying legislation or regulation that occurred prior to the covered period. Moreover, only the changes within the control of the State or territory are considered covered changes. Covered changes do not include a change in rate that is triggered automatically and based on statutory or regulatory criteria in effect prior to the covered period. For example, a state law that sets its earned income tax credit (EITC) at a fixed percentage of the Federal EITC will see its EITC payments automatically increase—and thus its tax revenue reduced—because of the Federal Government's expansion of the EITC in the ARPA.<sup>162</sup> This would not be considered a covered change. In addition, the offset provision applies only to actions for which the change in policy occurs during the covered period; it excludes regulations or other actions that implement a change or law substantively enacted prior to March 3, 2021. Finally, Treasury has determined and previously announced that income tax changes—even those made during the covered period—that simply conform with recent changes in Federal law (including those to conform to recent changes in Federal taxation of unemployment insurance benefits and taxation of loan forgiveness under the Paycheck Protection Program) are permissible under the offset provision.

**Baseline.** For purposes of measuring a reduction in net tax revenue, the interim final rule measures actual changes in tax revenue relative to a revenue baseline (baseline). The baseline will be calculated as fiscal year 2019 (FY 2019) tax revenue indexed for inflation in each year of the covered period, with inflation calculated using the Bureau of Economic Analysis's Implicit Price Deflator.<sup>163</sup>

FY 2019 was chosen as the starting year for the baseline because it is the last full fiscal year prior to the COVID–

19 public health emergency.<sup>164</sup> This baseline year is consistent with the approach directed by the ARPA in sections 602(c)(1)(C) and 603(c)(1)(C), which identify the “most recent full fiscal year of the [State, territory, or Tribal government] prior to the emergency” as the comparator for measuring revenue loss. U.S. gross domestic product is projected to rebound to pre-pandemic levels in 2021,<sup>165</sup> suggesting that an FY 2019 pre-pandemic baseline is a reasonable comparator for future revenue levels. The FY 2019 baseline revenue will be adjusted annually for inflation to allow for direct comparison of actual tax revenue in each year (reported in nominal terms) to baseline revenue in common units of measurement; without inflation adjustment, each dollar of reported actual tax revenue would be worth less than each dollar of baseline revenue expressed in 2019 terms.

**Reporting year.** The interim final rule defines “reporting year” as a single year within the covered period, aligned to the current fiscal year of the recipient government during the covered period, for which a recipient government reports the value of covered changes and any sources of offsetting revenue increases (“in-year” value), regardless of when those changes were enacted. For the fiscal years ending in 2021 or 2025 (partial years), the term “reporting year” refers to the portion of the year falling within the covered period. For example, the reporting year for a fiscal year beginning July 2020 and ending June 2021 would be from March 3, 2021 to July 2021.

**Tax revenue.** The interim final rule's definition of “tax revenue” is based on the Census Bureau's definition of taxes, used for its Annual Survey of State Government Finances.<sup>166</sup> It provides a consistent, well-established definition with which States and territories will be familiar and is consistent with the approach taken in Section II.C of this **SUPPLEMENTARY INFORMATION** describing the implementation of sections 602(c)(1)(C) and 603(c)(1)(C) of the Act, regarding revenue loss. Consistent with the approach described in Section II.C of this **SUPPLEMENTARY INFORMATION**, tax

<sup>164</sup> Using Fiscal Year 2019 is consistent with section 602 as Congress provided for using that baseline for determining the impact of revenue loss affecting the provision of government services. See section 602(c)(1)(C).

<sup>165</sup> Congressional Budget Office, An Overview of the Economic Outlook: 2021 to 2031 (February 1, 2021), available at <https://www.cbo.gov/publication/56965>.

<sup>166</sup> U.S. Census Bureau, Annual Survey of State and Local Government Finances Glossary, <https://www.census.gov/programs-surveys/state/about/glossary.html> (last visited Apr. 30, 2021).

<sup>162</sup> See, e.g., Tax Policy Center, How do state earned income tax credits work?, <https://www.taxpolicycenter.org/briefing-book/how-do-state-earned-income-tax-credits-work/> (last visited May 9, 2021).

<sup>163</sup> U.S. Department of Commerce, Bureau of Economic Analysis, GDP Price Deflator, <https://www.bea.gov/data/prices-inflation/gdp-price-deflator> (last visited May 9, 2021).

revenue does not include revenue taxed and collected by a different unit of government (e.g., revenue from taxes levied by a local government and transferred to a recipient government).

**Framework.** The interim final rule provides a step-by-step framework, to be used in each reporting year, to calculate whether the offset provision applies to a State's or territory's use of Fiscal Recovery Funds:

(1) *Covered changes that reduce tax revenue.* For each reporting year, a recipient government will identify and value covered changes that the recipient government predicts will have the effect of reducing tax revenue in a given reporting year, similar to the way it would in the ordinary course of its budgeting process. The value of these covered changes may be reported based on estimated values produced by a budget model, incorporating reasonable assumptions, that aligns with the recipient government's existing approach for measuring the effects of fiscal policies, and that measures relative to a current law baseline. The covered changes may also be reported based on actual values using a statistical methodology to isolate the change in year-over-year revenue attributable to the covered change(s), relative to the current law baseline prior to the change(s). Further, estimation approaches should not use dynamic methodologies that incorporate the projected effects of macroeconomic growth because macroeconomic growth is accounted for separately in the framework. Relative to these dynamic scoring methodologies, scoring methodologies that do not incorporate projected effects of macroeconomic growth rely on fewer assumptions and thus provide greater consistency among States and territories. Dynamic scoring that incorporates macroeconomic growth may also increase the likelihood of underestimation of the cost of a reduction in tax revenue.

In general and where possible, reporting should be produced by the agency of the recipient government responsible for estimating the costs and effects of fiscal policy changes. This approach offers recipient governments the flexibility to determine their reporting methodology based on their existing budget scoring practices and capabilities. In addition, the approach of using the projected value of changes in law that enact fiscal policies to estimate the net effect of such policies is consistent with the way many States

and territories already consider tax changes.<sup>167</sup>

(2) *In excess of the de minimis.* The recipient government will next calculate the total value of all covered changes in the reporting year resulting in revenue reductions, identified in Step 1. If the total value of the revenue reductions resulting from these changes is below the de minimis level, the recipient government will be deemed not to have any revenue-reducing changes for the purpose of determining the recognized net reduction. If the total is above the de minimis level, the recipient government must identify sources of in-year revenue to cover the full costs of changes that reduce tax revenue.

The de minimis level is calculated as 1 percent of the reporting year's baseline. Treasury recognizes that, pursuant to their taxing authority, States and territories may make many small changes to alter the composition of their tax revenues or implement other policies with marginal effects on tax revenues. They may also make changes based on projected revenue effects that turn out to differ from actual effects, unintentionally resulting in minor revenue changes that are not fairly described as "resulting from" tax law changes. The de minimis level recognizes the inherent challenges and uncertainties that recipient governments face, and thus allows relatively small reductions in tax revenue without consequence. Treasury determined the 1 percent level by assessing the historical effects of state-level tax policy changes in state EITCs implemented to effect policy goals other than reducing net tax revenues.<sup>168</sup> The 1 percent de minimis level reflects the historical reductions in revenue due to minor changes in state fiscal policies.

(3) *Safe harbor.* The recipient government will then compare the reporting year's actual tax revenue to the baseline. If actual tax revenue is greater than the baseline, Treasury will deem the recipient government not to have any recognized net reduction for the reporting year, and therefore to be in a safe harbor and outside the ambit of the offset provision. This approach is consistent with the ARPA, which contemplates recoupment of Fiscal Recovery Funds only in the event that

such funds are used to offset a reduction in net tax revenue. If net tax revenue has not been reduced, this provision does not apply. In the event that actual tax revenue is above the baseline, the organic revenue growth that has occurred, plus any other revenue-raising changes, by definition must have been enough to offset the in-year costs of the covered changes.

(4) *Consideration of other sources of funding.* Next, the recipient government will identify and calculate the total value of changes that could pay for revenue reduction due to covered changes and sum these items. This amount can be used to pay for up to the total value of revenue-reducing changes in the reporting year. These changes consist of two categories:

(a) *Tax and other increases in revenue.* The recipient government must identify and consider covered changes in policy that the recipient government predicts will have the effect of increasing general revenue in a given reporting year. As when identifying and valuing covered changes that reduce tax revenue, the value of revenue-raising changes may be reported based on estimated values produced by a budget model, incorporating reasonable assumptions, aligned with the recipient government's existing approach for measuring the effects of fiscal policies, and measured relative to a current law baseline, or based on actual values using a statistical methodology to isolate the change in year-over-year revenue attributable to the covered change(s). Further, and as discussed above, estimation approaches should not use dynamic scoring methodologies that incorporate the effects of macroeconomic growth because growth is accounted for separately under the interim final rule. In general and where possible, reporting should be produced by the agency of the recipient government responsible for estimating the costs and effects of fiscal policy changes. This approach offers recipient governments the flexibility to determine their reporting methodology based on their existing budget scoring practices and capabilities.

(b) *Covered spending cuts.* A recipient government also may cut spending in certain areas to pay for covered changes that reduce tax revenue, up to the amount of the recipient government's net reduction in total spending as described below. These changes must be reductions in government outlays not in an area where the recipient government has spent Fiscal Recovery Funds. To better align with existing reporting and accounting, the interim final rule considers the department, agency, or

<sup>167</sup> See, e.g., Megan Randall & Kim Rueben, Tax Policy Center, Sustainable Budgeting in the States: Evidence on State Budget Institutions and Practices (Nov. 2017), available at [https://www.taxpolicycenter.org/sites/default/files/publication/149186/sustainable-budgeting-in-the-states\\_1.pdf](https://www.taxpolicycenter.org/sites/default/files/publication/149186/sustainable-budgeting-in-the-states_1.pdf).

<sup>168</sup> Data provided by the Urban-Brookings Tax Policy Center for state-level EITC changes for 2004–2017.



authority from which spending has been cut and whether the recipient government has spent Fiscal Recovery Funds on that same department, agency, or authority. This approach was selected to allow recipient governments to report how Fiscal Recovery Funds have been spent using reporting units already incorporated into their budgeting process. If they have not spent Fiscal Recovery Funds in a department, agency, or authority, the full amount of the reduction in spending counts as a covered spending cut, up to the recipient government's net reduction in total spending. If they have, the Fiscal Recovery Funds generally would be deemed to have replaced the amount of spending cut and only reductions in spending above the amount of Fiscal Recovery Funds spent on the department, agency, or authority would count.

To calculate the amount of spending cuts that are available to offset a reduction in tax revenue, the recipient government must first consider whether there has been a reduction in total net spending, excluding Fiscal Recovery Funds (net reduction in total spending). This approach ensures that reported spending cuts actually create fiscal space, rather than simply offsetting other spending increases. A net reduction in total spending is measured as the difference between total spending in each reporting year, excluding Fiscal Recovery Funds spent, relative to total spending for the recipient's fiscal year ending in 2019, adjusted for inflation. Measuring reductions in spending relative to 2019 reflects the fact that the fiscal space created by a spending cut persists so long as spending remains below its original level, even if it does not decline further, relative to the same amount of revenue. Measuring spending cuts from year to year would, by contrast, not recognize any available funds to offset revenue reductions unless spending continued to decline, failing to reflect the actual availability of funds created by a persistent change and limiting the discretion of States and territories. In general and where possible, reporting should be produced by the agency of the recipient government responsible for estimating the costs and effects of fiscal policy changes. Treasury chose this approach because while many recipient governments may score budget legislation using projections, spending cuts are readily observable using actual values.

This approach—allowing only spending reductions in areas where the recipient government has not spent Fiscal Recovery Funds to be used as an

offset for a reduction in net tax revenue—aims to prevent recipient governments from using Fiscal Recovery Funds to supplant State or territory funding in the eligible use areas, and then use those State or territory funds to offset tax cuts. Such an approach helps ensure that Fiscal Recovery Funds are not used to “indirectly” offset revenue reductions due to covered changes.

In order to help ensure recipient governments use Fiscal Recovery Funds in a manner consistent with the prescribed eligible uses and do not use Fiscal Recovery Funds to indirectly offset a reduction in net tax revenue resulting from a covered change, Treasury will monitor changes in spending throughout the covered period. If, over the course of the covered period, a spending cut is subsequently replaced with Fiscal Recovery Funds and used to indirectly offset a reduction in net tax revenue resulting from a covered change, Treasury may consider such change to be an evasion of the restrictions of the offset provision and seek recoupment of such amounts.

(5) *Identification of amounts subject to recoupment.* If a recipient government (i) reports covered changes that reduce tax revenue (Step 1); (ii) to a degree greater than the de minimis (Step 2); (iii) has experienced a reduction in net tax revenue (Step 3); and (iv) lacks sufficient revenue from other, permissible sources to pay for the entirety of the reduction (Step 4), then the recipient government will be considered to have used Fiscal Recovery Funds to offset a reduction in net tax revenue, up to the amount that revenue has actually declined. That is, the maximum value of reduction in revenue due to covered changes which a recipient government must cover is capped at the difference between the baseline and actual tax revenue.<sup>169</sup> In the event that the baseline is above actual tax revenue and the difference between them is less than the sum of revenue reducing changes that are not paid for with other, permissible sources, organic revenue growth has implicitly offset a portion of the reduction. For example, if a recipient government reduces tax revenue by \$1 billion, makes no other changes, and experiences revenue growth driven by organic economic growth worth \$500 million, it need only pay for the remaining \$500 million with sources other than Fiscal Recovery Funds. The revenue reduction cap implements this

<sup>169</sup> This cap is applied in § 35.8(c) of the interim final rule, calculating the amount of funds used in violation of the tax offset provision.

approach for permitting organic revenue growth to cover the cost of tax cuts.

Finally, as discussed further in Section IV of this **SUPPLEMENTARY INFORMATION**, a recipient government may request reconsideration of any amounts identified as subject to recoupment under this framework. This process ensures that all relevant facts and circumstances, including information regarding planned spending cuts and budgeting assumptions, are considered prior to a determination that an amount must be repaid. Amounts subject to recoupment are calculated on an annual basis; amounts recouped in one year cannot be returned if the State or territory subsequently reports an increase in net tax revenue.

To facilitate the implementation of the framework above, and in addition to reporting required on eligible uses, in each year of the reporting period, each State and territory will report to Treasury the following items:

- Actual net tax revenue for the reporting year;
- Each revenue-reducing change made to date during the covered period and the in-year value of each change;
- Each revenue-raising change made to date during the covered period and the in-year value of each change;
- Each covered spending cut made to date during the covered period, the in-year value of each cut, and documentation demonstrating that each spending cut is covered as prescribed under the interim final rule;

Treasury will provide additional guidance and instructions the reporting requirements at a later date.

*Question 28: Does the interim final rule's definition of tax revenue accord with existing State and territorial practice and, if not, are there other definitions or elements Treasury should consider? Discuss why or why not.*

*Question 29: The interim final rule permits certain spending cuts to cover the costs of reductions in tax revenue, including cuts in a department, agency, or authority in which the recipient government is not using Fiscal Recovery Funds. How should Treasury and recipient governments consider the scope of a department, agency, or authority for the use of funds to ensure spending cuts are not being substituted with Fiscal Recovery Funds while also avoiding an overbroad definition of that captures spending that is, in fact, distinct?*

*Question 30: Discuss the budget scoring methodologies currently used by States and territories. How should the interim final rule take into consideration differences in approaches? Please discuss the use of*

practices including but not limited to macrodynamic scoring, microdynamic scoring, and length of budget windows.

*Question 31: If a recipient government has a balanced budget requirement, how will that requirement impact its use of Fiscal Recovery Funds and ability to implement this framework?*

*Question 32: To implement the framework described above, the interim final rule establishes certain reporting requirements. To what extent do recipient governments already produce this information and on what timeline? Discuss ways that Treasury and recipient governments may better rely on information already produced, while ensuring a consistent application of the framework.*

*Question 33: Discuss States' and territories' ability to produce the figures and numbers required for reporting under the interim final rule. What additional reporting tools, such as a standardized template, would facilitate States' and territories' ability to complete the reporting required under the interim final rule?*

#### C. Other Restrictions on Use

Payments from the Fiscal Recovery Funds are also subject to pre-existing limitations provided in other Federal statutes and regulations and may not be used as non-Federal match for other Federal programs whose statute or regulations bar the use of Federal funds to meet matching requirements. For example, payments from the Fiscal Recovery Funds may not be used to satisfy the State share of Medicaid.<sup>170</sup>

As provided for in the award terms, payments from the Fiscal Recovery Funds as a general matter will be subject to the provisions of the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (2 CFR part 200) (the Uniform Guidance), including the cost principles and restrictions on general provisions for selected items of cost.

#### D. Timeline for Use of Fiscal Recovery Funds

Section 602(c)(1) and section 603(c)(1) require that payments from the Fiscal Recovery Funds be used only to cover costs incurred by the State, territory, Tribal government, or local government by December 31, 2024. Similarly, the CARES Act provided that payments from the CRF be used to cover costs incurred by December 31, 2021.<sup>171</sup> The

definition of "incurred" does not have a clear meaning. With respect to the CARES Act, on the understanding that the CRF was intended to be used to meet relatively short-term needs, Treasury interpreted this requirement to mean that, for a cost to be considered to have been incurred, performance of the service or delivery of the goods acquired must occur by December 31, 2021. In contrast, the ARPA, passed at a different stage of the COVID-19 public health emergency, was intended to provide more general fiscal relief over a broader timeline. In addition, the ARPA expressly permits the use of Fiscal Recovery Funds for improvements to water, sewer, and broadband infrastructure, which entail a longer timeframe. In recognition of this, Treasury is interpreting the requirement in section 602 and section 603 that costs be incurred by December 31, 2024, to require only that recipients have obligated the Fiscal Recovery Funds by such date. The interim final rule adopts a definition of "obligation" that is based on the definition used for purposes of the Uniform Guidance, which will allow for uniform administration of this requirement and is a definition with which most recipients will be familiar.

Payments from the Fiscal Recovery Funds are grants provided to recipients to mitigate the fiscal effects of the COVID-19 public health emergency and to respond to the public health emergency, consistent with the eligible uses enumerated in sections 602(c)(1) and 603(c)(1).<sup>172</sup> As such, these funds are intended to provide economic stimulus in areas still recovering from the economic effects of the pandemic. In implementing and interpreting these provisions, including what it means to "respond to" the COVID-19 public health emergency, Treasury takes into consideration pre-pandemic facts and circumstances (e.g., average revenue growth prior to the pandemic) as well as impact of the pandemic that predate the enactment of the ARPA (e.g., replenishing Unemployment Trust balances drawn during the pandemic). While assessing the effects of the COVID-19 public health emergency necessarily takes into consideration the facts and circumstances that predate the ARPA, use of Fiscal Recovery Funds is forward looking.

As discussed above, recipients are permitted to use payments from the Fiscal Recovery Funds to respond to the public health emergency, to respond to workers performing essential work by providing premium pay or providing

grants to eligible employers, and to make necessary investments in water, sewer, or broadband infrastructure, which all relate to prospective uses. In addition, sections 602(c)(1)(C) and 603(c)(1)(C) permit recipients to use Fiscal Recovery Funds for the provision of government services. This clause provides that the amount of funds that may be used for this purpose is measured by reference to the reduction in revenue due to the public health emergency relative to revenues collected in the most recent full fiscal year, but this reference does not relate to the period during which recipients may use the funds, which instead refers to prospective uses, consistent with the other eligible uses.

Although as discussed above the eligible uses of payments from the Fiscal Recovery Funds are all prospective in nature, Treasury considers the beginning of the covered period for purposes of determining compliance with section 602(c)(2)(A) to be the relevant reference point for this purpose. The interim final rule thus permits funds to be used to cover costs incurred beginning on March 3, 2021. This aligns the period for use of Fiscal Recovery Funds with the period during which these funds may not be used to offset reductions in net tax revenue. Permitting Fiscal Recovery Funds to be used to cover costs incurred beginning on this date will also mean that recipients that began incurring costs in the anticipation of enactment of the ARPA and in advance of the issuance of this rule and receipt of payment from the Fiscal Recovery Funds would be able to cover them using these payments.<sup>173</sup>

As set forth in the award terms, the period of performance will run until December 31, 2026, which will provide recipients a reasonable amount of time to complete projects funded with payments from the Fiscal Recovery Funds.

#### IV. Recoupment Process

Under the ARPA, failure to comply with the restrictions on use contained in sections 602(c) and 603(c) of the Act may result in recoupment of funds.<sup>174</sup> The interim final rule implements these provisions by establishing a process for recoupment.

*Identification and Notice of Violations.* Failure to comply with the restrictions on use will be identified based on reporting provided by the

<sup>173</sup> Given the nature of this program, recipients will not be permitted to use funds to cover pre-award costs, i.e., those incurred prior to March 3, 2021.

<sup>174</sup> Sections 602(e) and 603(e) of the Act.

<sup>170</sup> See 42 CFR 433.51 and 45 CFR 75.306.

<sup>171</sup> Section 1001 of Division N of the Consolidated Appropriations Act, 2021 amended section 601(d)(3) of the Act by extending the end of the covered period for CRF expenditures from December 30, 2020 to December 31, 2021.

<sup>172</sup> Sections 602(a), 603(a), 602(c)(1) and 603(c)(1) of the Act.



recipient. As discussed further in Sections III.B and VIII of this **SUPPLEMENTARY INFORMATION**, Treasury will collect information regarding eligible uses on a quarterly basis and on the tax offset provision on an annual basis. Treasury also may consider other information in identifying a violation, such as information provided by members of the public. If Treasury identifies a violation, it will provide written notice to the recipient along with an explanation of such amounts.

**Request for Reconsideration.** Under the interim final rule, a recipient may submit a request for reconsideration of any amounts identified in the notice provided by Treasury. This reconsideration process provides a recipient the opportunity to submit additional information it believes supports its request in light of the notice of recoupment, including, for example, additional information regarding the recipient's use of Fiscal Recovery Funds or its tax revenues. The process also provides the Secretary with an opportunity to consider all information relevant to whether a violation has occurred, and if so, the appropriate amount for recoupment.

The interim final rule also establishes requirements for the timing of a request for reconsideration. Specifically, if a recipient wishes to request reconsideration of any amounts identified in the notice, the recipient must submit a written request for reconsideration to the Secretary within 60 calendar days of receipt of such notice. The request must include an explanation of why the recipient believes that the finding of a violation or recoupable amount identified in the notice of recoupment should be reconsidered. To facilitate the Secretary's review of a recipient's request for reconsideration, the request should identify all supporting reasons for the request. Within 60 calendar days of receipt of the recipient's request for reconsideration, the recipient will be notified of the Secretary's decision to affirm, withdraw, or modify the notice of recoupment. Such notification will include an explanation of the decision, including responses to the recipient's supporting reasons and consideration of additional information provided.

The process and timeline established by the interim final rule are intended to provide the recipient with an adequate opportunity to fully present any issues or arguments in response to the notice of recoupment.<sup>175</sup> This process will allow the Secretary to respond to the

issues and considerations raised in the request for reconsideration taking into account the information and arguments presented by the recipient along with any other relevant information.

**Repayment.** Finally, the interim final rule provides that any amounts subject to recoupment must be repaid within 120 calendar days of receipt of any final notice of recoupment or, if the recipient has not requested reconsideration, within 120 calendar days of the initial notice provided by the Secretary.

*Question 34: Discuss the timeline for requesting reconsideration under the interim final rule. What, if any, challenges does this timeline present?*

#### **V. Payments in Tranches to Local Governments and Certain States**

Section 603 of the Act provides that the Secretary will make payments to local governments in two tranches, with the second tranche being paid twelve months after the first payment. In addition, section 602(b)(6)(A)(ii) provides that the Secretary may withhold payment of up to 50 percent of the amount allocated to each State and territory for a period of up to twelve months from the date on which the State or territory provides its certification to the Secretary. Any such withholding for a State or territory is required to be based on the unemployment rate in the State or territory as of the date of the certification.

The Secretary has determined to provide in this interim final rule for withholding of 50 percent of the amount of Fiscal Recovery Funds allocated to all States (and the District of Columbia) other than those with an unemployment rate that is 2.0 percentage points or more above its pre-pandemic (*i.e.*, February 2020) level. The Secretary will refer to the latest available monthly data from the Bureau of Labor Statistics as of the date the certification is provided. Based on data available at the time of public release of this interim final rule, this threshold would result in a majority of States being paid in two tranches.

Splitting payments for the majority of States is consistent with the requirement in section 603 of the Act to make payments from the Coronavirus Local Fiscal Recovery Fund to local governments in two tranches.<sup>176</sup>

<sup>176</sup> With respect to Federal financial assistance more generally, States are subject to the requirements of the Cash Management Improvement Act (CMIA), under which Federal funds are drawn upon only on an as needed basis and States are required to remit interest on unused balances to Treasury. Given the statutory requirement for Treasury to make payments to States within a certain period, these requirements

Splitting payments to States into two tranches will help encourage recipients to adapt, as necessary, to new developments that could arise over the coming twelve months, including potential changes to the nature of the public health emergency and its negative economic impacts. While the U.S. economy has been recovering and adding jobs in aggregate, there is still considerable uncertainty in the economic outlook and the interaction between the pandemic and the economy.<sup>177</sup> For these reasons, Treasury believes it will be appropriate for a majority of recipients to adapt their plans as the recovery evolves. For example, a faster-than-expected economic recovery in 2021 could lead a recipient to dedicate more Fiscal Recovery Funds to longer-term investments starting in 2022. In contrast, a slower-than-expected economic recovery in 2021 could lead a recipient to use additional funds for near-term stimulus in 2022.

At the same time, the statute contemplates the possibility that elevated unemployment in certain States could justify a single payment. Elevated unemployment is indicative of a greater need to assist unemployed workers and stimulate a faster economic recovery. For this reason, the interim final rule provides that States and territories with an increase in their unemployment rate over a specified threshold may receive a single payment, with the expectation that a single tranche will better enable these States and territories to take additional immediate action to aid the unemployed and strengthen their economies.

Following the initial pandemic-related spike in unemployment in 2020, States' unemployment rates have been trending back towards pre-pandemic levels. However, some States' labor markets are healing more slowly than others. Moreover, States varied widely in their pre-pandemic levels of unemployment, and some States remain substantially further from their pre-

of the CMIA and Treasury's implementing regulations at 31 CFR part 205 will not apply to payments from the Fiscal Recovery Funds. Providing funding in two tranches to the majority of States reflects, to the maximum extent permitted by section 602 of the Act, the general principles of Federal cash management and stewardship of Federal funding, yet will be much less restrictive than the usual requirements to which States are subject.

<sup>177</sup> The potential course of the virus, and its impact on the economy, has contributed to a heightened degree of uncertainty relative to prior periods. *See, e.g.*, Dave Altig et al., Economic uncertainty before and during the COVID-19 pandemic, *J. of Public Econ.* (Nov. 2020), available at <https://www.sciencedirect.com/science/article/abs/pii/S0047272720301389>.

<sup>175</sup> The interim final rule also provides that Treasury may extend any deadlines.

pandemic starting point. Consequently, Treasury is delineating States with significant remaining elevation in the unemployment rate, based on the net difference to pre-pandemic levels.

Treasury has established that significant remaining elevation in the unemployment rate is a net change in the unemployment rate of 2.0 percentage points or more relative to pre-pandemic levels. In the four previous recessions going back to the early 1980s, the national unemployment rate rose by 3.6, 2.3, 2.0, and 5.0 percentage points, as measured from the start of the recession to the eventual peak during or immediately following the recession.<sup>178</sup> Each of these increases can therefore represent a recession's impact on unemployment. To identify States with significant remaining elevation in unemployment, Treasury took the lowest of these four increases, 2.0 percentage points, to indicate states where, despite improvement in the unemployment rate, current labor market conditions are consistent still with a historical benchmark for a recession.

No U.S. territory will be subject to withholding of its payment from the Fiscal Recovery Funds. For Puerto Rico, the Secretary has determined that the current level of the unemployment rate (8.8 percent, as of March 2021<sup>179</sup>) is sufficiently high such that Treasury should not withhold any portion of its payment from the Fiscal Recovery Funds regardless of its change in unemployment rate relative to its pre-pandemic level. For U.S. territories that are not included in the Bureau of Labor Statistics' monthly unemployment rate data, the Secretary will not exercise the authority to withhold amounts from the Fiscal Recovery Funds.

## VI. Transfer

The statute authorizes State, territorial, and Tribal governments; counties; metropolitan cities; and nonentitlement units of local government (counties, metropolitan

cities, and nonentitlement units of local government are collectively referred to as "local governments") to transfer amounts paid from the Fiscal Recovery Funds to a number of specified entities. By permitting these transfers, Congress recognized the importance of providing flexibility to governments seeking to achieve the greatest impact with their funds, including by working with other levels or units of government or private entities to assist recipient governments in carrying out their programs. This includes special-purpose districts that perform specific functions in the community, such as fire, water, sewer, or mosquito abatement districts.

Specifically, under section 602(c)(3), a State, territory, or Tribal government may transfer funds to a "private nonprofit organization . . . a Tribal organization . . . a public benefit corporation involved in the transportation of passengers or cargo, or a special-purpose unit of State or local government."<sup>180</sup> Similarly, section 603(c)(3) authorizes a local government to transfer funds to the same entities (other than Tribal organizations).

The interim final rule clarifies that the lists of transferees in sections 602(c)(3) and 603(c)(3) are not exclusive. The interim final rule permits State, territorial, and Tribal governments to transfer Fiscal Recovery Funds to other constituent units of government or private entities beyond those specified in the statute. Similarly, local governments are authorized to transfer Fiscal Recovery Funds to other constituent units of government (*e.g.*, a county is able to transfer Fiscal Recovery Funds to a city, town, or school district within it) or to private entities. This approach is intended to help provide funding to local governments with needs that may exceed the allocation provided under the statutory formula.

State, local, territorial, and Tribal governments that receive a Federal award directly from a Federal awarding agency, such as Treasury, are "recipients." A transferee receiving a transfer from a recipient under sections 602(c)(3) and 603(c)(3) will be a subrecipient. Subrecipients are entities that receive a subaward from a recipient to carry out a program or project on behalf of the recipient with the recipient's Federal award funding. The recipient remains responsible for monitoring and overseeing the subrecipient's use of Fiscal Recovery Funds and other activities related to the award to ensure that the subrecipient complies with the statutory and

regulatory requirements and the terms and conditions of the award. Recipients also remain responsible for reporting to Treasury on their subrecipients' use of payments from the Fiscal Recovery Funds for the duration of the award.

Transfers under sections 602(c)(3) and 603(c)(3) must qualify as an eligible use of Fiscal Recovery Funds by the transferor. Once Fiscal Recovery Funds are received, the transferee must abide by the restrictions on use applicable to the transferor under the ARPA and other applicable law and program guidance. For example, if a county transferred Fiscal Recovery Funds to a town within its borders to respond to the COVID-19 public health emergency, the town would be bound by the eligible use requirements applicable to the county in carrying out the county's goal. This also means that county A may not transfer Fiscal Recovery Funds to county B for use in county B because such a transfer would not, from the perspective of the transferor (county A), be an eligible use in county A.

Section 603(c)(4) separately provides for transfers by a local government to its State or territory. A transfer under section 603(c)(4) will not make the State a subrecipient of the local government, and such Fiscal Recovery Funds may be used by the State for any purpose permitted under section 602(c). A transfer under section 603(c)(4) will result in a cancellation or termination of the award on the part of the transferor local government and a modification of the award to the transferee State or territory. The transferor must provide notice of the transfer to Treasury in a format specified by Treasury. If the local government does not provide such notice, it will remain legally obligated to Treasury under the award and remain responsible for ensuring that the awarded Fiscal Recovery Funds are being used in accordance with the statute and program guidance and for reporting on such uses to Treasury. A State that receives a transfer from a local government under section 603(c)(4) will be bound by all of the use restrictions set forth in section 602(c) with respect to the use of those Fiscal Recovery Funds, including the prohibitions on use of such Fiscal Recovery Funds to offset certain reductions in taxes or to make deposits into pension funds.

*Question 35: What are the advantages and disadvantages of treating the list of transferees in sections 602(c)(3) and 603(c)(3) as nonexclusive, allowing States and localities to transfer funds to entities outside of the list?*

*Question 36: Are there alternative ways of defining "special-purpose unit of State or local government" and*

<sup>178</sup> Includes the period during and immediately following recessions, as defined by the National Bureau of Economic Research. National Bureau of Economic Research, US Business Cycle Expansions and Contractions, <https://www.nber.org/research/data/us-business-cycle-expansions-and-contractions> (last visited Apr. 27, 2021). Based on data from U.S. Bureau of Labor Statistics, Unemployment Rate [UNRATE], retrieved from FRED, Federal Reserve Bank of St. Louis, <https://fred.stlouisfed.org/series/UNRATE> (last visited Apr. 27, 2021).

<sup>179</sup> U.S. Bureau of Labor Statistics, Economic News Release—Table 1. Civilian labor force and unemployment by state and selected area, seasonally adjusted, <https://www.bls.gov/news.release/laus.t01.htm> (last visited Apr. 30, 2021).

<sup>180</sup> Section 602(c)(3) of the Act.

*“public benefit corporation” that would better further the aims of the Funds?*

## VII. Nonentitlement Units of Government

The Fiscal Recovery Funds provides for \$19.53 billion in payments to be made to States and territories which will distribute the funds to nonentitlement units of local government (NEUs); local governments which generally have populations below 50,000. These local governments have not yet received direct fiscal relief from the Federal Government during the COVID-19 public health emergency, making Fiscal Recovery Funds payments an important source of support for their public health and economic responses. Section 603 requires Treasury to allocate and pay Fiscal Recovery Funds to the States and territories and requires the States and territories to distribute Fiscal Recovery Funds to NEUs based on population within 30 days of receipt unless an extension is granted by the Secretary. The interim final rule clarifies certain aspects regarding the distribution of Fiscal Recovery by States and territories to NEUs, as well as requirements around timely payments from the Fiscal Recovery Funds.

The ARPA requires that States and territories allocate funding to NEUs in an amount that bears the same proportion as the population of the NEU bears to the total population of all NEUs in the State or territory, subject to a cap (described below). Because the statute requires States and territories to make distributions based on population, States and territories may not place additional conditions or requirements on distributions to NEUs, beyond those required by the ARPA and Treasury’s implementing regulations and guidance. For example, a State may not impose stricter limitations than permitted by statute or Treasury regulations or guidance on an NEU’s use of Fiscal Recovery Funds based on the NEU’s proposed spending plan or other policies. States and territories are also not permitted to offset any debt owed by the NEU against the NEU’s distribution. Further, States and territories may not provide funding on a reimbursement basis—*e.g.*, requiring NEUs to pay for project costs up front before being reimbursed with Fiscal Recovery Funds payments—because this funding model would not comport with the statutory requirement that States and territories make distributions to NEUs within the statutory timeframe.

Similarly, States and territories distributing Fiscal Recovery Funds payments to NEUs are responsible for

complying with the Fiscal Recovery Funds statutory requirement that distributions to NEUs not exceed 75 percent of the NEU’s most recent budget. The most recent budget is defined as the NEU’s most recent annual total operating budget, including its general fund and other funds, as of January 27, 2020. Amounts in excess of such cap and therefore not distributed to the NEU must be returned to Treasury by the State or territory. States and territories may rely for this determination on a certified top-line budget total from the NEU.

Under the interim final rule, the total allocation and distribution to an NEU, including the sum of both the first and second tranches of funding, cannot exceed the 75 percent cap. States and territories must permit NEUs without formal budgets as of January 27, 2020 to self-certify their most recent annual expenditures as of January 27, 2020 for the purpose of calculating the cap. This approach will provide an administrable means to implement the cap for small local governments that do not adopt a formal budget.

Section 603(b)(3) of the Social Security Act provides for Treasury to make payments to counties but provides that, in the case of an amount to be paid to a county that is not a unit of general local government, the amount shall instead be paid to the State in which such county is located, and such State shall distribute such amount to each unit of general local government within such county in an amount that bears the same proportion to the amount to be paid to such county as the population of such units of general local government bears to the total population of such county. As with NEUs, States may not place additional conditions or requirements on distributions to such units of general local government, beyond those required by the ARPA and Treasury’s implementing regulations and guidance.

In the case of consolidated governments, section 603(b)(4) allows consolidated governments (*e.g.*, a city-county consolidated government) to receive payments under each allocation based on the respective formulas. In the case of a consolidated government, Treasury interprets the budget cap to apply to the consolidated government’s NEU allocation under section 603(b)(2) but not to the consolidated government’s county allocation under section 603(b)(3).

If necessary, States and territories may use the Fiscal Recovery Funds under section 602(c)(1)(A) to fund expenses related to administering payments to NEUs and units of general local

government, as disbursing these funds itself is a response to the public health emergency and its negative economic impacts. If a State or territory requires more time to disburse Fiscal Recovery Funds to NEUs than the allotted 30 days, Treasury will grant extensions of not more than 30 days for States and territories that submit a certification in writing in accordance with section 603(b)(2)(C)(ii)(I). Additional extensions may be granted at the discretion of the Secretary.

*Question 37: What are alternative ways for States and territories to enforce the 75 percent cap while reducing the administrative burden on them?*

*Question 38: What criteria should Treasury consider in assessing requests for extensions for further time to distribute NEU payments?*

## VIII. Reporting

States (defined to include the District of Columbia), territories, metropolitan cities, counties, and Tribal governments will be required to submit one interim report and thereafter quarterly Project and Expenditure reports through the end of the award period on December 31, 2026. The interim report will include a recipient’s expenditures by category at the summary level from the date of award to July 31, 2021 and, for States and territories, information related to distributions to nonentitlement units. Recipients must submit their interim report to Treasury by August 31, 2021. Nonentitlement units of local government are not required to submit an interim report.

The quarterly Project and Expenditure reports will include financial data, information on contracts and subawards over \$50,000, types of projects funded, and other information regarding a recipient’s utilization of the award funds. The reports will include the same general data (*e.g.*, on obligations, expenditures, contracts, grants, and subawards) as those submitted by recipients of the CRF, with some modifications. Modifications will include updates to the expenditure categories and the addition of data elements related to specific eligible uses, including some of the reporting elements described in sections above. The initial quarterly Project and Expenditure report will cover two calendar quarters from the date of award to September 30, 2021, and must be submitted to Treasury by October 31, 2021. The subsequent quarterly reports will cover one calendar quarter and must be submitted to Treasury within 30 days after the end of each calendar quarter.

Nonentitlement units of local government will be required to submit



annual Project and Expenditure reports until the end of the award period on December 31, 2026. The initial annual Project and Expenditure report for nonentitlement units of local government will cover activity from the date of award to September 30, 2021 and must be submitted to Treasury by October 31, 2021. The subsequent annual reports must be submitted to Treasury by October 31 each year.

States, territories, metropolitan cities, and counties with a population that exceeds 250,000 residents will also be required to submit an annual Recovery Plan Performance report to Treasury. The Recovery Plan Performance report will provide the public and Treasury information on the projects that recipients are undertaking with program funding and how they are planning to ensure project outcomes are achieved in an effective, efficient, and equitable manner. Each jurisdiction will have some flexibility in terms of the form and content of the Recovery Plan Performance report, as long as it includes the minimum information required by Treasury. The Recovery Plan Performance report will include key performance indicators identified by the recipient and some mandatory indicators identified by Treasury, as well as programmatic data in specific eligible use categories and the specific reporting requirements described in the sections above. The initial Recovery Plan Performance report will cover the period from the date of award to July 31, 2021 and must be submitted to Treasury by August 31, 2021. Thereafter, Recovery Plan Performance reports will cover a 12-month period, and recipients will be required to submit the report to Treasury within 30 days after the end of the 12-month period. The second Recovery Plan Performance report will cover the period from July 1, 2021 to June 30, 2022, and must be submitted to Treasury by July 31, 2022. Each annual Recovery Plan Performance report must be posted on the public-facing website of the recipient. Local governments with fewer than 250,000 residents, Tribal governments, and nonentitlement units of local government are not required to develop a Recovery Plan Performance report.

Treasury will provide additional guidance and instructions on the reporting requirements outlined above for the Fiscal Recovery Funds at a later date.

## IX. Comments and Effective Date

This interim final rule is being issued without advance notice and public comment to allow for immediate implementation of this program. As

discussed below, the requirements of advance notice and public comment do not apply “to the extent that there is involved . . . a matter relating to agency . . . grants.”<sup>181</sup> The interim final rule implements statutory conditions on the eligible uses of the Fiscal Recovery Funds grants, and addresses the payment of those funds, the reporting on uses of funds, and potential consequences of ineligible uses. In addition and as discussed below, the Administrative Procedure Act also provides an exception to ordinary notice-and-comment procedures “when the agency for good cause finds (and incorporates the finding and a brief statement of reasons therefor in the rules issued) that notice and public procedure thereon are impracticable, unnecessary, or contrary to the public interest.”<sup>182</sup> This good cause justification also supports waiver of the 60-day delayed effective date for major rules under the Congressional Review Act at 5 U.S.C. 808(2). Although this interim final rule is effective immediately, comments are solicited from interested members of the public and from recipient governments on all aspects of the interim final rule.

These comments must be submitted on or before July 16, 2021.

## X. Regulatory Analyses

### *Executive Orders 12866 and 13563*

This interim final rule is economically significant for the purposes of Executive Orders 12866 and 13563. Treasury, however, is proceeding under the emergency provision at Executive Order 12866 section 6(a)(3)(D) based on the need to act expeditiously to mitigate the current economic conditions arising from the COVID-19 public health emergency. The rule has been reviewed by the Office of Management and Budget (OMB) in accordance with Executive Order 12866. This rule is necessary to implement the ARPA in order to provide economic relief to State, local, and Tribal governments adversely impacted by the COVID-19 public health emergency.

Under Executive Order 12866, OMB must determine whether this regulatory action is “significant” and, therefore, subject to the requirements of the Executive Order and subject to review by OMB. Section 3(f) of Executive Order 12866 defines a significant regulatory

action as an action likely to result in a rule that may:

(1) Have an annual effect on the economy of \$100 million or more, or adversely affect a sector of the economy; productivity; competition; jobs; the environment; public health or safety; or State, local, or Tribal governments or communities in a material way (also referred to as “economically significant” regulations);

(2) Create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;

(3) Materially alter the budgetary impacts of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or

(4) Raise novel legal or policy issues arising out of legal mandates, the President’s priorities, or the principles stated in the Executive order.

This regulatory action is an economically significant regulatory action subject to review by OMB under section 3(f) of Executive Order 12866. Treasury has also reviewed these regulations under Executive Order 13563, which supplements and explicitly reaffirms the principles, structures, and definitions governing regulatory review established in Executive Order 12866. To the extent permitted by law, section 1(b) of Executive Order 13563 requires that an agency:

(1) Propose or adopt regulations only upon a reasoned determination that their benefits justify their costs (recognizing that some benefits and costs are difficult to quantify);

(2) Tailor its regulations to impose the least burden on society, consistent with obtaining regulatory objectives taking into account, among other things, and to the extent practicable, the costs of cumulative regulations;

(3) Select, in choosing among alternative regulatory approaches, those approaches that maximize net benefits (including potential economic, environmental, public health and safety, and other advantages; distributive impacts; and equity);

(4) To the extent feasible, specify performance objectives, rather than the behavior or manner of compliance a regulated entity must adopt; and

(5) Identify and assess available alternatives to direct regulation, including providing economic incentives—such as user fees or marketable permits—to encourage the desired behavior, or providing information that enables the public to make choices.

Executive Order 13563 also requires an agency “to use the best available

<sup>181</sup> 5 U.S.C. 553(a)(2).

<sup>182</sup> 5 U.S.C. 553(b)(3)(B); see also 5 U.S.C. 553(d)(3) (creating an exception to the requirement of a 30-day delay before the effective date of a rule “for good cause found and published with the rule”).



techniques to quantify anticipated present and future benefits and costs as accurately as possible.” OMB’s Office of Information and Regulatory Affairs (OIRA) has emphasized that these techniques may include “identifying changing future compliance costs that might result from technological innovation or anticipated behavioral changes.”

Treasury has assessed the potential costs and benefits, both quantitative and qualitative, of this regulatory action, and is issuing this interim final rule only on a reasoned determination that the benefits exceed the costs. In choosing among alternative regulatory approaches, Treasury selected those approaches that would maximize net benefits. Based on the analysis that follows and the reasons stated elsewhere in this document, Treasury believes that this interim final rule is consistent with the principles set forth in Executive Order 13563.

Treasury also has determined that this regulatory action does not unduly interfere with States, territories, Tribal governments, and localities in the exercise of their governmental functions.

This Regulatory Impact Analysis discusses the need for regulatory action, the potential benefits, and the potential costs.

**Need for Regulatory Action.** This interim final rule implements the \$350 billion Fiscal Recovery Funds of the ARPA, which Congress passed to help States, territories, Tribal governments, and localities respond to the ongoing COVID-19 public health emergency and its economic impacts. As the agency charged with execution of these programs, Treasury has concluded that this interim final rule is needed to ensure that recipients of Fiscal Recovery Funds fully understand the requirements and parameters of the program as set forth in the statute and deploy funds in a manner that best reflects Congress’ mandate for targeted fiscal relief.

This interim final rule is primarily a transfer rule: It transfers \$350 billion in aid from the Federal Government to states, territories, Tribal governments, and localities, generating a significant macroeconomic effect on the U.S. economy. In making this transfer, Treasury has sought to implement the program in ways that maximize its potential benefits while minimizing its costs. It has done so by aiming to target relief in key areas according to the congressional mandate; offering clarity to States, territories, Tribal governments, and localities while maintaining their flexibility to respond

to local needs; and limiting administrative burdens.

**Analysis of Benefits.** Relative to a pre-statutory baseline, the Fiscal Recovery Funds provide a combined \$350 billion to State, local, and Tribal governments for fiscal relief and support for costs incurred responding to the COVID-19 pandemic. Treasury believes that this transfer will generate substantial additional economic activity, although given the flexibility accorded to recipients in the use of funds, it is not possible to precisely estimate the extent to which this will occur and the timing with which it will occur. Economic research has demonstrated that state fiscal relief is an efficient and effective way to mitigate declines in jobs and output during an economic downturn.<sup>183</sup> Absent such fiscal relief, fiscal austerity among State, local, and Tribal governments could exert a prolonged drag on the overall economic recovery, as occurred following the 2007–09 recession.<sup>184</sup>

This interim final rule provides benefits across several areas by implementing the four eligible funding uses, as defined in statute: Strengthening the response to the COVID-19 public health emergency and its economic impacts; easing fiscal pressure on State, local, and Tribal governments that might otherwise lead to harmful cutbacks in employment or government services; providing premium pay to essential workers; and making necessary investments in certain types of infrastructure. In implementing the ARPA, Treasury also sought to support disadvantaged communities that have been disproportionately impacted by the pandemic. The Fiscal Recovery Funds as implemented by the interim final rule can be expected to channel resources toward these uses in order to achieve substantial near-term economic and public health benefits, as well as longer-term benefits arising from the allowable investments in water, sewer, and broadband infrastructure and aid to families.

<sup>183</sup> Gabriel Chodorow-Reich et al., Does State Fiscal Relief during Recessions Increase Employment? Evidence from the American Recovery and Reinvestment Act, *American Econ. J.: Econ. Policy*, 4:3 118–45 (Aug. 2012), available at <https://www.aeaweb.org/articles?id=10.1257/pol.4.3.118>.

<sup>184</sup> See, e.g., Fitzpatrick, Haughwout & Setren, Fiscal Drag from the State and Local Sector?, Liberty Street Economics Blog, Federal Reserve Bank of New York (June 27, 2012), <https://www.libertystreeteconomics.newyorkfed.org/2012/06/fiscal-drag-from-the-state-and-local-sector.html>; Jiri Jonas, Great Recession and Fiscal Squeeze at U.S. Subnational Government Level, IMF Working Paper 12/184, (July 2012), available at <https://www.imf.org/external/pubs/ft/wp/2012/wp12184.pdf>; Gordon, *supra* note 9.

These benefits are achieved in the interim final rule through a broadly flexible approach that sets clear guidelines on eligible uses of Fiscal Recovery Funds and provides State, local, and Tribal government officials discretion within those eligible uses to direct Fiscal Recovery Funds to areas of greatest need within their jurisdiction. While preserving recipients’ overall flexibility, the interim final rule includes several provisions that implement statutory requirements and will help support use of Fiscal Recovery Funds to achieve the intended benefits. The remainder of this section clarifies how Treasury’s approach to key provisions in the interim final rule will contribute to greater realization of benefits from the program.

- **Revenue Loss:** Recipients will compute the extent of reduction in revenue by comparing actual revenue to a counterfactual trend representing what could have plausibly been expected to occur in the absence of the pandemic. The counterfactual trend begins with the last full fiscal year prior to the public health emergency (as required by statute) and projects forward with an annualized growth adjustment. Treasury’s decision to incorporate a growth adjustment into the calculation of revenue loss ensures that the formula more fully captures revenue shortfalls relative to recipients’ pre-pandemic expectations. Moreover, recipients will have the opportunity to re-calculate revenue loss at several points throughout the program, recognizing that some recipients may experience revenue effects with a lag. This option to re-calculate revenue loss on an ongoing basis should result in more support for recipients to avoid harmful cutbacks in future years. In calculating revenue loss, recipients will look at general revenue in the aggregate, rather than on a source-by-source basis. Given that recipients may have experienced offsetting changes in revenues across sources, Treasury’s approach provides a more accurate representation of the effect of the pandemic on overall revenues.

- **Premium Pay:** Per the statute, recipients have broad latitude to designate critical infrastructure sectors and make grants to third-party employers for the purpose of providing premium pay or otherwise respond to essential workers. While the interim final rule generally preserves the flexibility in the statute, it does add a requirement that recipients give written justification in the case that premium pay would increase a worker’s annual pay above a certain threshold. To set this threshold, Treasury analyzed data

from the Bureau of Labor Statistics to determine a level that would not require further justification for premium pay to the vast majority of essential workers, while requiring higher scrutiny for provision of premium pay to higher-earners who, even without premium pay, would likely have greater personal financial resources to cope with the effects of the pandemic. Treasury believes the threshold in the interim final rule strikes the appropriate balance between preserving flexibility and helping encourage use of these resources to help those in greatest need. The interim final rule also requires that eligible workers have regular in-person interactions or regular physical handling of items that were also handled by others. This requirement will also help encourage use of financial resources for those who have endured the heightened risk of performing essential work.

- *Withholding of Payments to Recipients:* Treasury believes that for the vast majority of recipient entities, it will be appropriate to receive funds in two separate payments. As discussed above, withholding of payments ensures that recipients can adapt spending plans to evolving economic conditions and that at least some of the economic benefits will be realized in 2022 or later. However, consistent with authorities granted to Treasury in the statute, Treasury recognizes that a subset of States with significant remaining elevation in the unemployment rate could face heightened additional near-term needs to aid unemployed workers and stimulate the recovery. Therefore, for a subset of State governments, Treasury will not withhold any funds from the first payment. Treasury believes that this approach strikes the appropriate balance between the general reasons to provide funds in two payments and the heightened additional near-term needs in specific States. As discussed above, Treasury set a threshold based on historical analysis of unemployment rates in recessions.

- *Hiring Public Sector Employees:* The interim final rule states explicitly that recipients may use funds to restore their workforces up to pre-pandemic levels. Treasury believes that this statement is beneficial because it eliminates any uncertainty that could cause delays or otherwise negatively impact restoring public sector workforces (which, at time of publication, remain significantly below pre-pandemic levels).

Finally, the interim final rule aims to promote and streamline the provision of assistance to individuals and communities in greatest need,

particularly communities that have been historically disadvantaged and have experienced disproportionate impacts of the COVID-19 crisis. Targeting relief is in line with Executive Order 13985, “Advancing Racial Equity and Support for Underserved Communities Through the Federal Government,” which laid out an Administration-wide priority to support “equity for all, including people of color and others who have been historically underserved, marginalized, and adversely affected by persistent poverty and inequality.”<sup>185</sup> To this end, the interim final rule enumerates a list of services that may be provided using Fiscal Recovery Funds in low-income areas to address the disproportionate impacts of the pandemic in these communities; establishes the characteristics of essential workers eligible for premium pay and encouragement to serve workers based on financial need; provides that recipients may use Fiscal Recovery Funds to restore (to pre-pandemic levels) state and local workforces, where women and people of color are disproportionately represented;<sup>186</sup> and targets investments in broadband infrastructure to unserved and underserved areas. Collectively, these provisions will promote use of resources to facilitate the provision of assistance to individuals and communities with the greatest need.

*Analysis of Costs.* This regulatory action will generate administrative costs relative to a pre-statutory baseline. This includes, chiefly, costs required to administer Fiscal Recovery Funds, oversee subrecipients and beneficiaries, and file periodic reports with Treasury. It also requires States to allocate Fiscal Recovery Funds to nonentitlement units, which are smaller units of local government that are statutorily required to receive their funds through States.

Treasury expects that the administrative burden associated with this program will be moderate for a grant program of its size. Treasury expects that most recipients receive direct or indirect funding from Federal Government programs and that many

have familiarity with how to administer and report on Federal funds or grant funding provided by other entities. In particular, States, territories, and large localities will have received funds from the CRF and Treasury expects them to rely heavily on established processes developed last year or through prior grant funding, mitigating burden on these governments.

Treasury expects to provide technical assistance to defray the costs of administration of Fiscal Recovery Funds to further mitigate burden. In making implementation choices, Treasury has hosted numerous consultations with a diverse range of direct recipients—States, small cities, counties, and Tribal governments—along with various communities across the United States, including those that are underserved. Treasury lacks data to estimate the precise extent to which this interim final rule generates administrative burden for State, local, and Tribal governments, but seeks comment to better estimate and account for these costs, as well as on ways to lessen administrative burdens.

#### *Executive Order 13132*

Executive Order 13132 (entitled Federalism) prohibits an agency from publishing any rule that has federalism implications if the rule either imposes substantial, direct compliance costs on State, local, and Tribal governments, and is not required by statute, or preempts state law, unless the agency meets the consultation and funding requirements of section 6 of the Executive order. This interim final rule does not have federalism implications within the meaning of the Executive order and does not impose substantial, direct compliance costs on State, local, and Tribal governments or preempt state law within the meaning of the Executive order. The compliance costs are imposed on State, local, and Tribal governments by sections 602 and 603 of the Social Security Act, as enacted by the ARPA. Notwithstanding the above, Treasury has engaged in efforts to consult and work cooperatively with affected State, local, and Tribal government officials and associations in the process of developing the interim final rule. Pursuant to the requirements set forth in section 8(a) of Executive Order 13132, Treasury certifies that it has complied with the requirements of Executive Order 13132.

#### *Administrative Procedure Act*

The Administrative Procedure Act (APA), 5 U.S.C. 551 *et seq.*, generally requires public notice and an opportunity for comment before a rule

<sup>185</sup> Executive Order on Advancing Racial Equity and Support for Underserved Communities through the Federal Government (Jan. 20, 2021) (86 FR 7009, January 25, 2021), <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/01/20/executive-order-advancing-racial-equity-and-support-for-underserved-communities-through-the-federal-government/> (last visited May 9, 2021).

<sup>186</sup> David Cooper, Mary Gable & Algernon Austin, Economic Policy Institute Briefing Paper, The Public-Sector Jobs Crisis: Women and African Americans hit hardest by job losses in state and local governments, <https://www.epi.org/publication/bp339-public-sector-jobs-crisis> (last visited May 9, 2021).

becomes effective. However, the APA provides that the requirements of 5 U.S.C. 553 do not apply “to the extent that there is involved . . . a matter relating to agency . . . grants.” The interim final rule implements statutory conditions on the eligible uses of the Fiscal Recovery Funds grants, and addresses the payment of those funds, the reporting on uses of funds, and potential consequences of ineligible uses. The rule is thus “both clearly and directly related to a federal grant program.” *National Wildlife Federation v. Snow*, 561 F.2d 227, 232 (D.C. Cir. 1976). The rule sets forth the “process necessary to maintain state . . . eligibility for federal funds,” *id.*, as well as the “method[s] by which states can . . . qualify for federal aid,” and other “integral part[s] of the grant program,” *Center for Auto Safety v. Tiemann*, 414 F. Supp. 215, 222 (D.D.C. 1976). As a result, the requirements of 5 U.S.C. 553 do not apply.

The APA also provides an exception to ordinary notice-and-comment procedures “when the agency for good cause finds (and incorporates the finding and a brief statement of reasons therefor in the rules issued) that notice and public procedure thereon are impracticable, unnecessary, or contrary to the public interest.” 5 U.S.C. 553(b)(3)(B); *see also* 5 U.S.C. 553(d)(3) (creating an exception to the requirement of a 30-day delay before the effective date of a rule “for good cause found and published with the rule”). Assuming 5 U.S.C. 553 applied, Treasury would still have good cause under sections 553(b)(3)(B) and 553(d)(3) for not undertaking section 553’s requirements. The ARPA is a law responding to a historic economic and

public health emergency; it is “extraordinary” legislation about which “both Congress and the President articulated a profound sense of ‘urgency.’” *Petry v. Block*, 737 F.2d 1193, 1200 (D.C. Cir. 1984). Indeed, several provisions implemented by this interim final rule (sections 602(c)(1)(A) and 603(c)(1)(A)) explicitly provide funds to “respond to the public health emergency,” and the urgency is further exemplified by Congress’s command (in sections 602(b)(6)(B) and 603(b)(7)(A)) that, “[t]o the extent practicable,” funds must be provided to Tribes and cities “not later than 60 days after the date of enactment.” *See Philadelphia Citizens in Action v. Schweiker*, 669 F.2d 877, 884 (3d Cir. 1982) (finding good cause under circumstances, including statutory time limits, where APA procedures would have been “virtually impossible”). Finally, there is an urgent need for States to undertake the planning necessary for sound fiscal policymaking, which requires an understanding of how funds provided under the ARPA will augment and interact with existing budgetary resources and tax policies. Treasury understands that many states require immediate rules on which they can rely, especially in light of the fact that the ARPA “covered period” began on March 3, 2021. The statutory urgency and practical necessity are good cause to forego the ordinary requirements of notice-and-comment rulemaking.

#### Congressional Review Act

The Administrator of OIRA has determined that this is a major rule for purposes of Subtitle E of the Small Business Regulatory Enforcement and Fairness Act of 1996 (also known as the

Congressional Review Act or CRA) (5 U.S.C. 804(2) *et seq.*). Under the CRA, a major rule takes effect 60 days after the rule is published in the **Federal Register**. 5 U.S.C. 801(a)(3). Notwithstanding this requirement, the CRA allows agencies to dispense with the requirements of section 801 when the agency for good cause finds that such procedure would be impracticable, unnecessary, or contrary to the public interest and the rule shall take effect at such time as the agency promulgating the rule determines. 5 U.S.C. 808(2). Pursuant to section 808(2), for the reasons discussed above, Treasury for good cause finds that a 60-day delay to provide public notice is impracticable and contrary to the public interest.

#### Paperwork Reduction Act

The information collections associated with State, territory, local, and Tribal government applications materials necessary to receive Fiscal Recovery Funds (*e.g.*, payment information collection and acceptance of award terms) have been reviewed and approved by OMB pursuant to the Paperwork Reduction Act (44 U.S.C. chapter 35) (PRA) emergency processing procedures and assigned control number 1505–0271. The information collections related to ongoing reporting requirements, as discussed in this interim final rule, will be submitted to OMB for emergency processing in the near future. Under the PRA, an agency may not conduct or sponsor and a respondent is not required to respond to, an information collection unless it displays a valid OMB control number.

Estimates of hourly burden under this program are set forth in the table below. Burden estimates below are preliminary.

| Reporting                                        | Number of respondents (estimated) | Number of responses per respondent | Total responses | Hours per response   | Total burden in hours | Cost to respondent (\$48.80 per hour*) |
|--------------------------------------------------|-----------------------------------|------------------------------------|-----------------|----------------------|-----------------------|----------------------------------------|
| Recipient Payment Form .....                     | 5,050                             | 1 .....                            | 5,050           | .25 (15 minutes) ... | 1,262.5               | \$61,610                               |
| Acceptance of Award Terms .....                  | 5,050                             | 1 .....                            | 5,050           | .25 (15 minutes) ... | 1,262.5               | 61,610                                 |
| Title VI Assurances .....                        | 5,050                             | 1 .....                            | 5,050           | .50 (30 minutes) ... | 2,525                 | 123,220                                |
| Quarterly Project and Expenditure Report.        | 5,050                             | 4*** .....                         | 20,200          | 25 .....             | 505,000               | 24,644,000                             |
| Annual Project and Expenditure Report from NEUs. | TBD                               | 1 per year .....                   | † 20,000–40,000 | 15 .....             | 300,000–600,000       | 14,640,000–29,280,000                  |
| Annual Recovery Plan Performance report.         | 418                               | 1 per year .....                   | 418             | 100 .....            | 41,800                | 2,039,840                              |
| Total .....                                      | (**)                              | N/A .....                          | 55,768–75,768   | 141 .....            | 851,850–1,151,850     | 41,570,280–56,210,280                  |

\*Bureau of Labor Statistics, U.S. Department of Labor, Occupational Outlook Handbook, Accountants and Auditors, on the internet at <https://www.bls.gov/ooh/business-and-financial/accountants-and-auditors.htm> (visited March 28, 2020). Base wage of \$33.89/hour increased by 44 percent to account for fully loaded employer cost of employee compensation (benefits, etc.) for a fully loaded wage rate of \$48.80.

\*\*5,050–TBD.

\*\*\*Per year after first year.

† (Estimate only).

Periodic reporting is required by section 602(c) of Section VI of the Social Security Act and under the interim final rule.

As discussed in Section VIII of this **SUPPLEMENTARY INFORMATION**, recipients of Fiscal Recovery Funds will be required to submit one interim report

and thereafter quarterly Project and Expenditure reports until the end of the award period. Recipients must submit interim reports to Treasury by August



31, 2021. The quarterly Project and Expenditure reports will include financial data, information on contracts and subawards over \$50,000, types of projects funded, and other information regarding a recipient's utilization of the award funds.

Nonentitlement unit recipients will be required to submit annual Project and Expenditure reports until the end of the award period. The initial annual Project and Expenditure report for Nonentitlement unit recipients must be submitted to Treasury by October 31, 2021. The subsequent annual reports must be submitted to Treasury by October 31 each year. States, territories, metropolitan cities, and counties with a population that exceeds 250,000 residents will also be required to submit an annual Recovery Plan Performance report to Treasury. The Recovery Plan Performance report will include descriptions of the projects funded and information on the performance indicators and objectives of the award. Each annual Recovery Plan Performance report must be posted on the public-facing website of the recipient. Treasury will provide additional guidance and instructions on all the reporting requirements outlined above for the Fiscal Recovery Funds program at a later date.

These and related periodic reporting requirements are under consideration and will be submitted to OMB for approval under the PRA emergency provisions in the near future.

Treasury invites comments on all aspects of the reporting and recordkeeping requirements including: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information has practical utility; (b) the accuracy of the estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information. Comments should be sent by the comment deadline to the [www.regulations.gov](http://www.regulations.gov) docket with a copy to the Office of Information and Regulatory Affairs, U.S. Office of Management and Budget, 725 17th Street NW, Washington, DC 20503; or email to [oira\\_submission@omb.eop.gov](mailto:oira_submission@omb.eop.gov).

#### Regulatory Flexibility Analysis

The Regulatory Flexibility Act (RFA) generally requires that when an agency issues a proposed rule, or a final rule

pursuant to section 553(b) of the Administrative Procedure Act or another law, the agency must prepare a regulatory flexibility analysis that meets the requirements of the RFA and publish such analysis in the **Federal Register**. 5 U.S.C. 603, 604.

Rules that are exempt from notice and comment under the APA are also exempt from the RFA requirements, including the requirement to conduct a regulatory flexibility analysis, when among other things the agency for good cause finds that notice and public procedure are impracticable, unnecessary, or contrary to the public interest. Since this rule is exempt from the notice and comment requirements of the APA, Treasury is not required to conduct a regulatory flexibility analysis.

#### List of Subjects in 31 CFR Part 35

Executive compensation, Public health emergency, State and local governments, Tribal governments.

For the reasons stated in the preamble, the Department of the Treasury amends 31 CFR part 35 as follows:

### PART 35—PANDEMIC RELIEF PROGRAMS

- 1. The authority citation for part 35 is revised to read as follows:

**Authority:** 42 U.S.C. 802(f); 42 U.S.C. 803(f); 31 U.S.C. 321; Division N, Title V, Subtitle B, Pub. L. 116–260, 134 Stat. 1182; Section 104A, Pub. L. 103–325, 108 Stat. 2160, as amended (12 U.S.C. 4701 *et seq.*); Pub. L. 117–2, 135 Stat. 4 (42 U.S.C. 802 *et seq.*).

- 2. Revise the part heading to read as set forth above.

- 3. Add subpart A to read as follows:

#### Subpart A—Coronavirus State and Local Fiscal Recovery Funds

Sec.

- 35.1 Purpose.
- 35.2 Applicability.
- 35.3 Definitions.
- 35.4 Reservation of authority, reporting.
- 35.5 Use of funds.
- 35.6 Eligible uses.
- 35.7 Pensions.
- 35.8 Tax.
- 35.9 Compliance with applicable laws.
- 35.10 Recoupment.
- 35.11 Payments to States.
- 35.12 Distributions to nonentitlement units of local government and units of general local government.

#### § 35.1 Purpose.

This subpart implements section 9901 of the American Rescue Plan Act (Subtitle M of Title IX of Pub. L. 117–2), which amends Title VI of the Social Security Act (42 U.S.C. 801 *et*

*seq.*) by adding sections 602 and 603 to establish the Coronavirus State Fiscal Recovery Fund and Coronavirus Local Fiscal Recovery Fund.

#### § 35.2 Applicability.

This subpart applies to States, territories, Tribal governments, metropolitan cities, nonentitlement units of local government, counties, and units of general local government that accept a payment or transfer of funds made under section 602 or 603 of the Social Security Act.

#### § 35.3 Definitions.

As used in this subpart:

**Baseline** means tax revenue of the recipient for its fiscal year ending in 2019, adjusted for inflation in each reporting year using the Bureau of Economic Analysis's Implicit Price Deflator for the gross domestic product of the United States.

**County** means a county, parish, or other equivalent county division (as defined by the Census Bureau).

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

**Covered change** means a change in law, regulation, or administrative interpretation. A change in law includes any final legislative or regulatory action, a new or changed administrative interpretation, and the phase-in or taking effect of any statute or rule if the phase-in or taking effect was not prescribed prior to the start of the covered period.

**Covered period** means, with respect to a State, Territory, or Tribal government, the period that:

- (1) Begins on March 3, 2021; and
- (2) Ends on the last day of the fiscal year of such State, Territory, or Tribal government in which all funds received by the State, Territory, or Tribal government from a payment made under section 602 or 603 of the Social Security Act have been expended or returned to, or recovered by, the Secretary.

**COVID–19** means the Coronavirus Disease 2019.

**COVID–19 public health emergency** means the period beginning on January 27, 2020 and until the termination of the national emergency concerning the COVID–19 outbreak declared pursuant to the National Emergencies Act (50 U.S.C. 1601 *et seq.*).



*Deposit* means an extraordinary payment of an accrued, unfunded liability. The term deposit does not refer to routine contributions made by an employer to pension funds as part of the employer's obligations related to payroll, such as either a pension contribution consisting of a normal cost component related to current employees or a component addressing the amortization of unfunded liabilities calculated by reference to the employer's payroll costs.

*Eligible employer* means an employer of an eligible worker who performs essential work.

*Eligible workers* means workers needed to maintain continuity of operations of essential critical infrastructure sectors, including health care; emergency response; sanitation, disinfection, and cleaning work; maintenance work; grocery stores, restaurants, food production, and food delivery; pharmacy; biomedical research; behavioral health work; medical testing and diagnostics; home- and community-based health care or assistance with activities of daily living; family or child care; social services work; public health work; vital services to Tribes; any work performed by an employee of a State, local, or Tribal government; educational work, school nutrition work, and other work required to operate a school facility; laundry work; elections work; solid waste or hazardous materials management, response, and cleanup work; work requiring physical interaction with patients; dental care work; transportation and warehousing; work at hotel and commercial lodging facilities that are used for COVID-19 mitigation and containment; work in a mortuary; work in critical clinical research, development, and testing necessary for COVID-19 response.

(1) With respect to a recipient that is a metropolitan city, nonentitlement unit of local government, or county, workers in any additional sectors as each chief executive officer of such recipient may designate as critical to protect the health and well-being of the residents of their metropolitan city, nonentitlement unit of local government, or county; or

(2) With respect to a State, Territory, or Tribal government, workers in any additional sectors as each Governor of a State or Territory, or each Tribal government, may designate as critical to protect the health and well-being of the residents of their State, Territory, or Tribal government.

*Essential work* means work that:

- (1) Is not performed while teleworking from a residence; and
- (2) Involves:

(i) Regular in-person interactions with patients, the public, or coworkers of the individual that is performing the work; or

(ii) Regular physical handling of items that were handled by, or are to be handled by patients, the public, or coworkers of the individual that is performing the work.

*Funds* means, with respect to a recipient, amounts provided to the recipient pursuant to a payment made under section 602(b) or 603(b) of the Social Security Act or transferred to the recipient pursuant to section 603(c)(4) of the Social Security Act.

*General revenue* means money that is received from tax revenue, current charges, and miscellaneous general revenue, excluding refunds and other correcting transactions, proceeds from issuance of debt or the sale of investments, agency or private trust transactions, and intergovernmental transfers from the Federal Government, including transfers made pursuant to section 9901 of the American Rescue Plan Act. General revenue does not include revenues from utilities. Revenue from Tribal business enterprises must be included in general revenue.

*Intergovernmental transfers* means money received from other governments, including grants and shared taxes.

*Metropolitan city* has the meaning given that term in section 102(a)(4) of the Housing and Community Development Act of 1974 (42 U.S.C. 5302(a)(4)) and includes cities that relinquish or defer their status as a metropolitan city for purposes of receiving allocations under section 106 of such Act (42 U.S.C. 5306) for fiscal year 2021.

*Net reduction in total spending* is measured as the State or Territory's total spending for a given reporting year excluding its spending of funds, subtracted from its total spending for its fiscal year ending in 2019, adjusted for inflation using the Bureau of Economic Analysis's Implicit Price Deflator for the gross domestic product of the United States.

*Nonentitlement unit of local government* means a "city," as that term is defined in section 102(a)(5) of the Housing and Community Development Act of 1974 (42 U.S.C. 5302(a)(5)), that is not a metropolitan city.

*Nonprofit* means a nonprofit organization that is exempt from Federal income taxation and that is described in section 501(c)(3) of the Internal Revenue Code.

*Obligation* means an order placed for property and services and entering into

contracts, subawards, and similar transactions that require payment.

*Pension fund* means a defined benefit plan and does not include a defined contribution plan.

*Premium pay* means an amount of up to \$13 per hour that is paid to an eligible worker, in addition to wages or remuneration the eligible worker otherwise receives, for all work performed by the eligible worker during the COVID-19 public health emergency. Such amount may not exceed \$25,000 with respect to any single eligible worker. Premium pay will be considered to be in addition to wages or remuneration the eligible worker otherwise receives if, as measured on an hourly rate, the premium pay is:

(1) With regard to work that the eligible worker previously performed, pay and remuneration equal to the sum of all wages and remuneration previously received plus up to \$13 per hour with no reduction, substitution, offset, or other diminishment of the eligible worker's previous, current, or prospective wages or remuneration; or

(2) With regard to work that the eligible worker continues to perform, pay of up to \$13 that is in addition to the eligible worker's regular rate of wages or remuneration, with no reduction, substitution, offset, or other diminishment of the workers' current and prospective wages or remuneration.

*Qualified census tract* has the same meaning given in 26 U.S.C.

42(d)(5)(B)(ii)(I).

*Recipient* means a State, Territory, Tribal government, metropolitan city, nonentitlement unit of local government, county, or unit of general local government that receives a payment made under section 602(b) or 603(b) of the Social Security Act or transfer pursuant to section 603(c)(4) of the Social Security Act.

*Reporting year* means a single year or partial year within the covered period, aligned to the current fiscal year of the State or Territory during the covered period.

*Secretary* means the Secretary of the Treasury.

*State* means each of the 50 States and the District of Columbia.

*Small business* means a business concern or other organization that:

(1) Has no more than 500 employees, or if applicable, the size standard in number of employees established by the Administrator of the Small Business Administration for the industry in which the business concern or organization operates; and

(2) Is a small business concern as defined in section 3 of the Small Business Act (15 U.S.C. 632).

*Tax revenue* means revenue received from a compulsory contribution that is exacted by a government for public purposes excluding refunds and corrections and, for purposes of § 35.8, intergovernmental transfers. Tax revenue does not include payments for a special privilege granted or service rendered, employee or employer assessments and contributions to finance retirement and social insurance trust systems, or special assessments to pay for capital improvements.

*Territory* means the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, the Commonwealth of the Northern Mariana Islands, or American Samoa.

*Tribal enterprise* means a business concern:

(1) That is wholly owned by one or more Tribal governments, or by a corporation that is wholly owned by one or more Tribal governments; or

(2) That is owned in part by one or more Tribal governments, or by a corporation that is wholly owned by one or more Tribal governments, if all other owners are either United States citizens or small business concerns, as these terms are used and consistent with the definitions in 15 U.S.C. 657a(b)(2)(D).

*Tribal government* means the recognized governing body of any Indian or Alaska Native tribe, band, nation, pueblo, village, community, component band, or component reservation, individually identified (including parenthetically) in the list published by the Bureau of Indian Affairs on January 29, 2021, pursuant to section 104 of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 5131).

*Unemployment rate* means the U-3 unemployment rate provided by the Bureau of Labor Statistics as part of the Local Area Unemployment Statistics program, measured as total unemployment as a percentage of the civilian labor force.

*Unemployment trust fund* means an unemployment trust fund established under section 904 of the Social Security Act (42 U.S.C. 1104).

*Unit of general local government* has the meaning given to that term in section 102(a)(1) of the Housing and Community Development Act of 1974 (42 U.S.C. 5302(a)(1)).

*Unserved and underserved households or businesses* means one or more households or businesses that are not currently served by a wireline connection that reliably delivers at least 25 Mbps download speed and 3 Mbps of upload speed.

#### § 35.4 Reservation of authority, reporting.

(a) *Reservation of authority.* Nothing in this subpart shall limit the authority of the Secretary to take action to enforce conditions or violations of law, including actions necessary to prevent evasions of this subpart.

(b) *Extensions or accelerations of timing.* The Secretary may extend or accelerate any deadline or compliance date of this subpart, including reporting requirements that implement this subpart, if the Secretary determines that such extension or acceleration is appropriate. In determining whether an extension or acceleration is appropriate, the Secretary will consider the period of time that would be extended or accelerated and how the modified timeline would facilitate compliance with this subpart.

(c) *Reporting and requests for other information.* During the covered period, recipients shall provide to the Secretary periodic reports providing detailed accounting of the uses of funds, all modifications to a State or Territory's tax revenue sources, and such other information as the Secretary may require for the administration of this section. In addition to regular reporting requirements, the Secretary may request other additional information as may be necessary or appropriate, including as may be necessary to prevent evasions of the requirements of this subpart. False statements or claims made to the Secretary may result in criminal, civil, or administrative sanctions, including fines, imprisonment, civil damages and penalties, debarment from participating in Federal awards or contracts, and/or any other remedy available by law.

#### § 35.5 Use of funds.

(a) *In general.* A recipient may only use funds to cover costs incurred during the period beginning March 3, 2021, and ending December 31, 2024, for one or more of the purposes enumerated in sections 602(c)(1) and 603(c)(1) of the Social Security Act, as applicable, including those enumerated in section § 35.6, subject to the restrictions set forth in sections 602(c)(2) and 603(c)(2) of the Social Security Act, as applicable.

(b) *Costs incurred.* A cost shall be considered to have been incurred for purposes of paragraph (a) of this section if the recipient has incurred an obligation with respect to such cost by December 31, 2024.

(c) *Return of funds.* A recipient must return any funds not obligated by December 31, 2024, and any funds not expended to cover such obligations by December 31, 2026.

#### § 35.6 Eligible uses.

(a) *In general.* Subject to §§ 35.7 and 35.8, a recipient may use funds for one or more of the purposes described in paragraphs (b) through (e) of this section

(b) *Responding to the public health emergency or its negative economic impacts.* A recipient may use funds to respond to the public health emergency or its negative economic impacts, including for one or more of the following purposes:

(1) *COVID-19 response and prevention.* Expenditures for the mitigation and prevention of COVID-19, including:

(i) Expenses related to COVID-19 vaccination programs and sites, including staffing, acquisition of equipment or supplies, facilities costs, and information technology or other administrative expenses;

(ii) COVID-19-related expenses of public hospitals, clinics, and similar facilities;

(iii) COVID-19 related expenses in congregate living facilities, including skilled nursing facilities, long-term care facilities, incarceration settings, homeless shelters, residential foster care facilities, residential behavioral health treatment, and other group living facilities;

(iv) Expenses of establishing temporary public medical facilities and other measures to increase COVID-19 treatment capacity, including related construction costs and other capital investments in public facilities to meet COVID-19-related operational needs;

(v) Expenses of establishing temporary public medical facilities and other measures to increase COVID-19 treatment capacity, including related construction costs and other capital investments in public facilities to meet COVID-19-related operational needs;

(vi) Costs of providing COVID-19 testing and monitoring, contact tracing, and monitoring of case trends and genomic sequencing for variants;

(vii) Emergency medical response expenses, including emergency medical transportation, related to COVID-19;

(viii) Expenses for establishing and operating public telemedicine capabilities for COVID-19-related treatment;

(ix) Expenses for communication related to COVID-19 vaccination programs and communication or enforcement by recipients of public health orders related to COVID-19;

(x) Expenses for acquisition and distribution of medical and protective supplies, including sanitizing products and personal protective equipment;

(xi) Expenses for disinfection of public areas and other facilities in



response to the COVID-19 public health emergency;

(xii) Expenses for technical assistance to local authorities or other entities on mitigation of COVID-19-related threats to public health and safety;

(xiii) Expenses for quarantining or isolation of individuals;

(xiv) Expenses of providing paid sick and paid family and medical leave to public employees to enable compliance with COVID-19 public health precautions;

(xv) Expenses for treatment of the long-term symptoms or effects of COVID-19, including post-intensive care syndrome;

(xvi) Expenses for the improvement of ventilation systems in congregate settings, public health facilities, or other public facilities;

(xvii) Expenses related to establishing or enhancing public health data systems; and

(xviii) Mental health treatment, substance misuse treatment, and other behavioral health services.

(2) *Public health and safety staff.*

Payroll and covered benefit expenses for public safety, public health, health care, human services, and similar employees to the extent that the employee's time is spent mitigating or responding to the COVID-19 public health emergency.

(3) *Hiring State and local government staff.* Payroll, covered benefit, and other costs associated with the recipient increasing the number of its employees up to the number of employees that it employed on January 27, 2020.

(4) *Assistance to unemployed workers.* Assistance, including job training, for individuals who want and are available for work, including those who have looked for work sometime in the past 12 months or who are employed part time but who want and are available for full-time work.

(5) *Contributions to State unemployment insurance trust funds.* Contributions to an unemployment trust fund up to the level required to restore the unemployment trust fund to its balance on January 27, 2020 or to pay back advances received under Title XII of the Social Security Act (42 U.S.C. 1321) for the payment of benefits between January 27, 2020 and May 17, 2021.

(6) *Small businesses.* Assistance to small businesses, including loans, grants, in-kind assistance, technical assistance or other services, that responds to the negative economic impacts of the COVID-19 public health emergency.

(7) *Nonprofits.* Assistance to nonprofit organizations, including loans, grants, in-kind assistance, technical assistance

or other services, that responds to the negative economic impacts of the COVID-19 public health emergency.

(8) *Assistance to households.*

Assistance programs, including cash assistance programs, that respond to the COVID-19 public health emergency.

(9) *Aid to impacted industries.* Aid to tourism, travel, hospitality, and other impacted industries that responds to the negative economic impacts of the COVID-19 public health emergency.

(10) *Expenses to improve efficacy of public health or economic relief programs.* Administrative costs associated with the recipient's COVID-19 public health emergency assistance programs, including services responding to the COVID-19 public health emergency or its negative economic impacts, that are not federally funded.

(11) *Survivor's benefits.* Benefits for the surviving family members of individuals who have died from COVID-19, including cash assistance to widows, widowers, or dependents of individuals who died of COVID-19.

(12) *Disproportionately impacted populations and communities.* A program, service, or other assistance that is provided in a qualified census tract, that is provided to households and populations living in a qualified census tract, that is provided by a Tribal government, or that is provided to other households, businesses, or populations disproportionately impacted by the COVID-19 public health emergency, such as:

(i) Programs or services that facilitate access to health and social services, including:

(A) Assistance accessing or applying for public benefits or services;

(B) Remediation of lead paint or other lead hazards; and

(C) Community violence intervention programs;

(ii) Programs or services that address housing insecurity, lack of affordable housing, or homelessness, including:

(A) Supportive housing or other programs or services to improve access to stable, affordable housing among individuals who are homeless;

(B) Development of affordable housing to increase supply of affordable and high-quality living units; and

(C) Housing vouchers and assistance relocating to neighborhoods with higher levels of economic opportunity and to reduce concentrated areas of low economic opportunity;

(iii) Programs or services that address or mitigate the impacts of the COVID-19 public health emergency on education, including:

(A) New or expanded early learning services;

(B) Assistance to high-poverty school districts to advance equitable funding across districts and geographies; and

(C) Educational and evidence-based services to address the academic, social, emotional, and mental health needs of students; and

(iv) Programs or services that address or mitigate the impacts of the COVID-19 public health emergency on childhood health or welfare, including:

(A) New or expanded childcare;

(B) Programs to provide home visits by health professionals, parent educators, and social service professionals to individuals with young children to provide education and assistance for economic support, health needs, or child development; and

(C) Services for child welfare-involved families and foster youth to provide support and education on child development, positive parenting, coping skills, or recovery for mental health and substance use.

(c) *Providing premium pay to eligible workers.* A recipient may use funds to provide premium pay to eligible workers of the recipient who perform essential work or to provide grants to eligible employers, provided that any premium pay or grants provided under this paragraph (c) must respond to eligible workers performing essential work during the COVID-19 public health emergency. A recipient uses premium pay or grants provided under this paragraph (c) to respond to eligible workers performing essential work during the COVID-19 public health emergency if it prioritizes low- and moderate-income persons. The recipient must provide, whether for themselves or on behalf of a grantee, a written justification to the Secretary of how the premium pay or grant provided under this paragraph (c) responds to eligible workers performing essential work if the premium pay or grant would increase an eligible worker's total wages and remuneration above 150 percent of such eligible worker's residing State's average annual wage for all occupations or their residing county's average annual wage, whichever is higher.

(d) *Providing government services.* For the provision of government services to the extent of a reduction in the recipient's general revenue, calculated according to paragraphs (d)(1) and (2) of this section.

(1) *Frequency.* A recipient must calculate the reduction in its general revenue using information as-of December 31, 2020, December 31, 2021, December 31, 2022, and December 31, 2023 (each, a calculation date) and following each calculation date.

(2) *Calculation.* A reduction in a recipient's general revenue equals:

$$\text{Max} \{ [\text{Base Year Revenue} * (1 + \text{Growth Adjustment})^{\frac{n_t}{12}}] - \text{Actual General Revenue}_t; 0 \}$$

Where:

*Base Year Revenue* is the recipient's general revenue for the most recent full fiscal year prior to the COVID-19 public health emergency;

*Growth Adjustment* is equal to the greater of 4.1 percent (or 0.041) and the recipient's average annual revenue growth over the three full fiscal years prior to the COVID-19 public health emergency.

*n* equals the number of months elapsed from the end of the base year to the calculation date.

*Actual General Revenue* is a recipient's actual general revenue collected during 12-month period ending on each calculation date;

Subscript *t* denotes the specific calculation date.

(e) *To make necessary investments in infrastructure.* A recipient may use funds to make investments in:

(1) *Clean Water State Revolving Fund and Drinking Water State Revolving Fund investments.* Projects or activities of the type that would be eligible under section 603(c) of the Federal Water Pollution Control Act (33 U.S.C. 1383(c)) or section 1452 of the Safe Drinking Water Act (42 U.S.C. 300j-12); or,

(2) *Broadband.* Broadband infrastructure that is designed to provide service to unserved or underserved households and businesses and that is designed to, upon completion:

(i) Reliably meet or exceed symmetrical 100 Mbps download speed and upload speeds; or

(ii) In cases where it is not practicable, because of the excessive cost of the project or geography or topography of the area to be served by the project, to provide service meeting the standards set forth in paragraph (e)(2)(i) of this section:

(A) Reliably meet or exceed 100 Mbps download speed and between at least 20 Mbps and 100 Mbps upload speed; and

(B) Be scalable to a minimum of 100 Mbps download speed and 100 Mbps upload speed.

### **§ 35.7 Pensions.**

A recipient may not use funds for deposit into any pension fund.

### **§ 35.8 Tax.**

(a) *Restriction.* A State or Territory shall not use funds to either directly or indirectly offset a reduction in the net tax revenue of the State or Territory

resulting from a covered change during the covered period.

(b) *Violation.* Treasury will consider a State or Territory to have used funds to offset a reduction in net tax revenue if, during a reporting year:

(1) *Covered change.* The State or Territory has made a covered change that, either based on a reasonable statistical methodology to isolate the impact of the covered change in actual revenue or based on projections that use reasonable assumptions and do not incorporate the effects of macroeconomic growth to reduce or increase the projected impact of the covered change, the State or Territory assesses has had or predicts to have the effect of reducing tax revenue relative to current law;

(2) *Exceeds the de minimis threshold.* The aggregate amount of the measured or predicted reductions in tax revenue caused by covered changes identified under paragraph (b)(1) of this section, in the aggregate, exceeds 1 percent of the State's or Territory's baseline;

(3) *Reduction in net tax revenue.* The State or Territory reports a reduction in net tax revenue, measured as the difference between actual tax revenue and the State's or Territory's baseline, each measured as of the end of the reporting year; and

(4) *Consideration of other changes.* The aggregate amount of measured or predicted reductions in tax revenue caused by covered changes is greater than the sum of the following, in each case, as calculated for the reporting year:

(i) The aggregate amount of the expected increases in tax revenue caused by one or more covered changes that, either based on a reasonable statistical methodology to isolate the impact of the covered change in actual revenue or based on projections that use reasonable assumptions and do not incorporate the effects of macroeconomic growth to reduce or increase the projected impact of the covered change, the State or Territory assesses has had or predicts to have the effect of increasing tax revenue; and

(ii) Reductions in spending, up to the amount of the State's or Territory's net reduction in total spending, that are in:

(A) Departments, agencies, or authorities in which the State or Territory is not using funds; and

(B) Departments, agencies, or authorities in which the State or Territory is using funds, in an amount equal to the value of the spending cuts in those departments, agencies, or authorities, minus funds used.

(c) *Amount and revenue reduction cap.* If a State or Territory is considered to be in violation pursuant to paragraph (b) of this section, the amount used in violation of paragraph (a) of this section is equal to the lesser of:

(1) The reduction in net tax revenue of the State or Territory for the reporting year, measured as the difference between the State's or Territory's baseline and its actual tax revenue, each measured as of the end of the reporting year; and,

(2) The aggregate amount of the reductions in tax revenues caused by covered changes identified in paragraph (b)(1) of this section, minus the sum of the amounts in identified in paragraphs (b)(4)(i) and (ii).

### **§ 35.9 Compliance with applicable laws.**

A recipient must comply with all other applicable Federal statutes, regulations, and Executive orders, and a recipient shall provide for compliance with the American Rescue Plan Act, this subpart, and any interpretive guidance by other parties in any agreements it enters into with other parties relating to these funds.

### **§ 35.10 Recoupment.**

(a) *Identification of violations*—(1) *In general.* Any amount used in violation of § 35.5, § 35.6, or § 35.7 may be identified at any time prior to December 31, 2026.

(2) *Annual reporting of amounts of violations.* On an annual basis, a recipient that is a State or Territory must calculate and report any amounts used in violation of § 35.8.

(b) *Calculation of amounts subject to recoupment*—(1) *In general.* Except as provided in paragraph (b)(2) of this section, Treasury will calculate any amounts subject to recoupment resulting from a violation of § 35.5, § 35.6, or § 35.7 as the amounts used in violation of such restrictions.

(2) *Violations of § 35.8.* Treasury will calculate any amounts subject to recoupment resulting from a violation of § 35.8, equal to the lesser of:

(i) The amount set forth in § 35.8(c); and,



(ii) The amount of funds received by such recipient.

(c) *Notice.* If Treasury calculates an amount subject to recoupment under paragraph (b) of this section, Treasury will provide the recipient a written notice of the amount subject to recoupment along with an explanation of such amounts.

(d) *Request for reconsideration.* Unless Treasury extends the time period, within 60 calendar days of receipt of a notice of recoupment provided under paragraph (c) of this section, a recipient may submit a written request to Treasury requesting reconsideration of any amounts subject to recoupment under paragraph (b) of this section. To request reconsideration of any amounts subject to recoupment, a recipient must submit to Treasury a written request that includes:

(1) An explanation of why the recipient believes all or some of the amount should not be subject to recoupment; and

(2) A discussion of supporting reasons, along with any additional information.

(e) *Final amount subject to recoupment.* Unless Treasury extends the time period, within 60 calendar days of receipt of the recipient's request for reconsideration provided pursuant to paragraph (d) of this section, the recipient will be notified of the Secretary's decision to affirm, withdraw, or modify the notice of recoupment. Such notification will include an explanation of the decision, including responses to the recipient's supporting reasons and consideration of additional information provided.

(f) *Repayment of funds.* Unless Treasury extends the time period, a recipient shall repay to the Secretary any amounts subject to recoupment in accordance with instructions provided by Treasury:

(1) Within 120 calendar days of receipt of the notice of recoupment provided under paragraph (c) of this section, in the case of a recipient that does not submit a request for reconsideration in accordance with the

requirements of paragraph (d) of this section; or

(2) Within 120 calendar days of receipt of the Secretary's decision under paragraph (e) of this section, in the case of a recipient that submits a request for reconsideration in accordance with the requirements of paragraph (d) of this section.

#### **§ 35.11 Payments to States.**

(a) *In general.* With respect to any State or Territory that has an unemployment rate as of the date that it submits an initial certification for payment of funds pursuant to section 602(d)(1) of the Social Security Act that is less than two percentage points above its unemployment rate in February 2020, the Secretary will withhold 50 percent of the amount of funds allocated under section 602(b) of the Social Security Act to such State or territory until the date that is twelve months from the date such initial certification is provided to the Secretary.

(b) *Payment of withheld amount.* In order to receive the amount withheld under paragraph (a) of this section, the State or Territory must submit to the Secretary at least 30 days prior to the date referenced in paragraph (a) the following information:

(1) A certification, in the form provided by the Secretary, that such State or Territory requires the payment to carry out the activities specified in section 602(c) of the Social Security Act and will use the payment in compliance with section 602(c) of the Social Security Act; and,

(2) Any reports required to be filed by that date pursuant to this subpart that have not yet been filed.

#### **§ 35.12 Distributions to nonentitlement units of local government and units of general local government.**

(a) *Nonentitlement units of local government.* Each State or Territory that receives a payment from Treasury pursuant to section 603(b)(2)(B) of the Social Security Act shall distribute the amount of the payment to nonentitlement units of government in such State or Territory in accordance

with the requirements set forth in section 603(b)(2)(C) of the Social Security Act and without offsetting any debt owed by such nonentitlement units of local governments against such payments.

(b) *Budget cap.* A State or Territory may not make a payment to a nonentitlement unit of local government pursuant to section 603(b)(2)(C) of the Social Security Act and paragraph (a) of this section in excess of the amount equal to 75 percent of the most recent budget for the nonentitlement unit of local government as of January 27, 2020. A State or Territory shall permit a nonentitlement unit of local government without a formal budget as of January 27, 2020, to provide a certification from an authorized officer of the nonentitlement unit of local government of its most recent annual expenditures as of January 27, 2020, and a State or Territory may rely on such certification for purposes of complying with this paragraph (b).

(c) *Units of general local government.* Each State or Territory that receives a payment from Treasury pursuant to section 603(b)(3)(B)(ii) of the Social Security Act, in the case of an amount to be paid to a county that is not a unit of general local government, shall distribute the amount of the payment to units of general local government within such county in accordance with the requirements set forth in section 603(b)(3)(B)(ii) of the Social Security Act and without offsetting any debt owed by such units of general local government against such payments.

(d) *Additional conditions.* A State or Territory may not place additional conditions or requirements on distributions to nonentitlement units of local government or units of general local government beyond those required by section 603 of the Social Security Act or this subpart.

**Laurie Schaffer,**

*Acting General Counsel.*

[FR Doc. 2021-10283 Filed 5-13-21; 11:15 am]

**BILLING CODE 4810-AK-P**

| State   | City                  | Allocation       |
|---------|-----------------------|------------------|
| Alabama | Anniston              | \$13,291,868.00  |
| Alabama | Auburn                | \$16,523,077.00  |
| Alabama | Bessemer              | \$13,970,941.00  |
| Alabama | Birmingham            | \$141,272,354.00 |
| Alabama | Daphne city           | \$3,904,543.00   |
| Alabama | Decatur               | \$10,883,767.00  |
| Alabama | Dothan                | \$12,438,636.00  |
| Alabama | Fairhope city         | \$1,941,458.00   |
| Alabama | Florence              | \$8,546,584.00   |
| Alabama | Foley city            | \$2,934,580.00   |
| Alabama | Gadsden               | \$24,042,737.00  |
| Alabama | Gulf Shores city      | \$1,259,757.00   |
| Alabama | Hoover city           | \$8,975,754.00   |
| Alabama | Huntsville            | \$34,402,593.00  |
| Alabama | Madison city          | \$5,003,914.00   |
| Alabama | Mobile                | \$58,203,265.00  |
| Alabama | Montgomery            | \$41,639,442.00  |
| Alabama | Muscle Shoals city    | \$1,350,052.00   |
| Alabama | Opelika               | \$6,466,895.00   |
| Alabama | Oxford city           | \$3,069,179.00   |
| Alabama | Tuscaloosa            | \$20,529,224.00  |
| Alaska  | Anchorage             | \$47,376,742.00  |
| Alaska  | Fairbanks city        | \$5,551,822.00   |
| Arizona | Avondale City         | \$17,887,327.00  |
| Arizona | Buckeye city          | \$10,575,465.00  |
| Arizona | Casa Grande           | \$11,403,498.00  |
| Arizona | Chandler              | \$34,560,795.00  |
| Arizona | Douglas City          | \$4,385,561.00   |
| Arizona | Flagstaff             | \$13,252,816.00  |
| Arizona | Gilbert               | \$24,159,871.00  |
| Arizona | Glendale              | \$59,516,611.00  |
| Arizona | Goodyear              | \$10,350,308.00  |
| Arizona | Kingman city          | \$5,393,722.00   |
| Arizona | Lake Havasu City city | \$8,528,306.00   |
| Arizona | Maricopa city         | \$6,730,215.00   |
| Arizona | Mesa                  | \$105,515,724.00 |
| Arizona | Peoria City           | \$20,769,706.00  |
| Arizona | Phoenix               | \$396,080,366.00 |
| Arizona | Prescott              | \$5,920,074.00   |
| Arizona | Prescott Valley town  | \$7,647,867.00   |
| Arizona | Queen Creek town      | \$4,815,893.00   |
| Arizona | Scottsdale            | \$29,244,706.00  |

|            |                   |                  |
|------------|-------------------|------------------|
| Arizona    | Sierra Vista City | \$6,228,688.00   |
| Arizona    | Surprise City     | \$15,545,984.00  |
| Arizona    | Tempe             | \$45,869,312.00  |
| Arizona    | Tucson            | \$135,696,763.00 |
| Arizona    | Yuma              | \$23,071,661.00  |
| Arkansas   | Bentonville city  | \$6,943,556.00   |
| Arkansas   | Conway            | \$12,233,839.00  |
| Arkansas   | Fayetteville      | \$17,911,418.00  |
| Arkansas   | Fort Smith        | \$21,220,634.00  |
| Arkansas   | Hot Springs       | \$11,370,797.00  |
| Arkansas   | Jacksonville      | \$5,444,517.00   |
| Arkansas   | Jonesboro         | \$15,579,043.00  |
| Arkansas   | Little Rock       | \$37,713,401.00  |
| Arkansas   | North Little Rock | \$16,769,719.00  |
| Arkansas   | Pine Bluff        | \$16,044,400.00  |
| Arkansas   | Rogers            | \$11,710,729.00  |
| Arkansas   | Springdale        | \$21,351,596.00  |
| Arkansas   | Texarkana         | \$7,915,767.00   |
| Arkansas   | West Memphis      | \$6,639,347.00   |
| California | Alameda           | \$28,679,908.00  |
| California | Alhambra          | \$21,848,669.00  |
| California | Aliso Viejo       | \$5,678,106.00   |
| California | Anaheim           | \$106,630,239.00 |
| California | Antioch           | \$21,550,900.00  |
| California | Apple Valley      | \$14,883,978.00  |
| California | Arcadia city      | \$8,864,856.00   |
| California | Bakersfield       | \$94,517,089.00  |
| California | Baldwin Park      | \$22,917,903.00  |
| California | Beaumont city     | \$7,306,318.00   |
| California | Bellflower        | \$21,457,498.00  |
| California | Berkeley          | \$66,646,289.00  |
| California | Brentwood city    | \$6,923,339.00   |
| California | Buena Park        | \$19,622,863.00  |
| California | Burbank           | \$25,547,081.00  |
| California | Camarillo         | \$8,962,170.00   |
| California | Carlsbad          | \$12,615,746.00  |
| California | Carson            | \$17,776,763.00  |
| California | Cathedral City    | \$15,572,693.00  |
| California | Cerritos          | \$6,271,600.00   |
| California | Chico             | \$22,118,301.00  |
| California | Chino             | \$14,978,541.00  |
| California | Chino Hills       | \$9,956,344.00   |
| California | Chula Vista       | \$57,535,251.00  |

|            |                                    |                  |
|------------|------------------------------------|------------------|
| California | Citrus Heights                     | \$15,676,972.00  |
| California | Clovis City                        | \$17,291,175.00  |
| California | Colton city                        | \$14,881,400.00  |
| California | Compton                            | \$34,425,003.00  |
| California | Concord                            | \$27,040,883.00  |
| California | Corcoran city                      | \$5,395,558.00   |
| California | Corona                             | \$29,158,725.00  |
| California | Costa Mesa                         | \$26,481,513.00  |
| California | Cupertino City                     | \$9,694,773.00   |
| California | Daly City                          | \$25,255,343.00  |
| California | Davis                              | \$19,730,600.00  |
| California | Delano City                        | \$14,030,801.00  |
| California | Diamond Bar city                   | \$6,830,947.00   |
| California | Downey                             | \$25,438,407.00  |
| California | Dublin city                        | \$7,088,512.00   |
| California | Eastvale city                      | \$7,360,219.00   |
| California | El Cajon                           | \$30,399,751.00  |
| California | El Centro                          | \$14,095,734.00  |
| California | El Monte                           | \$42,556,782.00  |
| California | El Paso de Robles (Paso Robles) ci | \$5,500,413.00   |
| California | Elk Grove                          | \$21,944,605.00  |
| California | Encinitas                          | \$8,142,344.00   |
| California | Escondido                          | \$38,808,509.00  |
| California | Fairfield                          | \$19,805,577.00  |
| California | Folsom city                        | \$8,375,645.00   |
| California | Fontana                            | \$50,257,113.00  |
| California | Fountain Valley                    | \$7,952,893.00   |
| California | Fremont                            | \$44,211,563.00  |
| California | Fresno                             | \$170,808,029.00 |
| California | Fullerton                          | \$32,665,301.00  |
| California | Garden Grove                       | \$48,374,570.00  |
| California | Gardena                            | \$15,002,061.00  |
| California | Gilroy City                        | \$10,964,521.00  |
| California | Glendale                           | \$43,521,005.00  |
| California | Glendora City                      | \$7,525,063.00   |
| California | Goleta                             | \$5,933,990.00   |
| California | Hanford                            | \$13,077,740.00  |
| California | Hawthorne                          | \$30,521,654.00  |
| California | Hayward                            | \$38,465,994.00  |
| California | Hemet                              | \$21,674,344.00  |
| California | Hesperia                           | \$23,403,687.00  |
| California | Highland city                      | \$14,895,107.00  |
| California | Huntington Beach                   | \$29,606,925.00  |



|            |                    |                    |
|------------|--------------------|--------------------|
| California | Huntington Park    | \$27,952,355.00    |
| California | Indio City         | \$20,425,061.00    |
| California | Inglewood          | \$31,755,095.00    |
| California | Irvine             | \$56,433,217.00    |
| California | Jurupa Valley      | \$28,077,013.00    |
| California | La Habra           | \$15,828,149.00    |
| California | La Mesa            | \$10,826,584.00    |
| California | Laguna Niguel      | \$8,821,454.00     |
| California | Lake Elsinore city | \$14,967,198.00    |
| California | Lake Forest        | \$12,774,385.00    |
| California | Lakewood           | \$11,309,045.00    |
| California | Lancaster          | \$36,340,561.00    |
| California | Livermore          | \$9,734,726.00     |
| California | Lodi               | \$15,764,793.00    |
| California | Lompoc             | \$12,908,901.00    |
| California | Long Beach         | \$135,753,078.00   |
| California | Los Angeles        | \$1,278,900,928.00 |
| California | Lynwood            | \$24,446,961.00    |
| California | Madera             | \$23,070,374.00    |
| California | Manteca city       | \$13,928,377.00    |
| California | Marysville city    | \$3,078,479.00     |
| California | Menifee            | \$13,213,674.00    |
| California | Merced             | \$27,427,882.00    |
| California | Milpitas City      | \$16,736,815.00    |
| California | Mission Viejo      | \$9,829,437.00     |
| California | Modesto            | \$45,897,056.00    |
| California | Montebello         | \$16,764,058.00    |
| California | Monterey           | \$6,510,461.00     |
| California | Monterey Park      | \$15,043,184.00    |
| California | Moreno Valley      | \$48,481,233.00    |
| California | Mountain View      | \$15,679,080.00    |
| California | Murrieta           | \$16,463,101.00    |
| California | Napa City          | \$15,118,910.00    |
| California | National City      | \$18,010,907.00    |
| California | Newport Beach      | \$10,141,272.00    |
| California | Norwalk            | \$28,046,746.00    |
| California | Novato city        | \$9,112,951.00     |
| California | Oakland            | \$188,081,700.00   |
| California | Oceanside          | \$32,346,514.00    |
| California | Ontario            | \$45,609,291.00    |
| California | Orange             | \$28,018,188.00    |
| California | Oxnard             | \$59,540,662.00    |
| California | Palm Desert        | \$9,983,052.00     |

|            |                        |                  |
|------------|------------------------|------------------|
| California | Palm Springs           | \$10,820,822.00  |
| California | Palmdale               | \$35,445,019.00  |
| California | Palo Alto              | \$13,735,071.00  |
| California | Paradise               | \$2,678,454.00   |
| California | Paramount City         | \$18,895,185.00  |
| California | Pasadena               | \$52,625,975.00  |
| California | Perris City            | \$22,171,505.00  |
| California | Petaluma               | \$8,303,531.00   |
| California | Pico Rivera            | \$14,772,455.00  |
| California | Pittsburg              | \$16,290,477.00  |
| California | Placentia city         | \$9,083,054.00   |
| California | Pleasanton City        | \$8,595,930.00   |
| California | Pomona                 | \$45,366,413.00  |
| California | Porterville            | \$19,984,717.00  |
| California | Poway city             | \$6,079,158.00   |
| California | Rancho Cordova City    | \$15,588,333.00  |
| California | Rancho Cucamonga       | \$26,835,530.00  |
| California | Rancho Santa Margarita | \$4,720,888.00   |
| California | Redding                | \$18,693,433.00  |
| California | Redlands city          | \$11,508,106.00  |
| California | Redondo Beach          | \$6,801,080.00   |
| California | Redwood City           | \$18,483,063.00  |
| California | Rialto                 | \$29,373,105.00  |
| California | Richmond city          | \$27,740,723.00  |
| California | Riverside              | \$73,535,189.00  |
| California | Rocklin City           | \$7,039,025.00   |
| California | Rosemead               | \$17,878,653.00  |
| California | Roseville              | \$17,644,859.00  |
| California | Sacramento             | \$112,313,331.00 |
| California | Salinas                | \$51,567,313.00  |
| California | San Bernardino         | \$77,656,407.00  |
| California | San Buenaventura       | \$16,321,147.00  |
| California | San Clemente           | \$7,491,798.00   |
| California | San Diego              | \$299,714,755.00 |
| California | San Francisco          | \$453,586,783.00 |
| California | San Jose               | \$212,280,152.00 |
| California | San Leandro            | \$18,639,484.00  |
| California | San Luis Obispo city   | \$13,564,467.00  |
| California | San Marcos City        | \$18,279,146.00  |
| California | San Mateo              | \$19,274,312.00  |
| California | San Rafael city        | \$16,088,886.00  |
| California | San Ramon city         | \$8,115,425.00   |
| California | Santa Ana              | \$128,360,813.00 |

|            |                        |                 |
|------------|------------------------|-----------------|
| California | Santa Barbara          | \$21,837,523.00 |
| California | Santa Clara            | \$26,231,326.00 |
| California | Santa Clarita          | \$35,148,685.00 |
| California | Santa Cruz             | \$14,170,321.00 |
| California | Santa Maria            | \$37,190,243.00 |
| California | Santa Monica           | \$28,570,125.00 |
| California | Santa Rosa             | \$34,637,465.00 |
| California | Santee                 | \$7,325,525.00  |
| California | Seaside                | \$8,994,311.00  |
| California | Simi Valley            | \$15,325,294.00 |
| California | South Gate             | \$34,556,473.00 |
| California | South San Francisco    | \$12,278,941.00 |
| California | Stockton               | \$78,052,072.00 |
| California | Sunnyvale              | \$28,154,030.00 |
| California | Temecula               | \$14,079,507.00 |
| California | Thousand Oaks          | \$14,008,949.00 |
| California | Torrance               | \$24,074,277.00 |
| California | Tracy city             | \$14,798,549.00 |
| California | Tulare                 | \$18,024,068.00 |
| California | Turlock                | \$15,753,190.00 |
| California | Tustin                 | \$19,380,784.00 |
| California | Union City             | \$14,099,826.00 |
| California | Upland                 | \$15,213,716.00 |
| California | Vacaville              | \$12,675,830.00 |
| California | Vallejo                | \$25,727,736.00 |
| California | Victorville            | \$33,500,666.00 |
| California | Visalia                | \$29,364,455.00 |
| California | Vista                  | \$26,178,395.00 |
| California | Walnut Creek           | \$8,327,653.00  |
| California | Watsonville            | \$18,265,428.00 |
| California | West Covina            | \$19,566,027.00 |
| California | West Sacramento        | \$11,773,300.00 |
| California | Westminster            | \$23,690,019.00 |
| California | Whittier               | \$16,360,631.00 |
| California | Woodland               | \$11,114,656.00 |
| California | Yorba Linda city       | \$6,205,112.00  |
| California | Yuba City              | \$15,615,517.00 |
| California | Yucaipa city           | \$8,017,860.00  |
| Colorado   | Arvada                 | \$11,075,818.00 |
| Colorado   | Aurora                 | \$65,424,806.00 |
| Colorado   | Boulder                | \$20,153,269.00 |
| Colorado   | Broomfield City/County | \$7,040,034.00  |
| Colorado   | Castle Rock            | \$5,703,100.00  |

|                      |                      |                  |
|----------------------|----------------------|------------------|
| Colorado             | Centennial           | \$8,489,546.00   |
| Colorado             | Colorado Springs     | \$76,039,132.00  |
| Colorado             | Commerce City        | \$10,505,025.00  |
| Colorado             | Denver               | \$166,796,658.00 |
| Colorado             | Fort Collins         | \$28,118,971.00  |
| Colorado             | Grand Junction       | \$10,484,608.00  |
| Colorado             | Greeley              | \$20,991,595.00  |
| Colorado             | Lakewood             | \$21,581,066.00  |
| Colorado             | Longmont             | \$12,973,267.00  |
| Colorado             | Loveland             | \$9,504,879.00   |
| Colorado             | Parker town          | \$4,452,437.00   |
| Colorado             | Pueblo               | \$36,407,001.00  |
| Colorado             | Thornton             | \$21,001,371.00  |
| Colorado             | Westminster          | \$14,548,323.00  |
| Connecticut          | Bridgeport           | \$82,662,800.00  |
| Connecticut          | Bristol              | \$16,187,924.00  |
| Connecticut          | Danbury              | \$15,647,339.00  |
| Connecticut          | East Hartford        | \$14,874,017.00  |
| Connecticut          | Fairfield            | \$12,779,052.00  |
| Connecticut          | Greenwich            | \$19,193,184.00  |
| Connecticut          | Hamden Town          | \$12,378,044.00  |
| Connecticut          | Hartford             | \$88,500,760.00  |
| Connecticut          | Manchester           | \$13,800,202.00  |
| Connecticut          | Meriden              | \$24,822,973.00  |
| Connecticut          | Middletown           | \$12,746,480.00  |
| Connecticut          | Milford Town         | \$13,295,776.00  |
| Connecticut          | New Britain          | \$42,050,789.00  |
| Connecticut          | New Haven            | \$90,507,624.00  |
| Connecticut          | New London           | \$21,007,012.00  |
| Connecticut          | Norwalk              | \$21,998,212.00  |
| Connecticut          | Norwich              | \$21,308,499.00  |
| Connecticut          | Stamford             | \$23,876,021.00  |
| Connecticut          | Stratford            | \$15,857,419.00  |
| Connecticut          | Waterbury            | \$54,494,215.00  |
| Connecticut          | West Hartford        | \$25,004,570.00  |
| Connecticut          | West Haven           | \$18,399,281.00  |
| Delaware             | Dover                | \$8,619,257.00   |
| Delaware             | Wilmington           | \$55,345,780.00  |
| District of Columbia | District Of Columbia | \$372,859,344.00 |
| Florida              | Apopka city          | \$7,037,307.00   |
| Florida              | Avon Park city       | \$3,677,040.00   |
| Florida              | Boca Raton           | \$12,199,643.00  |
| Florida              | Bonita Springs city  | \$7,241,423.00   |



|         |                    |                  |
|---------|--------------------|------------------|
| Florida | Boynton Beach      | \$13,647,904.00  |
| Florida | Bradenton          | \$10,791,837.00  |
| Florida | Cape Coral         | \$25,439,699.00  |
| Florida | Clearwater         | \$22,483,893.00  |
| Florida | Cocoa              | \$3,881,979.00   |
| Florida | Coconut Creek      | \$8,597,464.00   |
| Florida | Coral Gables city  | \$8,518,456.00   |
| Florida | Coral Springs      | \$20,013,374.00  |
| Florida | Crestview          | \$3,872,170.00   |
| Florida | Davie              | \$17,934,700.00  |
| Florida | Daytona Beach      | \$15,010,544.00  |
| Florida | DeLand city        | \$5,883,695.00   |
| Florida | Deerfield Beach    | \$16,284,885.00  |
| Florida | Delray Beach       | \$10,956,323.00  |
| Florida | Deltona            | \$13,972,193.00  |
| Florida | Destin city        | \$1,581,098.00   |
| Florida | Doral City         | \$12,878,947.00  |
| Florida | Fort Pierce        | \$13,502,665.00  |
| Florida | Fort Walton Beach  | \$3,651,981.00   |
| Florida | Ft Lauderdale      | \$38,133,766.00  |
| Florida | Ft Myers           | \$15,759,486.00  |
| Florida | Gainesville        | \$32,408,804.00  |
| Florida | Hialeah            | \$66,834,253.00  |
| Florida | Hollywood          | \$29,390,502.00  |
| Florida | Homestead City     | \$19,192,087.00  |
| Florida | Jacksonville city  | \$157,663,110.00 |
| Florida | Jupiter            | \$7,590,958.00   |
| Florida | Kissimmee          | \$18,069,843.00  |
| Florida | Lakeland           | \$22,726,368.00  |
| Florida | Largo              | \$12,960,041.00  |
| Florida | Lauderhill         | \$18,132,223.00  |
| Florida | Marco Island City  | \$1,746,191.00   |
| Florida | Margate            | \$10,849,938.00  |
| Florida | Melbourne          | \$14,263,027.00  |
| Florida | Miami              | \$137,639,417.00 |
| Florida | Miami Beach        | \$23,555,418.00  |
| Florida | Miami Gardens City | \$27,114,344.00  |
| Florida | Miramar            | \$22,053,169.00  |
| Florida | Naples             | \$2,563,890.00   |
| Florida | North Miami        | \$19,354,517.00  |
| Florida | North Port city    | \$8,427,359.00   |
| Florida | Ocala              | \$12,202,159.00  |
| Florida | Orlando            | \$58,032,405.00  |

|         |                          |                  |
|---------|--------------------------|------------------|
| Florida | Ormond Beach city        | \$4,934,862.00   |
| Florida | Palm Bay                 | \$18,009,865.00  |
| Florida | Palm Beach Gardens       | \$5,857,791.00   |
| Florida | Palm Coast               | \$12,501,879.00  |
| Florida | Panama City              | \$10,087,173.00  |
| Florida | Pembroke Pines           | \$25,463,361.00  |
| Florida | Pensacola                | \$19,153,643.00  |
| Florida | Pinellas Park            | \$9,685,810.00   |
| Florida | Plantation               | \$13,042,828.00  |
| Florida | Pompano Beach            | \$25,694,057.00  |
| Florida | Port Orange              | \$9,981,987.00   |
| Florida | Port St Lucie            | \$24,739,425.00  |
| Florida | Punta Gorda city         | \$2,445,907.00   |
| Florida | Sanford                  | \$13,240,884.00  |
| Florida | Sarasota                 | \$10,123,762.00  |
| Florida | Sebastian City           | \$3,332,127.00   |
| Florida | Sebring city             | \$2,915,991.00   |
| Florida | St Petersburg            | \$45,413,871.00  |
| Florida | St. Cloud City           | \$8,780,823.00   |
| Florida | Sunrise                  | \$17,326,004.00  |
| Florida | Tallahassee              | \$46,468,128.00  |
| Florida | Tamarac                  | \$10,897,007.00  |
| Florida | Tampa                    | \$80,373,543.00  |
| Florida | Titusville               | \$8,607,193.00   |
| Florida | Venice city              | \$2,483,031.00   |
| Florida | Vero Beach city          | \$2,562,386.00   |
| Florida | Wellington               | \$7,376,577.00   |
| Florida | West Palm Beach          | \$24,530,823.00  |
| Florida | Weston City              | \$8,173,762.00   |
| Florida | Winter Haven city        | \$7,776,962.00   |
| Georgia | Albany                   | \$20,398,505.00  |
| Georgia | Alpharetta city          | \$6,644,511.00   |
| Georgia | Athens-Clarke County     | \$32,662,051.00  |
| Georgia | Atlanta                  | \$170,928,821.00 |
| Georgia | Augusta-Richmond County  | \$43,012,121.00  |
| Georgia | Brookhaven               | \$8,471,155.00   |
| Georgia | Brunswick                | \$9,212,262.00   |
| Georgia | Columbus-Muscogee County | \$40,456,205.00  |
| Georgia | Dalton                   | \$8,873,412.00   |
| Georgia | Gainesville              | \$11,718,342.00  |
| Georgia | Hinesville               | \$6,569,056.00   |
| Georgia | Johns Creek city         | \$7,076,181.00   |
| Georgia | Macon-Bibb County        | \$46,115,570.00  |

|          |                    |                    |
|----------|--------------------|--------------------|
| Georgia  | Marietta           | \$11,180,581.00    |
| Georgia  | Rome               | \$11,546,686.00    |
| Georgia  | Roswell            | \$11,374,757.00    |
| Georgia  | Sandy Springs City | \$13,868,305.00    |
| Georgia  | Savannah           | \$55,591,247.00    |
| Georgia  | Smyrna City        | \$7,995,546.00     |
| Georgia  | South Fulton       | \$11,352,517.00    |
| Georgia  | Stonecrest city    | \$9,730,045.00     |
| Georgia  | Valdosta           | \$16,254,692.00    |
| Georgia  | Warner Robins      | \$15,026,496.00    |
| Hawaii   | Honolulu           | \$196,954,703.00   |
| Idaho    | Boise              | \$36,904,682.00    |
| Idaho    | Caldwell City      | \$12,481,887.00    |
| Idaho    | Coeur D'Alene      | \$8,659,329.00     |
| Idaho    | Idaho Falls        | \$10,570,717.00    |
| Idaho    | Lewiston           | \$5,709,318.00     |
| Idaho    | Meridian           | \$12,845,509.00    |
| Idaho    | Nampa              | \$17,511,452.00    |
| Idaho    | Pocatello          | \$10,700,496.00    |
| Idaho    | Twin Falls         | \$8,465,111.00     |
| Illinois | Alton City         | \$21,639,201.00    |
| Illinois | Arlington Heights  | \$6,772,596.00     |
| Illinois | Aurora             | \$35,221,280.00    |
| Illinois | Belleville         | \$15,792,501.00    |
| Illinois | Berwyn             | \$31,943,759.00    |
| Illinois | Bloomington        | \$13,386,924.00    |
| Illinois | Bolingbrook        | \$9,140,140.00     |
| Illinois | Carbondale city    | \$7,858,667.00     |
| Illinois | Champaign          | \$25,277,693.00    |
| Illinois | Chicago            | \$1,886,591,388.00 |
| Illinois | Chicago Heights    | \$13,654,940.00    |
| Illinois | Cicero             | \$42,882,464.00    |
| Illinois | Danville           | \$24,704,857.00    |
| Illinois | Decatur            | \$33,822,135.00    |
| Illinois | Dekalb             | \$10,422,954.00    |
| Illinois | Des Plaines        | \$7,787,945.00     |
| Illinois | Downers Grove      | \$4,916,120.00     |
| Illinois | East St Louis      | \$36,379,844.00    |
| Illinois | Elgin              | \$19,501,332.00    |
| Illinois | Evanston           | \$43,173,654.00    |
| Illinois | Granite City       | \$16,872,443.00    |
| Illinois | Hoffman Estates    | \$5,634,310.00     |
| Illinois | Joliet             | \$22,207,675.00    |

|          |                     |                  |
|----------|---------------------|------------------|
| Illinois | Kankakee            | \$15,052,449.00  |
| Illinois | Marion city         | \$3,468,236.00   |
| Illinois | Moline              | \$20,783,977.00  |
| Illinois | Mount Prospect      | \$7,027,870.00   |
| Illinois | Naperville          | \$13,308,689.00  |
| Illinois | Normal              | \$10,879,113.00  |
| Illinois | North Chicago       | \$6,271,106.00   |
| Illinois | Oak Lawn            | \$7,750,640.00   |
| Illinois | Oak Park            | \$38,984,402.00  |
| Illinois | Orland Park village | \$5,004,738.00   |
| Illinois | Palatine Village    | \$12,012,529.00  |
| Illinois | Pekin               | \$11,110,631.00  |
| Illinois | Peoria              | \$47,089,976.00  |
| Illinois | Rantoul             | \$8,052,698.00   |
| Illinois | Rock Island         | \$26,506,259.00  |
| Illinois | Rockford            | \$54,822,355.00  |
| Illinois | Schaumburg Village  | \$9,873,008.00   |
| Illinois | Skokie              | \$15,267,242.00  |
| Illinois | Springfield         | \$33,804,013.00  |
| Illinois | Tinley Park village | \$6,226,474.00   |
| Illinois | Urbana              | \$12,974,560.00  |
| Illinois | Waukegan            | \$19,705,222.00  |
| Illinois | Wheaton City        | \$4,909,816.00   |
| Indiana  | Anderson            | \$23,105,605.00  |
| Indiana  | Bloomington         | \$22,144,651.00  |
| Indiana  | Carmel              | \$7,522,920.00   |
| Indiana  | Columbus            | \$8,570,495.00   |
| Indiana  | East Chicago        | \$31,172,909.00  |
| Indiana  | Elkhart             | \$18,042,360.00  |
| Indiana  | Evansville          | \$64,483,775.00  |
| Indiana  | Fishers city        | \$6,900,880.00   |
| Indiana  | Fort Wayne          | \$50,815,327.00  |
| Indiana  | Gary                | \$80,345,314.00  |
| Indiana  | Goshen              | \$6,692,508.00   |
| Indiana  | Greenwood           | \$6,616,647.00   |
| Indiana  | Hammond             | \$51,395,851.00  |
| Indiana  | Indianapolis        | \$232,410,707.00 |
| Indiana  | Kokomo              | \$19,893,216.00  |
| Indiana  | La Porte            | \$11,476,496.00  |
| Indiana  | Lafayette           | \$15,881,059.00  |
| Indiana  | Michigan City       | \$16,549,045.00  |
| Indiana  | Mishawaka           | \$11,883,602.00  |
| Indiana  | Muncie              | \$32,321,058.00  |



|           |                             |                  |
|-----------|-----------------------------|------------------|
| Indiana   | New Albany                  | \$16,927,916.00  |
| Indiana   | Noblesville city            | \$6,212,841.00   |
| Indiana   | South Bend                  | \$58,910,047.00  |
| Indiana   | Terre Haute                 | \$35,936,890.00  |
| Indiana   | West Lafayette              | \$11,427,539.00  |
| Iowa      | Ames                        | \$14,257,623.00  |
| Iowa      | Ankeny city                 | \$6,094,344.00   |
| Iowa      | Cedar Falls                 | \$6,508,740.00   |
| Iowa      | Cedar Rapids                | \$28,190,765.00  |
| Iowa      | Council Bluffs              | \$24,810,055.00  |
| Iowa      | Davenport                   | \$40,896,926.00  |
| Iowa      | Des Moines                  | \$94,824,614.00  |
| Iowa      | Dubuque                     | \$26,522,282.00  |
| Iowa      | Iowa City                   | \$18,325,190.00  |
| Iowa      | Sioux City                  | \$40,618,687.00  |
| Iowa      | Waterloo                    | \$30,284,282.00  |
| Iowa      | West Des Moines             | \$7,670,872.00   |
| Kansas    | Kansas City                 | \$55,383,872.00  |
| Kansas    | Lawrence                    | \$19,301,467.00  |
| Kansas    | Leavenworth                 | \$8,549,063.00   |
| Kansas    | Lenexa city                 | \$5,131,584.00   |
| Kansas    | Manhattan City              | \$12,757,377.00  |
| Kansas    | Olathe city                 | \$14,918,491.00  |
| Kansas    | Overland Park               | \$18,581,302.00  |
| Kansas    | Shawnee                     | \$7,564,030.00   |
| Kansas    | Topeka                      | \$45,676,831.00  |
| Kansas    | Wichita                     | \$72,422,555.00  |
| Kentucky  | Ashland                     | \$13,474,388.00  |
| Kentucky  | Bowling Green               | \$16,584,849.00  |
| Kentucky  | Covington                   | \$35,914,130.00  |
| Kentucky  | Elizabethtown               | \$5,223,647.00   |
| Kentucky  | Henderson                   | \$6,345,733.00   |
| Kentucky  | Hopkinsville                | \$6,758,997.00   |
| Kentucky  | Lexington-Fayette           | \$58,409,570.00  |
| Kentucky  | Louisville-Jefferson County | \$239,362,213.00 |
| Kentucky  | Owensboro                   | \$13,324,175.00  |
| Louisiana | Alexandria                  | \$11,290,002.00  |
| Louisiana | Baton Rouge                 | \$79,966,896.00  |
| Louisiana | Bossier City                | \$13,428,592.00  |
| Louisiana | Hammond city                | \$5,242,946.00   |
| Louisiana | Houma-Terrebonne            | \$23,348,003.00  |
| Louisiana | Kenner                      | \$13,833,851.00  |
| Louisiana | Lafayette                   | \$38,256,658.00  |

|               |                     |                  |
|---------------|---------------------|------------------|
| Louisiana     | Lake Charles        | \$16,918,986.00  |
| Louisiana     | Monroe              | \$18,327,658.00  |
| Louisiana     | New Orleans         | \$311,742,151.00 |
| Louisiana     | Shreveport          | \$48,240,338.00  |
| Louisiana     | Slidell             | \$4,757,764.00   |
| Louisiana     | Thibodaux           | \$3,723,957.00   |
| Maine         | Auburn              | \$13,545,799.00  |
| Maine         | Bangor              | \$20,478,297.00  |
| Maine         | Biddeford           | \$9,759,098.00   |
| Maine         | Lewiston            | \$20,970,428.00  |
| Maine         | Portland City       | \$46,290,652.00  |
| Maine         | South Portland city | \$10,498,362.00  |
| Maryland      | Annapolis           | \$7,609,469.00   |
| Maryland      | Baltimore           | \$525,891,651.00 |
| Maryland      | Bowie City          | \$4,754,210.00   |
| Maryland      | Cumberland          | \$19,595,850.00  |
| Maryland      | Frederick           | \$10,615,913.00  |
| Maryland      | Gaithersburg        | \$11,500,277.00  |
| Maryland      | Hagerstown          | \$20,421,010.00  |
| Maryland      | Rockville city      | \$9,619,188.00   |
| Maryland      | Salisbury           | \$9,188,340.00   |
| Massachusetts | Arlington           | \$26,404,030.00  |
| Massachusetts | Attleboro           | \$9,557,617.00   |
| Massachusetts | Barnstable          | \$7,692,669.00   |
| Massachusetts | Boston              | \$424,179,607.00 |
| Massachusetts | Brockton            | \$34,590,793.00  |
| Massachusetts | Brookline           | \$32,406,450.00  |
| Massachusetts | Cambridge           | \$65,019,211.00  |
| Massachusetts | Chicopee            | \$28,828,571.00  |
| Massachusetts | Fall River          | \$69,599,142.00  |
| Massachusetts | Fitchburg           | \$23,345,004.00  |
| Massachusetts | Framingham          | \$12,373,262.00  |
| Massachusetts | Gloucester          | \$17,264,797.00  |
| Massachusetts | Haverhill           | \$25,039,680.00  |
| Massachusetts | Holyoke             | \$29,894,310.00  |
| Massachusetts | Lawrence            | \$41,807,344.00  |
| Massachusetts | Leominster          | \$11,842,399.00  |
| Massachusetts | Lowell              | \$54,450,130.00  |
| Massachusetts | Lynn                | \$56,818,440.00  |
| Massachusetts | Malden              | \$34,028,561.00  |
| Massachusetts | Medford             | \$37,409,525.00  |
| Massachusetts | Methuen Town city   | \$9,978,445.00   |
| Massachusetts | New Bedford         | \$64,729,754.00  |

|               |                             |                  |
|---------------|-----------------------------|------------------|
| Massachusetts | Newton                      | \$46,416,122.00  |
| Massachusetts | Northampton                 | \$16,221,711.00  |
| Massachusetts | Peabody City                | \$10,771,724.00  |
| Massachusetts | Pittsfield                  | \$32,417,190.00  |
| Massachusetts | Plymouth Town               | \$9,472,098.00   |
| Massachusetts | Quincy                      | \$45,316,692.00  |
| Massachusetts | Revere City                 | \$19,745,590.00  |
| Massachusetts | Salem                       | \$26,657,276.00  |
| Massachusetts | Somerville                  | \$61,700,944.00  |
| Massachusetts | Springfield                 | \$93,848,687.00  |
| Massachusetts | Taunton                     | \$20,992,932.00  |
| Massachusetts | Waltham                     | \$22,813,389.00  |
| Massachusetts | Westfield                   | \$9,299,177.00   |
| Massachusetts | Weymouth Town               | \$17,804,215.00  |
| Massachusetts | Worcester                   | \$110,617,389.00 |
| Massachusetts | Yarmouth                    | \$3,155,779.00   |
| Michigan      | Ann Arbor city              | \$24,182,630.00  |
| Michigan      | Battle Creek                | \$30,545,339.00  |
| Michigan      | Bay City                    | \$31,076,578.00  |
| Michigan      | Benton Harbor               | \$9,825,764.00   |
| Michigan      | Canton Twp                  | \$9,186,398.00   |
| Michigan      | Clinton Twp                 | \$14,816,245.00  |
| Michigan      | Dearborn                    | \$47,212,828.00  |
| Michigan      | Dearborn Heights            | \$24,314,463.00  |
| Michigan      | Detroit                     | \$826,675,290.00 |
| Michigan      | East Lansing                | \$12,170,077.00  |
| Michigan      | Farmington Hills            | \$8,911,759.00   |
| Michigan      | Flint                       | \$94,726,664.00  |
| Michigan      | Georgetown charter township | \$5,076,913.00   |
| Michigan      | Grand Rapids                | \$92,279,500.00  |
| Michigan      | Holland                     | \$8,453,519.00   |
| Michigan      | Jackson                     | \$31,444,825.00  |
| Michigan      | Kalamazoo                   | \$38,872,877.00  |
| Michigan      | Kentwood city               | \$7,899,605.00   |
| Michigan      | Lansing                     | \$49,924,664.00  |
| Michigan      | Lincoln Park                | \$19,146,461.00  |
| Michigan      | Livonia                     | \$8,910,652.00   |
| Michigan      | Macomb township             | \$7,210,898.00   |
| Michigan      | Midland                     | \$5,376,869.00   |
| Michigan      | Monroe                      | \$11,405,523.00  |
| Michigan      | Muskegon                    | \$22,881,894.00  |
| Michigan      | Muskegon Hts                | \$10,684,772.00  |
| Michigan      | Niles                       | \$7,031,749.00   |

|           |                                  |                  |
|-----------|----------------------------------|------------------|
| Michigan  | Norton Shores                    | \$3,562,331.00   |
| Michigan  | Novi city                        | \$4,996,379.00   |
| Michigan  | Pontiac                          | \$37,717,953.00  |
| Michigan  | Port Huron                       | \$17,959,874.00  |
| Michigan  | Portage                          | \$5,655,184.00   |
| Michigan  | Redford                          | \$21,962,768.00  |
| Michigan  | Rochester Hills city             | \$6,194,998.00   |
| Michigan  | Roseville                        | \$14,393,345.00  |
| Michigan  | Royal Oak                        | \$28,107,502.00  |
| Michigan  | Saginaw                          | \$52,089,151.00  |
| Michigan  | Shelby charter township          | \$8,374,084.00   |
| Michigan  | Southfield                       | \$9,819,555.00   |
| Michigan  | St Clair Shores                  | \$21,247,393.00  |
| Michigan  | Sterling Heights                 | \$19,837,262.00  |
| Michigan  | Taylor                           | \$11,593,181.00  |
| Michigan  | Troy city                        | \$8,181,545.00   |
| Michigan  | Warren                           | \$27,318,439.00  |
| Michigan  | Waterford Township               | \$9,280,012.00   |
| Michigan  | West Bloomfield charter township | \$5,807,871.00   |
| Michigan  | Westland                         | \$25,932,032.00  |
| Michigan  | Wyoming                          | \$13,155,842.00  |
| Michigan  | Ypsilanti charter township       | \$9,439,025.00   |
| Minnesota | Apple Valley city                | \$5,647,258.00   |
| Minnesota | Blaine city                      | \$6,793,793.00   |
| Minnesota | Bloomington                      | \$11,396,081.00  |
| Minnesota | Brooklyn Park city               | \$11,052,580.00  |
| Minnesota | Burnsville city                  | \$8,037,982.00   |
| Minnesota | Coon Rapids city                 | \$6,568,368.00   |
| Minnesota | Duluth                           | \$58,117,859.00  |
| Minnesota | Eagan city                       | \$6,917,343.00   |
| Minnesota | Eden Prairie                     | \$7,447,401.00   |
| Minnesota | Edina city                       | \$4,932,493.00   |
| Minnesota | Lakeville city                   | \$5,438,774.00   |
| Minnesota | Mankato City                     | \$10,097,143.00  |
| Minnesota | Maple Grove city                 | \$5,109,436.00   |
| Minnesota | Minneapolis                      | \$271,192,484.00 |
| Minnesota | Minnetonka city                  | \$4,733,320.00   |
| Minnesota | Moorhead                         | \$7,099,345.00   |
| Minnesota | Plymouth                         | \$7,021,371.00   |
| Minnesota | Rochester                        | \$17,435,537.00  |
| Minnesota | St Cloud                         | \$16,463,610.00  |
| Minnesota | St Paul                          | \$166,641,623.00 |
| Minnesota | Woodbury City                    | \$6,012,584.00   |



|               |                     |                  |
|---------------|---------------------|------------------|
| Mississippi   | Biloxi              | \$11,098,303.00  |
| Mississippi   | Gulfport            | \$19,503,534.00  |
| Mississippi   | Hattiesburg         | \$12,875,821.00  |
| Mississippi   | Jackson             | \$42,098,330.00  |
| Mississippi   | Moss Point          | \$2,722,613.00   |
| Mississippi   | Pascagoula          | \$5,167,294.00   |
| Mississippi   | Southaven city      | \$7,604,974.00   |
| Missouri      | Blue Springs        | \$6,190,665.00   |
| Missouri      | Cape Girardeau city | \$8,280,673.00   |
| Missouri      | Columbia            | \$25,284,624.00  |
| Missouri      | Florissant          | \$6,677,255.00   |
| Missouri      | Independence        | \$21,485,924.00  |
| Missouri      | Jefferson City      | \$7,586,581.00   |
| Missouri      | Joplin              | \$13,779,739.00  |
| Missouri      | Kansas City         | \$194,776,376.00 |
| Missouri      | Lees Summit         | \$8,310,882.00   |
| Missouri      | O'Fallon            | \$7,774,553.00   |
| Missouri      | Springfield         | \$40,276,290.00  |
| Missouri      | St Joseph           | \$38,704,807.00  |
| Missouri      | St Louis            | \$439,692,690.00 |
| Missouri      | St. Charles city    | \$7,157,499.00   |
| Missouri      | St. Peters city     | \$4,570,716.00   |
| Montana       | Billings            | \$15,940,314.00  |
| Montana       | Great Falls         | \$19,472,737.00  |
| Montana       | Missoula            | \$14,192,996.00  |
| Nebraska      | Bellevue            | \$8,395,637.00   |
| Nebraska      | Grand Island        | \$9,093,880.00   |
| Nebraska      | Lincoln             | \$45,949,074.00  |
| Nebraska      | Omaha               | \$112,591,455.00 |
| Nevada        | Carson City         | \$9,912,979.00   |
| Nevada        | Henderson           | \$37,368,428.00  |
| Nevada        | Las Vegas           | \$130,568,739.00 |
| Nevada        | North Las Vegas     | \$46,340,548.00  |
| Nevada        | Reno                | \$51,519,997.00  |
| Nevada        | Sparks              | \$16,230,272.00  |
| New Hampshire | Dover               | \$7,535,686.00   |
| New Hampshire | Manchester          | \$43,281,853.00  |
| New Hampshire | Nashua              | \$16,138,777.00  |
| New Hampshire | Portsmouth          | \$12,880,280.00  |
| New Hampshire | Rochester           | \$6,147,502.00   |
| New Jersey    | Asbury Park         | \$9,962,705.00   |
| New Jersey    | Atlantic City       | \$32,417,555.00  |
| New Jersey    | Bayonne             | \$35,655,886.00  |

|            |                          |                  |
|------------|--------------------------|------------------|
| New Jersey | Bloomfield               | \$25,827,441.00  |
| New Jersey | Brick Township           | \$7,917,840.00   |
| New Jersey | Bridgeton                | \$8,255,513.00   |
| New Jersey | Camden                   | \$61,648,323.00  |
| New Jersey | Cherry Hill              | \$11,361,785.00  |
| New Jersey | Clifton                  | \$30,531,115.00  |
| New Jersey | East Orange              | \$35,984,210.00  |
| New Jersey | Edison                   | \$15,593,864.00  |
| New Jersey | Elizabeth                | \$40,674,250.00  |
| New Jersey | Ewing Township           | \$6,326,402.00   |
| New Jersey | Franklin Township        | \$7,735,197.00   |
| New Jersey | Gloucester Twp           | \$6,799,055.00   |
| New Jersey | Hamilton                 | \$17,161,883.00  |
| New Jersey | Hammonton town           | \$3,327,433.00   |
| New Jersey | Hoboken City             | \$26,137,293.00  |
| New Jersey | Howell Township          | \$4,898,156.00   |
| New Jersey | Irvington                | \$28,922,433.00  |
| New Jersey | Jackson Township         | \$4,871,285.00   |
| New Jersey | Jersey City              | \$139,971,935.00 |
| New Jersey | Lakewood Township        | \$31,890,666.00  |
| New Jersey | Long Branch              | \$11,848,909.00  |
| New Jersey | Middletown               | \$6,586,018.00   |
| New Jersey | Millville                | \$7,078,893.00   |
| New Jersey | New Brunswick            | \$20,726,375.00  |
| New Jersey | Newark                   | \$176,667,606.00 |
| New Jersey | North Bergen Township    | \$16,736,740.00  |
| New Jersey | Ocean City               | \$7,035,892.00   |
| New Jersey | Old Bridge Township      | \$6,949,009.00   |
| New Jersey | Parsippany-Troyhills Twp | \$5,527,527.00   |
| New Jersey | Passaic                  | \$31,131,607.00  |
| New Jersey | Paterson                 | \$64,668,166.00  |
| New Jersey | Perth Amboy              | \$16,899,892.00  |
| New Jersey | Piscataway Township      | \$7,282,692.00   |
| New Jersey | Plainfield city          | \$23,801,983.00  |
| New Jersey | Princeton                | \$5,824,185.00   |
| New Jersey | Sayreville               | \$5,947,913.00   |
| New Jersey | Toms River Township      | \$10,345,343.00  |
| New Jersey | Trenton                  | \$72,913,998.00  |
| New Jersey | Union City               | \$26,618,182.00  |
| New Jersey | Union Township           | \$15,492,274.00  |
| New Jersey | Vineland                 | \$11,559,382.00  |
| New Jersey | Washington Township      | \$3,534,671.00   |
| New Jersey | Wayne Township           | \$4,451,949.00   |

|            |                    |                    |
|------------|--------------------|--------------------|
| New Jersey | West New York town | \$18,144,801.00    |
| New Jersey | Woodbridge         | \$17,920,419.00    |
| New Mexico | Albuquerque        | \$108,810,857.00   |
| New Mexico | Farmington         | \$9,862,919.00     |
| New Mexico | Las Cruces         | \$24,759,826.00    |
| New Mexico | Rio Rancho         | \$12,873,197.00    |
| New Mexico | Santa Fe           | \$15,049,631.00    |
| New York   | Albany             | \$80,725,433.00    |
| New York   | Amherst Town       | \$15,230,415.00    |
| New York   | Auburn             | \$21,395,055.00    |
| New York   | Babylon Town       | \$27,770,292.00    |
| New York   | Binghamton         | \$46,184,674.00    |
| New York   | Brookhaven Town    | \$55,026,837.00    |
| New York   | Buffalo            | \$331,356,932.00   |
| New York   | Cheektowaga Town   | \$25,316,853.00    |
| New York   | Clay Town          | \$6,644,891.00     |
| New York   | Colonie Town       | \$9,482,071.00     |
| New York   | Dunkirk            | \$10,885,109.00    |
| New York   | Elmira             | \$28,270,386.00    |
| New York   | Glen Falls         | \$12,008,323.00    |
| New York   | Greece             | \$11,863,368.00    |
| New York   | Hamburg Town       | \$11,538,866.00    |
| New York   | Hempstead village  | \$16,790,322.00    |
| New York   | Huntington Town    | \$22,209,010.00    |
| New York   | Irondequoit        | \$22,454,916.00    |
| New York   | Islip Town         | \$47,551,642.00    |
| New York   | Ithaca             | \$16,092,137.00    |
| New York   | Jamestown          | \$28,079,145.00    |
| New York   | Kingston           | \$17,301,385.00    |
| New York   | Middletown         | \$11,313,784.00    |
| New York   | Mount Vernon       | \$41,108,657.00    |
| New York   | New Rochelle       | \$36,938,483.00    |
| New York   | New York           | \$4,259,566,740.00 |
| New York   | Newburgh           | \$21,814,339.00    |
| New York   | Niagara Falls      | \$57,207,528.00    |
| New York   | Poughkeepsie       | \$20,863,783.00    |
| New York   | Rochester          | \$202,141,319.00   |
| New York   | Rome               | \$24,134,423.00    |
| New York   | Saratoga Springs   | \$7,848,020.00     |
| New York   | Schenectady        | \$52,971,798.00    |
| New York   | Syracuse           | \$123,076,929.00   |
| New York   | Tonawanda Town     | \$40,351,859.00    |
| New York   | Troy               | \$42,879,140.00    |

|                |                   |                  |
|----------------|-------------------|------------------|
| New York       | Union Town        | \$30,477,638.00  |
| New York       | Utica             | \$60,881,737.00  |
| New York       | Watertown City    | \$22,265,728.00  |
| New York       | West Seneca       | \$8,508,246.00   |
| New York       | White Plains      | \$23,167,555.00  |
| New York       | Woodbury village  | \$1,473,403.00   |
| New York       | Yonkers           | \$87,486,480.00  |
| North Carolina | Apex town         | \$5,257,681.00   |
| North Carolina | Asheville         | \$26,293,853.00  |
| North Carolina | Burlington        | \$11,516,517.00  |
| North Carolina | Cary              | \$16,476,072.00  |
| North Carolina | Chapel Hill       | \$10,668,497.00  |
| North Carolina | Charlotte         | \$141,618,325.00 |
| North Carolina | Concord           | \$16,255,872.00  |
| North Carolina | Durham            | \$51,881,733.00  |
| North Carolina | Fayetteville      | \$40,427,539.00  |
| North Carolina | Gastonia          | \$15,661,923.00  |
| North Carolina | Goldsboro         | \$8,813,514.00   |
| North Carolina | Greensboro        | \$59,430,051.00  |
| North Carolina | Greenville        | \$24,689,311.00  |
| North Carolina | Hickory           | \$8,237,002.00   |
| North Carolina | High Point        | \$22,699,511.00  |
| North Carolina | Huntersville town | \$4,809,066.00   |
| North Carolina | Jacksonville      | \$9,000,774.00   |
| North Carolina | Kannapolis        | \$9,352,893.00   |
| North Carolina | Lenoir            | \$3,834,691.00   |
| North Carolina | Morganton         | \$4,835,619.00   |
| North Carolina | New Bern city     | \$6,704,351.00   |
| North Carolina | Raleigh           | \$73,292,365.00  |
| North Carolina | Rocky Mount       | \$11,521,180.00  |
| North Carolina | Salisbury         | \$7,227,329.00   |
| North Carolina | Wilmington        | \$25,929,952.00  |
| North Carolina | Winston-Salem     | \$51,732,065.00  |
| North Dakota   | Bismarck          | \$9,656,565.00   |
| North Dakota   | Fargo             | \$20,205,034.00  |
| North Dakota   | Grand Forks       | \$11,439,298.00  |
| Ohio           | Akron             | \$145,337,626.00 |
| Ohio           | Alliance          | \$15,387,409.00  |
| Ohio           | Barberton         | \$16,441,150.00  |
| Ohio           | Bowling Green     | \$7,316,778.00   |
| Ohio           | Canton            | \$63,613,221.00  |
| Ohio           | Cincinnati        | \$279,590,123.00 |
| Ohio           | Cleveland         | \$511,721,590.00 |



|          |                       |                  |
|----------|-----------------------|------------------|
| Ohio     | Cleveland Heights     | \$38,817,062.00  |
| Ohio     | Colerain township     | \$7,496,967.00   |
| Ohio     | Columbus              | \$187,030,138.00 |
| Ohio     | Cuyahoga Falls        | \$16,493,877.00  |
| Ohio     | Dayton                | \$137,976,174.00 |
| Ohio     | East Cleveland        | \$26,639,320.00  |
| Ohio     | Elyria                | \$18,780,812.00  |
| Ohio     | Euclid                | \$25,409,948.00  |
| Ohio     | Fairborn              | \$6,811,368.00   |
| Ohio     | Green township        | \$8,913,892.00   |
| Ohio     | Hamilton City         | \$33,590,200.00  |
| Ohio     | Kent                  | \$7,510,281.00   |
| Ohio     | Kettering             | \$13,851,520.00  |
| Ohio     | Lakewood              | \$47,219,575.00  |
| Ohio     | Lancaster             | \$12,556,172.00  |
| Ohio     | Lima                  | \$26,371,401.00  |
| Ohio     | Lorain                | \$32,491,585.00  |
| Ohio     | Mansfield             | \$20,995,402.00  |
| Ohio     | Marietta              | \$9,725,620.00   |
| Ohio     | Massillon             | \$16,373,501.00  |
| Ohio     | Mentor                | \$3,988,092.00   |
| Ohio     | Middletown            | \$18,925,154.00  |
| Ohio     | Newark                | \$18,140,021.00  |
| Ohio     | Parma                 | \$23,734,921.00  |
| Ohio     | Sandusky              | \$18,091,098.00  |
| Ohio     | Springfield           | \$44,230,364.00  |
| Ohio     | Steubenville          | \$14,598,300.00  |
| Ohio     | Toledo                | \$180,948,591.00 |
| Ohio     | Warren                | \$28,680,143.00  |
| Ohio     | West Chester township | \$6,625,344.00   |
| Ohio     | Youngstown            | \$82,775,370.00  |
| Oklahoma | Broken Arrow city     | \$13,768,466.00  |
| Oklahoma | Edmond                | \$12,741,315.00  |
| Oklahoma | Enid                  | \$11,854,984.00  |
| Oklahoma | Lawton                | \$18,202,822.00  |
| Oklahoma | Midwest City          | \$9,858,239.00   |
| Oklahoma | Moore City            | \$8,469,969.00   |
| Oklahoma | Norman                | \$22,245,542.00  |
| Oklahoma | Oklahoma City         | \$122,507,590.00 |
| Oklahoma | Shawnee               | \$8,351,474.00   |
| Oklahoma | Tulsa                 | \$87,826,517.00  |
| Oregon   | Albany                | \$8,459,912.00   |
| Oregon   | Ashland               | \$4,647,957.00   |

|              |                          |                    |
|--------------|--------------------------|--------------------|
| Oregon       | Beaverton                | \$16,859,058.00    |
| Oregon       | Bend                     | \$14,076,428.00    |
| Oregon       | Corvallis                | \$13,085,521.00    |
| Oregon       | Eugene                   | \$35,908,037.00    |
| Oregon       | Grants Pass              | \$9,373,862.00     |
| Oregon       | Gresham                  | \$25,399,647.00    |
| Oregon       | Hillsboro                | \$18,014,829.00    |
| Oregon       | Lebanon city             | \$3,475,676.00     |
| Oregon       | Medford                  | \$18,283,804.00    |
| Oregon       | Portland                 | \$207,895,373.00   |
| Oregon       | Redmond                  | \$5,863,069.00     |
| Oregon       | Salem                    | \$34,127,916.00    |
| Oregon       | Springfield              | \$13,956,221.00    |
| Oregon       | Tigard                   | \$7,499,726.00     |
| Pennsylvania | Abington                 | \$19,107,973.00    |
| Pennsylvania | Allentown                | \$57,132,604.00    |
| Pennsylvania | Altoona                  | \$39,258,106.00    |
| Pennsylvania | Bensalem Township        | \$9,497,764.00     |
| Pennsylvania | Berwick Borough          | \$7,287,582.00     |
| Pennsylvania | Bethlehem                | \$34,467,364.00    |
| Pennsylvania | Bloomsburg               | \$6,275,309.00     |
| Pennsylvania | Bristol Township         | \$15,886,687.00    |
| Pennsylvania | Carlisle                 | \$9,186,671.00     |
| Pennsylvania | Chambersburg             | \$7,763,037.00     |
| Pennsylvania | Chester                  | \$30,357,628.00    |
| Pennsylvania | East Stroudsburg borough | \$2,813,500.00     |
| Pennsylvania | Easton city              | \$20,665,806.00    |
| Pennsylvania | Erie                     | \$76,098,836.00    |
| Pennsylvania | Gettysburg borough       | \$3,136,677.00     |
| Pennsylvania | Hanover borough          | \$7,573,079.00     |
| Pennsylvania | Harrisburg               | \$47,073,625.00    |
| Pennsylvania | Haverford                | \$19,840,290.00    |
| Pennsylvania | Hazleton                 | \$17,132,482.00    |
| Pennsylvania | Johnstown                | \$30,716,690.00    |
| Pennsylvania | Lancaster City           | \$39,518,923.00    |
| Pennsylvania | Lebanon                  | \$16,672,455.00    |
| Pennsylvania | Lower Merion             | \$25,503,294.00    |
| Pennsylvania | Mckeesport               | \$24,753,914.00    |
| Pennsylvania | Millcreek Township       | \$5,860,073.00     |
| Pennsylvania | Norristown               | \$20,140,217.00    |
| Pennsylvania | Penn Hills               | \$17,129,203.00    |
| Pennsylvania | Philadelphia             | \$1,087,606,822.00 |
| Pennsylvania | Pittsburgh               | \$335,070,222.00   |

|                |                         |                  |
|----------------|-------------------------|------------------|
| Pennsylvania   | Reading                 | \$61,134,970.00  |
| Pennsylvania   | Scranton                | \$68,746,050.00  |
| Pennsylvania   | Sharon                  | \$14,382,307.00  |
| Pennsylvania   | State College           | \$13,276,247.00  |
| Pennsylvania   | Upper Darby             | \$41,761,939.00  |
| Pennsylvania   | Waynesboro borough      | \$4,251,774.00   |
| Pennsylvania   | Wilkes-Barre            | \$37,156,228.00  |
| Pennsylvania   | Williamsport            | \$25,477,801.00  |
| Pennsylvania   | York                    | \$35,304,707.00  |
| Puerto Rico    | Aguadilla Municipio     | \$21,724,939.00  |
| Puerto Rico    | Arecibo Municipio       | \$33,368,185.00  |
| Puerto Rico    | Bayamon Municipio       | \$53,127,043.00  |
| Puerto Rico    | Cabo Rojo Municipio     | \$21,052,469.00  |
| Puerto Rico    | Caguas Municipio        | \$42,614,411.00  |
| Puerto Rico    | Canovanas Municipio     | \$17,809,524.00  |
| Puerto Rico    | Carolina Municipio      | \$43,674,914.00  |
| Puerto Rico    | Cayey Municipio         | \$15,146,756.00  |
| Puerto Rico    | Cidra Municipio         | \$14,342,029.00  |
| Puerto Rico    | Fajardo Municipio       | \$12,129,122.00  |
| Puerto Rico    | Guayama Municipio       | \$16,059,566.00  |
| Puerto Rico    | Guaynabo Municipio      | \$20,838,268.00  |
| Puerto Rico    | Humacao Municipio       | \$20,159,865.00  |
| Puerto Rico    | Isabela Municipio       | \$18,369,668.00  |
| Puerto Rico    | Juana Diaz Municipio    | \$17,954,148.00  |
| Puerto Rico    | Manati Municipio        | \$17,227,467.00  |
| Puerto Rico    | Mayaguez Municipio      | \$34,786,579.00  |
| Puerto Rico    | Ponce Municipio         | \$59,192,776.00  |
| Puerto Rico    | Rio Grande Municipio    | \$17,452,222.00  |
| Puerto Rico    | San German Municipio    | \$13,321,840.00  |
| Puerto Rico    | San Juan Municipio      | \$175,854,727.00 |
| Puerto Rico    | San Sebastian Municipio | \$15,623,463.00  |
| Puerto Rico    | Toa Alta Municipio      | \$19,792,422.00  |
| Puerto Rico    | Toa Baja Municipio      | \$25,856,763.00  |
| Puerto Rico    | Trujillo Alto Municipio | \$19,218,950.00  |
| Puerto Rico    | Vega Baja Municipio     | \$20,502,426.00  |
| Puerto Rico    | Yauco Municipio         | \$13,909,518.00  |
| Rhode Island   | Cranston                | \$26,770,457.00  |
| Rhode Island   | East Providence         | \$18,536,674.00  |
| Rhode Island   | Pawtucket               | \$44,262,279.00  |
| Rhode Island   | Providence              | \$131,373,965.00 |
| Rhode Island   | Warwick                 | \$23,697,760.00  |
| Rhode Island   | Woonsocket              | \$28,278,594.00  |
| South Carolina | Aiken                   | \$4,312,468.00   |

|                |                         |                  |
|----------------|-------------------------|------------------|
| South Carolina | Anderson                | \$14,507,668.00  |
| South Carolina | Bluffton town           | \$1,982,471.00   |
| South Carolina | Charleston              | \$21,092,855.00  |
| South Carolina | Columbia                | \$27,178,358.00  |
| South Carolina | Conway city             | \$4,365,105.00   |
| South Carolina | Florence                | \$7,943,151.00   |
| South Carolina | Greenville              | \$17,908,547.00  |
| South Carolina | Hilton Head Island      | \$5,227,178.00   |
| South Carolina | Mount Pleasant town     | \$7,428,213.00   |
| South Carolina | Myrtle Beach city       | \$7,920,696.00   |
| South Carolina | North Charleston city   | \$24,317,215.00  |
| South Carolina | North Myrtle Beach city | \$1,954,643.00   |
| South Carolina | Rock Hill               | \$13,179,656.00  |
| South Carolina | Spartanburg             | \$16,480,273.00  |
| South Carolina | Summerville             | \$7,796,973.00   |
| South Carolina | Sumter                  | \$7,565,586.00   |
| South Dakota   | Rapid City              | \$13,024,994.00  |
| South Dakota   | Sioux Falls             | \$25,415,071.00  |
| Tennessee      | Bartlett city           | \$5,766,313.00   |
| Tennessee      | Bristol                 | \$5,586,805.00   |
| Tennessee      | Chattanooga             | \$38,640,506.00  |
| Tennessee      | Clarksville             | \$25,531,478.00  |
| Tennessee      | Cleveland               | \$9,313,001.00   |
| Tennessee      | Collierville town       | \$4,397,233.00   |
| Tennessee      | Franklin City           | \$9,253,841.00   |
| Tennessee      | Hendersonville          | \$5,902,342.00   |
| Tennessee      | Jackson                 | \$13,893,451.00  |
| Tennessee      | Johnson City            | \$13,415,440.00  |
| Tennessee      | Kingsport               | \$10,356,906.00  |
| Tennessee      | Knoxville               | \$42,453,411.00  |
| Tennessee      | Memphis                 | \$161,061,490.00 |
| Tennessee      | Morristown              | \$8,234,483.00   |
| Tennessee      | Murfreesboro            | \$24,106,035.00  |
| Tennessee      | Nashville-Davidson      | \$124,981,265.00 |
| Tennessee      | Oak Ridge               | \$6,000,796.00   |
| Tennessee      | Smyrna town             | \$7,954,313.00   |
| Texas          | Abilene                 | \$21,455,963.00  |
| Texas          | Allen                   | \$10,159,869.00  |
| Texas          | Amarillo                | \$39,676,317.00  |
| Texas          | Arlington               | \$81,498,709.00  |
| Texas          | Austin                  | \$188,482,478.00 |
| Texas          | Baytown City            | \$16,345,399.00  |
| Texas          | Beaumont                | \$33,084,864.00  |



|       |                      |                  |
|-------|----------------------|------------------|
| Texas | Brownsville          | \$65,194,854.00  |
| Texas | Bryan                | \$21,183,735.00  |
| Texas | Carrollton           | \$19,571,304.00  |
| Texas | Cedar Park city      | \$7,653,456.00   |
| Texas | College Station      | \$29,478,326.00  |
| Texas | Conroe               | \$15,844,218.00  |
| Texas | Corpus Christi       | \$67,553,894.00  |
| Texas | Dallas               | \$355,426,891.00 |
| Texas | Denison              | \$7,326,612.00   |
| Texas | Denton               | \$23,290,438.00  |
| Texas | Desoto               | \$7,306,702.00   |
| Texas | Edinburg             | \$27,132,536.00  |
| Texas | El Paso              | \$154,345,135.00 |
| Texas | Eules City           | \$10,393,946.00  |
| Texas | Flower Mound Town    | \$5,927,220.00   |
| Texas | Fort Worth           | \$173,745,090.00 |
| Texas | Frisco               | \$16,638,254.00  |
| Texas | Galveston            | \$27,371,621.00  |
| Texas | Garland              | \$53,513,994.00  |
| Texas | Georgetown city      | \$8,029,506.00   |
| Texas | Grand Prairie        | \$36,709,655.00  |
| Texas | Grapevine            | \$6,860,286.00   |
| Texas | Harlingen            | \$21,927,374.00  |
| Texas | Houston              | \$607,769,139.00 |
| Texas | Irving               | \$54,277,494.00  |
| Texas | Killeen              | \$29,117,907.00  |
| Texas | Laredo               | \$85,558,888.00  |
| Texas | League City          | \$10,385,742.00  |
| Texas | Leander city         | \$5,658,845.00   |
| Texas | Lewisville           | \$19,541,144.00  |
| Texas | Little Elm city      | \$4,402,726.00   |
| Texas | Longview             | \$17,048,510.00  |
| Texas | Lubbock              | \$56,575,324.00  |
| Texas | Mansfield            | \$6,550,549.00   |
| Texas | Marshall             | \$9,078,903.00   |
| Texas | Mc Allen             | \$41,922,103.00  |
| Texas | Mckinney City        | \$23,115,761.00  |
| Texas | Mesquite             | \$27,021,425.00  |
| Texas | Midland              | \$24,988,224.00  |
| Texas | Mission              | \$25,044,862.00  |
| Texas | Missouri City        | \$6,910,253.00   |
| Texas | New Braunfels        | \$10,995,314.00  |
| Texas | North Richland Hills | \$9,515,205.00   |

|         |                       |                  |
|---------|-----------------------|------------------|
| Texas   | Odessa                | \$20,322,959.00  |
| Texas   | Orange                | \$8,289,219.00   |
| Texas   | Pasadena              | \$40,199,596.00  |
| Texas   | Pearland              | \$11,888,971.00  |
| Texas   | Pflugerville City     | \$6,140,439.00   |
| Texas   | Pharr                 | \$28,232,868.00  |
| Texas   | Plano                 | \$36,424,316.00  |
| Texas   | Port Arthur           | \$26,731,836.00  |
| Texas   | Richardson city       | \$18,285,133.00  |
| Texas   | Round Rock            | \$16,397,285.00  |
| Texas   | Rowlett               | \$6,851,861.00   |
| Texas   | San Angelo            | \$16,650,136.00  |
| Texas   | San Antonio           | \$326,919,408.00 |
| Texas   | San Benito            | \$9,066,287.00   |
| Texas   | San Marcos            | \$18,101,483.00  |
| Texas   | Sherman               | \$8,437,356.00   |
| Texas   | Sugar Land city       | \$11,115,958.00  |
| Texas   | Temple                | \$14,170,861.00  |
| Texas   | Texarkana             | \$9,404,018.00   |
| Texas   | Texas City            | \$10,309,444.00  |
| Texas   | Tyler                 | \$20,211,586.00  |
| Texas   | Victoria              | \$14,508,296.00  |
| Texas   | Waco                  | \$34,720,687.00  |
| Texas   | Wichita Falls         | \$29,091,650.00  |
| Texas   | Wylie city            | \$6,099,649.00   |
| Utah    | Clearfield            | \$5,092,432.00   |
| Utah    | Herriman city         | \$4,803,648.00   |
| Utah    | Layton                | \$9,714,265.00   |
| Utah    | Lehi City             | \$7,741,569.00   |
| Utah    | Logan                 | \$13,815,781.00  |
| Utah    | Millcreek city        | \$7,929,650.00   |
| Utah    | Ogden                 | \$25,612,830.00  |
| Utah    | Orem                  | \$16,087,350.00  |
| Utah    | Provo                 | \$33,880,698.00  |
| Utah    | Salt Lake City        | \$85,411,572.00  |
| Utah    | Sandy City            | \$9,151,064.00   |
| Utah    | South Jordan          | \$5,643,640.00   |
| Utah    | St George             | \$15,954,196.00  |
| Utah    | Taylorsville          | \$8,884,092.00   |
| Utah    | West Jordan           | \$13,388,377.00  |
| Utah    | West Valley           | \$26,512,139.00  |
| Vermont | Burlington            | \$18,857,481.00  |
| Vermont | South Burlington city | \$1,864,421.00   |

|            |                     |                  |
|------------|---------------------|------------------|
| Virginia   | Alexandria          | \$28,666,813.00  |
| Virginia   | Blacksburg          | \$13,364,987.00  |
| Virginia   | Bristol             | \$6,771,552.00   |
| Virginia   | Charlottesville     | \$10,428,843.00  |
| Virginia   | Chesapeake          | \$28,469,568.00  |
| Virginia   | Christiansburg      | \$3,115,411.00   |
| Virginia   | Colonial Heights    | \$2,636,171.00   |
| Virginia   | Danville            | \$21,364,773.00  |
| Virginia   | Fredericksburg      | \$5,142,844.00   |
| Virginia   | Hampton             | \$22,533,427.00  |
| Virginia   | Harrisonburg        | \$13,536,358.00  |
| Virginia   | Hopewell            | \$5,622,819.00   |
| Virginia   | Leesburg town       | \$5,927,673.00   |
| Virginia   | Lynchburg           | \$17,368,358.00  |
| Virginia   | Newport News        | \$31,981,891.00  |
| Virginia   | Norfolk             | \$106,991,262.00 |
| Virginia   | Petersburg          | \$14,873,246.00  |
| Virginia   | Portsmouth          | \$38,506,859.00  |
| Virginia   | Radford             | \$4,683,738.00   |
| Virginia   | Richmond            | \$110,120,336.00 |
| Virginia   | Roanoke             | \$45,319,306.00  |
| Virginia   | Staunton            | \$8,113,077.00   |
| Virginia   | Suffolk             | \$12,174,397.00  |
| Virginia   | Virginia Beach      | \$49,027,529.00  |
| Virginia   | Waynesboro City     | \$4,650,991.00   |
| Virginia   | Winchester          | \$6,883,860.00   |
| Washington | Anacortes           | \$2,631,759.00   |
| Washington | Auburn              | \$14,751,231.00  |
| Washington | Bellevue            | \$20,110,630.00  |
| Washington | Bellingham          | \$20,925,817.00  |
| Washington | Bremerton           | \$10,851,402.00  |
| Washington | Burien              | \$10,806,859.00  |
| Washington | East Wenatchee City | \$3,057,385.00   |
| Washington | Everett             | \$20,695,570.00  |
| Washington | Federal Way         | \$19,216,886.00  |
| Washington | Kennewick           | \$16,062,005.00  |
| Washington | Kent City           | \$28,172,327.00  |
| Washington | Kirkland City       | \$10,155,994.00  |
| Washington | Lacey city          | \$6,856,924.00   |
| Washington | Lakewood            | \$13,766,236.00  |
| Washington | Longview            | \$8,112,084.00   |
| Washington | Marysville          | \$9,417,568.00   |
| Washington | Mount Vernon        | \$9,053,048.00   |

|               |                     |                  |
|---------------|---------------------|------------------|
| Washington    | Olympia             | \$9,205,624.00   |
| Washington    | Pasco               | \$17,464,312.00  |
| Washington    | Port Orchard city   | \$2,821,078.00   |
| Washington    | Redmond             | \$9,928,999.00   |
| Washington    | Renton City         | \$18,113,855.00  |
| Washington    | Richland            | \$7,361,385.00   |
| Washington    | Sammamish city      | \$4,759,912.00   |
| Washington    | Seattle             | \$232,341,627.00 |
| Washington    | Shoreline           | \$7,533,842.00   |
| Washington    | Spokane             | \$80,991,104.00  |
| Washington    | Spokane Valley city | \$16,006,492.00  |
| Washington    | Tacoma              | \$60,969,952.00  |
| Washington    | Tumwater city       | \$2,565,043.00   |
| Washington    | Vancouver           | \$33,135,869.00  |
| Washington    | Walla Walla City    | \$9,974,964.00   |
| Washington    | Wenatchee           | \$6,383,622.00   |
| Washington    | Yakima              | \$26,195,479.00  |
| West Virginia | Beckley City        | \$7,689,933.00   |
| West Virginia | Charleston          | \$36,801,358.00  |
| West Virginia | Huntington          | \$40,628,967.00  |
| West Virginia | Martinsburg         | \$9,111,132.00   |
| West Virginia | Morgantown          | \$11,243,509.00  |
| West Virginia | Parkersburg         | \$21,850,407.00  |
| West Virginia | Vienna City         | \$2,637,342.00   |
| West Virginia | Weirton             | \$10,028,924.00  |
| West Virginia | Wheeling            | \$28,197,143.00  |
| Wisconsin     | Appleton            | \$14,891,841.00  |
| Wisconsin     | Beloit              | \$15,218,991.00  |
| Wisconsin     | Eau Claire          | \$13,529,002.00  |
| Wisconsin     | Fond Du Lac         | \$13,792,153.00  |
| Wisconsin     | Green Bay           | \$23,695,516.00  |
| Wisconsin     | Janesville          | \$11,686,560.00  |
| Wisconsin     | Kenosha             | \$26,488,543.00  |
| Wisconsin     | La Crosse           | \$21,748,073.00  |
| Wisconsin     | Madison             | \$47,197,155.00  |
| Wisconsin     | Milwaukee           | \$394,226,649.00 |
| Wisconsin     | Neenah              | \$5,549,573.00   |
| Wisconsin     | Onalaska city       | \$2,131,226.00   |
| Wisconsin     | Oshkosh             | \$20,514,484.00  |
| Wisconsin     | Racine              | \$46,246,465.00  |
| Wisconsin     | Sheboygan           | \$22,006,206.00  |
| Wisconsin     | Superior            | \$17,082,059.00  |
| Wisconsin     | Waukesha            | \$10,883,993.00  |



|              |                |                            |
|--------------|----------------|----------------------------|
| Wisconsin    | Wausau         | \$15,586,461.00            |
| Wisconsin    | Wauwatosa      | \$24,663,875.00            |
| Wisconsin    | West Allis     | \$30,941,771.00            |
| Wisconsin    | Weston village | \$2,220,083.00             |
| Wyoming      | Casper city    | \$9,115,340.00             |
| Wyoming      | Cheyenne       | \$12,191,813.00            |
| <b>TOTAL</b> |                | <b>\$45,570,000,000.00</b> |

## COMMONWEALTH OF MASSACHUSETTS ~ STANDARD CONTRACT FORM



8.a

This form is jointly issued and published by the Office of the Comptroller (CTR), the Executive Office for Administration and Finance (ANF), and the Operational Services Division (OSD) as the default contract for all Commonwealth Departments when another form is not prescribed by regulation or policy. The Commonwealth deems void any changes made on or by attachment (in the form of addendum, engagement letters, contract forms or invoice terms) to the terms in this published form or to the **Standard Contract Form Instructions and Contractor Certifications**, the **Commonwealth Terms and Conditions for Human and Social Services** or the **Commonwealth IT Terms and Conditions** which are incorporated by reference herein. Additional non-conflicting terms may be added by Attachment. Contractors are required to access published forms at CTR Forms: <https://www.macompcontroller.org/forms>. Forms are also posted at OSD Forms: <https://www.mass.gov/lists/osd-forms>.

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| <b>CONTRACTOR LEGAL NAME:</b><br>(and d/b/a): Springfield Police Department                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                            | <b>COMMONWEALTH DEPARTMENT NAME:</b> Department of State Police<br>MMARS Department Code: POL                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                            |
| <b>Legal Address: (W-9, W-4):</b> 130 Pearl Street, P.O. Box 308 Springfield, MA 01101                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                            | <b>Business Mailing Address:</b> 470 Worcester Road, Framingham, MA 01702                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                            |
| <b>Contract Manager:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | <b>Phone:</b> 413-735-1505 | <b>Billing Address (if different):</b> same                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                            |
| <b>E-Mail:</b> skent@springfieldpolice.net                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | <b>Fax:</b>                | <b>Contract Manager:</b> Pamela Biagi                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | <b>Phone:</b> 508-820-2126 |
| <b>Contractor Vendor Code:</b> VC (leave blank)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                            | <b>E-Mail:</b> pamelabiagi@pol.state.ma.us                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | <b>Fax:</b> 508-820-2165   |
| <b>Vendor Code Address ID (e.g. "AD001"):</b> AD (leave blank)<br>(Note: The Address ID must be set up for EFT payments.)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                            | <b>MMARS Doc ID(s):</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                            |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                            | <b>RFR/Procurement or Other ID Number:</b> 2020-DJ-BX-0025                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                            |
| <b><u>X</u> NEW CONTRACT</b><br><b>PROCUREMENT OR EXCEPTION TYPE: (Check one option only)</b><br><input type="checkbox"/> <b>Statewide Contract</b> (OSD or an OSD-designated Department)<br><input type="checkbox"/> <b>Collective Purchase</b> (Attach OSD approval, scope, budget)<br><input checked="" type="checkbox"/> <b>Department Procurement</b> (includes all Grants - 815 CMR 2.00) (Solicitation Notice or RFR, and Response or other procurement supporting documentation)<br><input type="checkbox"/> <b>Emergency Contract</b> (Attach justification for emergency, scope, budget)<br><input type="checkbox"/> <b>Contract Employee</b> (Attach Employment Status Form, scope, budget)<br><input type="checkbox"/> <b>Other Procurement Exception</b> (Attach authorizing language, legislation with specific exemption or earmark, and exception justification, scope, and budget)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                            | <b><u>    </u> CONTRACT AMENDMENT</b><br>Enter Current Contract End Date <u>Prior</u> to Amendment: <u>    </u> , 20 <u>    </u> .<br>Enter Amendment Amount: \$ <u>    </u> , (or "no change")<br><b>AMENDMENT TYPE: (Check one option only. Attach details of amendment changes.)</b><br><input type="checkbox"/> <b>Amendment to Date, Scope or Budget</b> (Attach updated scope and budget)<br><input type="checkbox"/> <b>Interim Contract</b> (Attach justification for Interim Contract and updated scope/budget)<br><input type="checkbox"/> <b>Contract Employee</b> (Attach any updates to scope or budget)<br><input type="checkbox"/> <b>Other Procurement Exception</b> (Attach authorizing language/justification and updated scope and budget) |                            |
| The Standard Contract Form Instructions and Contractor Certifications and the following Commonwealth Terms and Conditions document are incorporated by reference into this Contract and are legally binding: (Check ONE option): <u>X</u> <u>Commonwealth Terms and Conditions</u> <u>    </u> <u>Commonwealth Terms and Conditions For Human and Social Services</u> <u>    </u> <u>Commonwealth IT Terms and Conditions</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                            |
| <b>COMPENSATION:</b> (Check ONE option): The Department certifies that payments for authorized performance accepted in accordance with the terms of this Contract will be supported in the state accounting system by sufficient appropriations or other non-appropriated funds, subject to intercept for Commonwealth owed debts under 815 CMR 9.00.<br><input type="checkbox"/> <b>Rate Contract.</b> (No Maximum Obligation) Attach details of all rates, units, calculations, conditions or terms and any changes if rates or terms are being amended.)<br><input checked="" type="checkbox"/> <b>Maximum Obligation Contract.</b> Enter total maximum obligation for total duration of this contract (or <b>new</b> total if Contract is being amended). <b>\$83,952.00</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                            |
| <b>PROMPT PAYMENT DISCOUNTS (PPD):</b> Commonwealth payments are issued through EFT 45 days from invoice receipt. Contractors requesting <b>accelerated</b> payments must identify a PPD as follows: Payment issued within 10 days <u>    </u> % PPD; Payment issued within 15 days <u>    </u> % PPD; Payment issued within 20 days <u>    </u> % PPD; Payment issued within 30 days <u>    </u> % PPD. If PPD percentages are left blank, identify reason: <u>    </u> agree to standard 45 day cycle <u>    </u> statutory/legal or Ready Payments (M.G.L. c. 29, § 23A); <u>    </u> only initial payment (subsequent payments scheduled to support standard EFT 45 day payment cycle. See Prompt Pay Discounts Policy.)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                            |
| <b>BRIEF DESCRIPTION OF CONTRACT PERFORMANCE or REASON FOR AMENDMENT:</b> (Enter the Contract title, purpose, fiscal year(s), and a detailed description of the scope of performance or what is being amended for a Contract Amendment. Attach all supporting documentation and justifications.) Reimbursement of overtime costs associated with local police participation to address a rise in gang and gun violence in Western, MA. Mass State Police received federal funding for this project from federal JAG award 2020-DJ-BX-0025 – Overtime in Western, MA. <b>FY21 \$16,790.40 FY 22 \$67,161.60 = \$83,952.00</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                            |
| <b>ANTICIPATED START DATE:</b> (Complete ONE option only) The Department and Contractor certify for this Contract, or Contract Amendment, that Contract obligations:<br><input checked="" type="checkbox"/> 1. may be incurred as of the Effective Date (latest signature date below) and <b>no</b> obligations have been incurred <b>prior</b> to the Effective Date.<br><input type="checkbox"/> 2. may be incurred as of <u>    </u> , 20 <u>    </u> , a date <b>LATER</b> than the Effective Date below and <b>no</b> obligations have been incurred <b>prior</b> to the Effective Date.<br><input type="checkbox"/> 3. were incurred as of <u>    </u> , 20 <u>    </u> , a date <b>PRIOR</b> to the Effective Date below, and the parties agree that payments for any obligations incurred prior to the Effective Date are authorized to be made either as settlement payments or as authorized reimbursement payments, and that the details and circumstances of all obligations under this Contract are attached and incorporated into this Contract. Acceptance of payments forever releases the Commonwealth from further claims related to these obligations.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                            |
| <b>CONTRACT END DATE:</b> Contract performance shall terminate as of <b>May 31, 2022</b> , with no new obligations being incurred after this date unless the Contract is properly amended, provided that the terms of this Contract and performance expectations and obligations shall survive its termination for the purpose of resolving any claim or dispute, for completing any negotiated terms and warranties, to allow any close out or transition performance, reporting, invoicing or final payments, or during any lapse between amendments.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                            |
| <b>CERTIFICATIONS:</b> Notwithstanding verbal or other representations by the parties, the "Effective Date" of this Contract or Amendment shall be the latest date that this Contract or Amendment has been executed by an authorized signatory of the Contractor, the Department, or a later Contract or Amendment Start Date specified above, subject to any required approvals. The Contractor certifies that they have accessed and reviewed all documents incorporated by reference as electronically published and the Contractor makes all certifications required under the Standard Contract Form Instructions and Contractor Certifications under the pains and penalties of perjury, and further agrees to provide any required documentation upon request to support compliance, and agrees that all terms governing performance of this Contract and doing business in Massachusetts are attached or incorporated by reference herein according to the following hierarchy of document precedence, the applicable Commonwealth Terms and Conditions, this Standard Contract Form, the Standard Contract Form Instructions and Contractor Certifications, the Request for Response (RFR) or other solicitation, the Contractor's Response (excluding any language stricken by a Department as unacceptable, and additional negotiated terms, provided that additional negotiated terms will take precedence over the relevant terms in the RFR and the Contractor's Response only if made using the process outlined in 801 CMR 21.07, incorporated herein, provided that any amended RFR or Response terms result in best value, lower costs, or a more cost effective Contract. |                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                            |
| <b>AUTHORIZING SIGNATURE FOR THE CONTRACTOR:</b><br>X: <u><i>[Signature]</i></u> Date: <u>5/25/21</u><br>(Signature and Date Must Be Handwritten at Time of Signature)<br>Print Name: <u>DOMENIC J. SARNO</u><br>Print Title: <u>Mayor</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                            | <b>AUTHORIZING SIGNATURE FOR THE COMMONWEALTH:</b><br>X: <u><i>[Signature]</i></u> Date: <u>5/25/21</u><br>(Signature and Date Must Be Handwritten at Time of Signature)<br>Print Name: <u>Michelle Small</u><br>Print Title: <u>Chief Administrative Officer</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                            |

**Department of the State Police  
Federal JAG Grant Subrecipient Agreement**

**Contractor's Signature page, continued**

**FOR THE CONTRACTOR,  
CITY OF SPRINGFIELD, MA. ,  
POLICE DEPARTMENT:**

Cheryl C. Clapprood  
Cheryl Clapprood  
Police Commissioner  
Date signed: 5/19/21

UKL Approved as to appropriation: N/A

James D. P...  
City Comptroller  
Date signed: 5-19-2021

Reviewed:

A.B. Hadutt  
Chief Admin. And Financial Officer  
Date signed: 5/20/21

Approved as to form:

Nathaniel Breck  
Deputy City Solicitor  
Date signed: 5/19/21

Attachment: JAG Gun and Gang VIOLENCE GRANT (6269 : Byrne JAG Grant - No Match - \$83,952.00)



# MEMORANDUM OF UNDERSTANDING

Between the

MASSACHUSETTS DEPARTMENT OF STATE  
POLICE

and

Springfield Police Department

WHEREAS, the Massachusetts State Police has, pursuant to the Edward Byrne Memorial Justice Assistance Grant, been awarded the sum of \$500,000 for purposes related to preventing, reducing, and sustaining reductions in community gang & gun violence;

WHEREAS, the Commonwealth of Massachusetts Department of State Police ("Massachusetts State Police") and the City of Springfield, a municipality chartered/incorporated under the laws of the Commonwealth, acting by and through its Police Department or a District Attorney enumerated in M.G.L. c. 12, §13 ("Local Agency") wish to cooperate to prevent, reduce, and sustain reductions in community gang & gun violence;

WHEREAS, the Massachusetts State Police has determined that appropriated funds shall be used over a one-year award period to reimburse the Massachusetts State Police and the Local Agency for authorized employee overtime costs incurred by the assignment of police officers working to prevent, reduce, and sustain reductions in community gang & gun violence in the Commonwealth; and

NOW THEREFORE, the Massachusetts State Police and the Local Agency hereby agree to the following:

1. The Massachusetts Department of State Police shall be solely responsible for the administration and distribution of the appropriated funds and no overtime reimbursement shall be made to a Local Agency unless approved by the Massachusetts State Police.
2. In order to be eligible for reimbursement of overtime costs pursuant to this Agreement, the Local Agency shall:
  - (a) Execute and deliver to the Massachusetts State Police a signed copy of this Agreement and the following:
    - (i) Commonwealth Standard Contract
    - (ii) Risk Assessment Form
    - (iii) FFATA

Attachment: JAG Gun and Gang VIOLENCE GRANT (6269 : Byrne JAG Grant - No Match - \$83,952.00)



- (iv) DOJ EEOP
  - (v) Lobbying Debarment Form
  - (vi) Budget Detail Worksheet
  - (vii) OGR Subrecipient Conditions
  - (viii) Contractor Authorized Signatory Listing
- (b) Receive approval from the Massachusetts State Police, acting through a designated Unit Supervisor(s), to incur law enforcement overtime pursuant to an approved target plan.
- (c) Submit, by the first of every month, an invoice for overtime related to this program to the Massachusetts State Police Fiscal Section, 470 Worcester Road, Framingham, MA 01702. Such invoice must:
- (ix) be submitted on Official Local Agency letterhead;
  - (x) include all overtime hours worked pursuant to an approved target plan;
  - (xi) include law enforcement officer's full name;
  - (xii) include the date(s) and corresponding number of all approved hours worked by the officer(s);
  - (xiii) the applicable overtime rate for each such officer; and
  - (xiv) total of all overtime hours approved and for which reimbursement is sought by the Local Agency.
  - (xv) The following program stats must be submitted with each monthly invoice:
 

|                                         |
|-----------------------------------------|
| Number of Firearm Arrests               |
| Number of Shooting Arrests              |
| Number of ShotSpotter Activations       |
| Number of Shots Fired Calls for Service |
| Number of Shooting Victims              |
  - (xvi) BJA Performance Measurement Tool (PMT) Report information will be required on a quarterly basis.

(b) Each submitted invoice must be signed by a Contractor Authorized Signatory of the Local Department and contain the following or substantially similar attestation: "I

*attest that all information accompanying this invoice is true and accurate and that documentation supporting the same is maintained in municipal files, which shall be made available to the Massachusetts State Police upon request and/or in the event of an audit".*

3. It is hereby acknowledged, understood, accepted, and agreed that reimbursement of Local Agency overtime incurred pursuant to this Agreement shall, at all times, be subject to:
  - (a) The terms and conditions of this Agreement;
  - (b) The availability of Massachusetts State Police approved funding;
  - (c) The Commonwealth's Terms and Conditions, which shall prevail over any conflicting terms or conditions in this Agreement; and
  - (d) The complete discretion and approval, supervisory and administrative, of the Massachusetts State Police;
4. The Massachusetts State Police and the Local Agency understand and agree that:
  - (a) This Agreement, the Commonwealth' Standard Contract, and the Commonwealth's Terms and Conditions constitute the entirety of their agreement in this matter;
  - (b) This Agreement, the Commonwealth' Standard Contract, and the Commonwealth's Terms and Conditions shall be interpreted in accordance with and governed by Massachusetts law; and
  - (c) Each signatory represents that he/she is an authorized representative of a party, possessing full legal authority to enter into this Agreement.

By: Cheryl C. Clapprood  
Chief of Police

Name: Cheryl C. Clapprood

Title: Police Commissioner

Date: 5/17/21

By:   
Massachusetts State Police

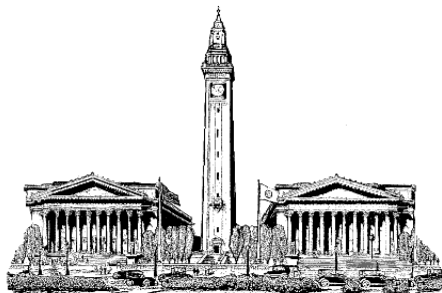
Name: CHRISTOPHER J. MAJEW

Title: COLONEL

Date: 5-25-21

**DEPARTMENT OF  
PUBLIC WORKS**

70 TAPLEY STREET  
SPRINGFIELD, MA 01104



CITY OF SPRINGFIELD  
MASSACHUSETTS

**Date: June 7, 2021**

**To: Mayor Sarno, Melanie Acobe, TJ Plante, Lindsay Hackett, Chris Fraser**

**From: Christopher M. Cignoli, P.E. – Director, Department of Public Works**

**Re: City of Springfield Model Green Streets and Infrastructure Policy**

In 2018 the Pioneer Valley Planning Commission on behalf of the City of Springfield submitted an Executive Office of Energy and Environmental Affairs Planning Assistance Grant application to develop a Green Infrastructure (GI) / Low Impact Development (LID) policy for the City. The grant was awarded in the amount of \$13,910.

In developing and adopting a GI/LID policy, the City implemented a key action item from the 2017 “Strong, Healthy & Just: Springfield’s Climate Action and Resilience Plan” and a priority implementation project identified in the City’s Municipal Vulnerability Program (MVP) Community Resilience Building workshop. This GI/LID policy will promote design and construction practices for developments, redevelopments, and street rights-of-ways within the City, which will:

- 1) Enhance quality of stormwater runoff from street right-of-ways and public and private parcels within the City;
- 2) Ensure LID-focused solutions to stormwater runoff from street right-of-ways and private and public development, in compliance with the 2016 Massachusetts MS4 stormwater permit;
- 3) Increase environmental and public-health based resilience within the City and especially within neighborhoods previously identified as being particularly vulnerable in the 2017 Springfield Climate Action & Resiliency Plan Vulnerability and Resilience analysis; and
- 4) Improve the quality of Springfield’s urban habitat and water quality.

The adoption of this GI/LID policy in the City of Springfield will advance sustainable development by significantly improving the stormwater and site planning standards with which new streetscapes and private and municipal developments and redevelopments are designed. Springfield’s stormwater culvert system discharges directly into the Connecticut River. New England’s longest river, and a National Blueway and American Heritage River, the Connecticut River is listed as a Category 5 Water, impaired for total suspended solids, in the Massachusetts 2016 Integrated List



of Waters. Four other surface waters in Springfield are also listed as Category 5 waters, impaired for nutrients, turbidity, total phosphorus, and total suspended solids. These impairments are largely caused by polluted stormwater sheet flowing into local waterbodies.

This GI/LID policy will enable the City to consistently guide development and redevelopment toward nature-based stormwater solutions, which will improve the quality and quantity of stormwater runoff within the City. This policy will align with Springfield's efforts to update its Stormwater Ordinance to come into compliance with the recently adopted Massachusetts MS4 Stormwater Permit, which promotes LID-based design solutions for new and redevelopment projects. At the same time, GI systems offer more than stormwater solutions: by reducing impervious cover on a site and increasing vegetative land area, GI increases urban resilience to urban heat island effect and improves air quality, both of which were identified in the 2017 Springfield Climate Action & Resiliency Plan Vulnerability and Resilience analysis. This proposed GI/LID policy will set the City's intention to encourage low impact design of stormwater facilities, and build political momentum for nature-based infrastructure solutions with environmental and public health co-benefits.

## MODEL GREEN STREETS and INFRASTRUCTURE POLICY for the CITY OF SPRINGFIELD

**Goal:** The goal of this policy is to promote the use of, and protect existing, Green Street facilities and Green Infrastructure in public and private development as a cost-effective and sustainable practice for stormwater management in current and future projects wherever possible and cost efficient. This includes:

- Road reconstruction and new road development projects;
- Combined sewer separation projects and other utility projects; and
- New development and redevelopment projects

### Definitions:

**Green Infrastructure:** Stormwater management facilities that make use of soils, plants, or natural processes to slow, absorb, and treat rainfall (and snowmelt) so that storm flows to nearby rivers and streams are cleaner and less erosive in force and volume. These facilities include rain gardens, tree box planters, and permeable pavement, but can also refer to pre-existing natural features, such as trees, wetlands, and forests.

**Green Streets:** Road rights-of-way that incorporate Green Infrastructure to complement or replace traditional gray infrastructure. Green Infrastructure elements of Green Streets can include permeable pavement, street trees, landscaped street-side planters or swales that filter, convey, and/or allow stormwater runoff to soak into the ground. A “Green Street” can:

- Manage stormwater on-site through use of vegetated facilities;
- Provide water quality benefits and replenish groundwater (if an infiltration facility);
- Create attractive streetscapes by enhancing the pedestrian environment and introducing park-like elements into neighborhoods;
- Serve as an urban greenway segment, connecting neighborhoods, parks, recreation facilities, schools, main streets, and wildlife habitats; and
- Meet broader community goals by providing pedestrian and where appropriate bicycle access.

### Drivers for Green Streets and Green Infrastructure:

The key factors driving the need for more Green Streets and Green Infrastructure include:

- The 2016 U.S. Environmental Protection Agency (EPA) Municipal Separate Storm Sewer System (MS4) stormwater permit, which expands stormwater management requirements to control the quality and amount of stormwater discharged from MS4s to rivers, streams, lakes, ponds, and wetlands.
- Federal Administrative Orders to clean up CSOs (Combined Sewer Overflows) polluting the Connecticut River. Long term control plans set timelines and goals for abating combined sewer overflows. The remaining costs for sewer separation are projected to be very high, and more cost-effective solutions are needed.

- National Climate Adaptation Science Center climate projections that show annual precipitation in the Connecticut River basin is expected to increase by 1.3 to 6.2 inches by the 2050s and by up to 8.3 inches by the end of the century, and the frequency of high intensity rainfall and storm events will continue to trend upwards. Costs and concerns associated with more frequent stormwater flooding events have driven communities toward Green Infrastructure as a cost-effective way to mitigate future flooding and manage runoff.
- The long-term costs of gray infrastructure maintenance, which have become burdensome as existing infrastructure ages. Communities are shifting toward hybrid systems of gray (piped) infrastructure, combined with Green (vegetated) Infrastructure.
- Green Infrastructure can help the City meet the federal Clean Water Act's surface water quality standards by filtering contaminants and cooling stormwater runoff before it enters receiving waters.

### **Findings:**

The City of Springfield makes the following findings relative to stormwater runoff, Green Streets and Green Infrastructure:

Stormwater runoff from streets, roads, parking lots, roofs and other impervious urban surfaces is a significant source of water pollution to our rivers, streams, and lakes, and also is a key contributor to combined sewer overflows.

Green Streets and Green Infrastructure reduce and manage stormwater runoff through intercepting, evaporating, slowing, and absorbing flows.

Green Streets and Green Infrastructure are effective tools for control of stormwater flowing into the Combined Sewer Overflow (CSO) System.

Green Streets and Green Infrastructure improve water quality by filtering and/or absorbing stormflows, removing contaminants and cooling summer flows from parking lots and roadways before discharging to nearby surface waters, such as rivers, or lakes.

Green Streets and Green Infrastructure can provide cost-effective infrastructure solutions to stormwater management by reducing the scale or size needed for traditional "gray" infrastructure solutions, such as underground drains, tanks, pipes, and outfalls. Supplementing gray infrastructure with appropriately designed and managed green infrastructure can reduce overall project costs, enhance the quality of service that gray infrastructure provides, and act as an important redundancy measure to protect vulnerable waterways (Illinois Green Infrastructure Study, 2010).

Green Streets and Green Infrastructure can foster unique and attractive streetscapes that protect and enhance the quality of neighborhoods and integrate, rather than separate, the built and natural environments.

Green Streets and Green Infrastructure can serve to enhance the pedestrian environment and introduce park-like elements into neighborhoods.

When planned on a neighborhood scale, Green Streets can serve as urban greenways or pathways and provide a preferred means of connecting neighborhoods and parks/recreation areas in ways that are attractive to pedestrians and cyclists .

Green Streets and Green Infrastructure encourage landscaping and the planting of trees . In addition to stormwater management, these improved landscapes and trees produce environmental and public health benefits such as reduced summer air temperatures, improved air quality, carbon sequestration, and habitat corridors for wildlife such as pollinators and birds.

### **Green Streets and Complete Streets Compatibility:**

Green Streets and Green Infrastructure elements included in the development, redevelopment and enhancement, and implementation of private and public development and roadway projects shall be applied in a manner sensitive to the context of the community's physical, economic, and social setting, and shall complement existing zoning and development standards and policies. In particular, Green Street techniques should be a critical component of Complete Streets design, ensuring the street remains usable and safe for all people during storm events, regardless of mode. Green Infrastructure can be incorporated alongside roadways, bikeways, and/or sidewalks to improve drainage and increase bicycling and pedestrian comfort, enhancing access during and after rainstorms and shading and cooling pathways.

### **Resolutions:**

Now, THEREFORE, IT IS HEREBY RESOLVED that the City of Springfield hereby adopts a policy to promote the use of Green Street facilities and Green Infrastructure in public and private development.

IT IS FURTHER RESOLVED that the City will work to implement its Green Streets and Infrastructure policy in the following ways:

### **Section 1. Role of the Town/City elected officials and staff:**

- a. Incorporate Green Street facilities and Green Infrastructure into all City funded development, redevelopment, or enhancement projects, to the maximum extent feasible.
- b. Maintain these facilities according to Green Streets and Green Infrastructure best management practices:
  - 1) Ensure that design of Green Street and Green Infrastructure facilities is conducive to ease of maintenance; Ensure that all public and private projects include operation and maintenance agreements that provide easements for access to Green Infrastructure facilities and recognize City enforcement authority; and



2) Dedicate staff to the regular inspection of municipally controlled facilities, and require identification of the party responsible for maintenance of privately controlled facilities.

c. Public Project Planning and Design:

1) Foster communication and coordination among City Departments to encourage consideration of watershed health and improved water quality through use of Green Street facilities and Green Infrastructure as part of planning and design of City projects.

2) Coordinate City Department work programs and projects to implement Green Streets and Green Infrastructure as an integrated aspect of City infrastructure.

3) Consider planning for large-scale use of Green Streets and Green Infrastructure as a means of better connecting neighborhoods, better use of the right of way, and enhancing neighborhood livability.

4) Consider developing new and innovative means to cost-effectively construct new Green Street facilities and Green Infrastructure.

d. Private Development

1) Consider standards for Green Streets and Infrastructure projects that can be permitted and implemented by the private sector. These standards and incentives should be designed to encourage incorporation of Green Street and Infrastructure facilities into private development, redevelopment, and enhancement projects.

2) Consider developing standards to promote the use of stormwater tree pits, rain gardens, and other green infrastructure to reduce stormwater runoff from roofs, parking lots and other impervious surfaces in private development projects.

e. Project and Program Funding:

1) Seek opportunities to leverage the work and associated funding of projects in the same geographic areas across Departments to create Green Street and Green Infrastructure opportunities.

2) Develop a predictable and sustainable means of funding implementation and maintenance of Green Street and Green Infrastructure projects.

f. Outreach:

1) Inform citizens, businesses, and the development community/industry about Green Streets and Green Infrastructure and how they can serve as urban greenways to enhance, improve, and connect neighborhoods to encourage their support, demand and funding for these projects.

2) Consider establishing standard maintenance techniques and monitoring protocols for Green Street facilities and Green Infrastructure across Departments, and across groups within Departments.

g. Project Evaluation:

1) Conduct ongoing monitoring of Green Street facilities and Green Infrastructure to evaluate facility effectiveness as well as performance in meeting multiple City objectives for:

- Gallons managed;
- Projects distributed geographically by watershed and by neighborhood; and
- Pedestrian and bicycle enhancements.

## **Section 2. Amendments**

This policy may be amended at any time with the approval of all signatories.

## **Section 3. Effective Date/Authorization**

This policy will become effective for when it is approved by vote of City Council and signed by the Mayor.

City of Springfield  
36 Court Street  
Springfield, MA 01103



Division of Administration  
and Finance

**To:** Springfield City Council  
**From:** Timothy J. Plante, Chief Administrative & Financial Officer  
**Date:** June 14, 2021  
**Re:** Order for Council Meeting – June 14, 2021  
**Cc:** Mayor Sarno

**Purpose:** The purpose of this memo is to provide an explanation of the order sponsored by the Mayor for the June 14, 2021 City Council meeting. This order is needed to transfer the remaining funds from FY20 Certified Free Cash to the Stabilization Reserve Fund.

**Background:** In an effort to grow the City's Stabilization Reserve Fund balance and maintain continued fiscal sustainability, we are requesting that the remaining FY20 Certified Free Cash be transferred to the Stabilization Reserve Fund.

With this additional funding, the Stabilization Reserve Fund's balance would increase to \$49,057,682.18.

| Stabilization Fund Reserve Balance   |                         |
|--------------------------------------|-------------------------|
| Current Balance                      | \$ 43,556,901.30        |
| FY21 Free Cash Transfer              | \$ 5,500,780.88         |
| <b>Starting FY22 Reserve Balance</b> | <b>\$ 49,057,682.18</b> |

**CAFO Certification:** This memorandum will confirm that in my professional opinion, as the Chief Administrative and Financial Officer, after an evaluation of all pertinent financial information reasonably available, that the City's financial resources and revenues are and will continue to be adequate to support the proposed expenditures and obligations involved in this City Council Order, without a detrimental impact on the continuous provision of the existing level of municipal services, in accordance with Section 2(f) of Chapter 656 of the Acts of 1989, as added by Section 1 of Chapter 468 of the Acts of 2008.

This certification is made in accordance with Section 2(f) of Chapter 656 of the Acts of 1989, as added by Section 1 of Chapter 468 of the Acts of 2008.

City of Springfield  
36 Court Street  
Springfield, MA 01103



Division of Administration  
and Finance

**To:** Springfield City Council  
**From:** Timothy J. Plante, Chief Administrative & Financial Officer  
**Date:** June 14, 2021  
**Re:** Order for Council Meeting – June 14, 2021  
**Cc:** Mayor Sarno

**Purpose:** The purpose of this memo is to provide an explanation of the order sponsored by the Mayor for the June 14, 2021 City Council meeting, which authorizes the transfer of \$1,220,543.84 for current projects funded through Pay-As-You-Go (“Pay-Go”) Capital.

**Background:** This request is for the appropriation of funds totaling \$1,220,543.84 from the capital accounts shown in the table below. This carry forward funding will ensure that money is available for these projects in FY22.

| Account to Transfer From | Balance to Transfer    | Account to Transfer To | Project                           |
|--------------------------|------------------------|------------------------|-----------------------------------|
| 01133-580600-            | \$ 16,009.58           | 34161330-580600-       | Holding Account                   |
| 01133-580600-CHA21       | \$ 9,842.00            | 34161330-580600-CHA21  | City Hall Building Assessments    |
| 01133-580400-ALBOI       | \$ 42,521.00           | 34161330-580400-ALBOI  | 233 Allen St. Boiler Replacement  |
| 01133-584000-891KP       | \$ 86,344.00           | 34161330-584000-891KP  | Kenefick Park                     |
| 01133-580800-SBPWD       | \$ 282,494.00          | 34161330-580800-SBPWD  | South Branch Parkway Improvements |
| 01133-580400-DICON       | \$ 318,378.26          | 34161330-580400-DICON  | Dispatch Consolidation            |
| 01133-580600-VOTE1       | \$ 464,955.00          | 34161330-580600-VOTE1  | Elections Voting Machines         |
| <b>Total</b>             | <b>\$ 1,220,543.84</b> |                        |                                   |

**CAFO Certification:** This memorandum will confirm that in my professional opinion, as the Chief Administrative and Financial Officer, after an evaluation of all pertinent financial information reasonably available, that the City's financial resources and revenues are and will continue to be adequate to support the proposed expenditures and obligations involved in this City Council Order, without a detrimental impact on the continuous provision of the existing level of municipal services, in accordance with Section 2(f) of Chapter 656 of the Acts of 1989, as added by Section 1 of Chapter 468 of the Acts of 2008.

This certification is made in accordance with Section 2(f) of Chapter 656 of the Acts of 1989, as added by Section 1 of Chapter 468 of the Acts of 2008.



Be it ordained by the City Council of the City of Springfield, in session assembled, that the Code of Ordinances of the City of Springfield, is hereby amended by inserting the following new Article VI Section 32 within Chapter 327:

Chapter 327

ARTICLE Vi Appeal Process

§ 327-32 Appeals.

- A. Any customer whose rubbish collection and/or recycling services have been revoked shall be notified in writing by the Department of Public Works (DPW). Such customer may appeal said revocation to the Solid Waste Exception Committee, herein established for the sole purpose of hearing appeals under this subsection, consisting of, the City Treasurer or his/her designee, the 311 Call Center Director or his/her designee, and a representative of the Law Department as the Director of DPW's designee. A written request for an appeal hearing shall be submitted to the Director of DPW within fifteen (15) days after receipt of notice of revocation of said services.
- B. Within fifteen (15) days of the DPW Director's receipt of notice of said appeal, the Solid Waste Exception Committee shall schedule a date, time and place for an administrative appeals hearing, and provide notice to the petitioner of the appeal. At the conclusion of the appeals hearing, the Committee shall render a decision on the appeal, and shall have the authority to sustain, modify, or overturn the notice of revocation. The Committee's decision shall be in writing and shall be sent to the Director of Public Works and the appealing party, within thirty (30) days after the hearing is concluded. The administrative ruling of the Solid Waste Exception Committee shall be final.

**NOTICE OF MEETING  
SPRINGFIELD TRAFFIC COMMISSION  
MEETING AGENDA**

**Monday, April 5, 2021**

**Meeting Hour:  
10:15 A.M**

**LOCATION:**

In order to ensure that City officials can satisfy CDC social distancing guidelines to avoid exposure to contagions, the City of Springfield is providing public notice pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §18, that this meeting will be held utilizing remote participation technology via ZOOM.

**ACCEPT MINUTES OF THE MEETING OF March 1, 2021**

**New items:**

**21-05 City Ordinance.      Amendment of Chapter 327 Solid Waste.**

**TRAFFIC REGULATIONS 90 days trail.**

**21-06 Steven Street.      No Parking 6AM to 6PM "starting 788 feet from Page Blvd southerly direction west side of Stevens Street for 382 Feet./ No Parking Any Time" starting 992 feet from Page Blvd southerly direction east side of Stevens Street for 121 Feet.**

**21-10 Arvilla Street.      STOP SIGN facing eastbound vehicles on Arvilla Street at Gillette Ave.**

**NOTE: If you are unable to attend this meeting, please notify Hector Velez at 784-4891 or [hvelez@springfieldcityhall.com](mailto:hvelez@springfieldcityhall.com) to ensure a quorum.**

By:

  
Christopher M. Cignoli, Secretary  
Springfield Traffic Commission

Copies of said petition, texts and maps may be requested by email or phone or viewed at Tapley Street by appointment. Emails should be directed to [Hvelez@springfieldcityhall.com](mailto:Hvelez@springfieldcityhall.com) or by calling the Traffic Commission at (413) 784-4891

The meeting will be recorded and posted for viewing immediately after.  
To View Public Hearing:

- CH 17 on Springfield's Comcast network or;
- FOCUS Springfield Community TV Website:  
<http://focusspringfield.com/watch/government>

To Provide for Public Comment on this petition in writing prior to or within five days after the hearing:  
Mail: Department of Public Works, Attn: Board of Public Works, 70 Tapley Street, Springfield, MA 01104  
or Email: [Hvelez@springfieldcityhall.com](mailto:Hvelez@springfieldcityhall.com) .

Attachment: TCM 4-5-21 (6267 : Solid Waste Appeal Process)



**DEPARTMENT OF PUBLIC WORKS**  
**GENERAL WORK ORDER**

20100728

Street Name: **ARVILLA ST.**Date: **12/14/2020**Category **Traffic Maint.**Route To: **Signs**

Traffic Signal Number

Please install STOP SIGN facing eastbound vehicles on Arvilla St. at Gillette Ave.

(see attached sketch).

Sketch if Required

Reported By: CignoliAuthorized By: hvez

Time Started:

Time Arrived

Time Completed

Total Time:

Work Completed

Date Completed

Completed By:

Comment

Materials Used:

Part Number

Quantity

Unit Price

Cost

Technician(s)

Hours Used

O.T. Hours

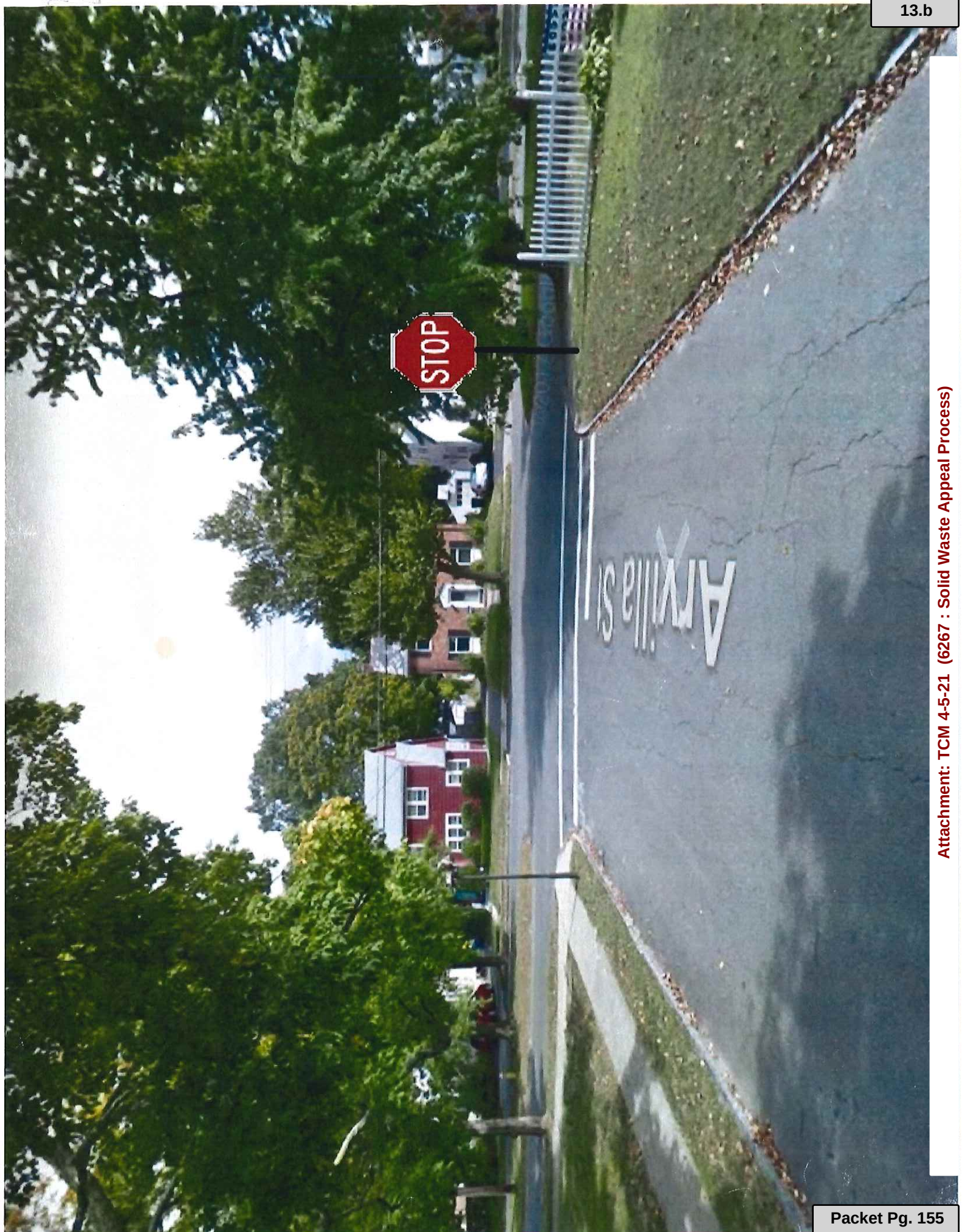
Truck No

Truck Hours

Date

Helper(s)







## TRAFFIC COMMISSION MEETING MINUTES FOR APRIL 5<sup>TH</sup>, 2021

### 10:30 AM MEETING CALLED TO ORDER, QUOREM MET, ROLL CALL FOR MEETING, THOSE PRESENT:

Clodo Concepcion, Chairperson

Robert Shewchuk ESQ.

Fred Shurbrick, Member

Hector Velez, Secretary

Danny Baro, SRA

Others at Meeting:

Patrick Long- Law dept.

Luca Mineo

### Past meeting minutes

Past meeting minutes will be voted on when completed.

### RESOLUTIONS:

#### **327-32 APPEALS FOR WASTE CONTAINERS TAKEN BY DPW FOR HOMEOWNERS.**

**DISCUSSION**- Atty. Shewchuk gave the overview of this resolution, stated if the resident loses their trash container due to placing improper items in them or some other violation, they need an appeals process to see if the container may be returned to the resident after the investigation.

**MOTION:** Robert Shewchuk Motion & Danny Baro 2nd

**ROLL CALL VOTE:** CLODO CONCEPCION YES, ROBERT SHEWCHUK YES, FRED SHUBRICK YES, HECTOR VELEZ YES, AND DANNY BARO YES, **RESOLUTION PASSES.**

**21-06 STEVEN STREET, NO PARKING 6AM TO 6PM STARTING 788 FEET FROM PAGE BLVD SOUTHERLY DIRECTION WEST SIDE OF STEVENS ST FOR 382 FEET. "NO PARKING ANY TIME" STARTING 992 FEET FROM PAGE BLVD SOUTHERLY DIRECTION EASTSIDE OF STEVENS STREET.**

No discussion as participants are familiar with the resolution.

**MOTION:** Robert Shewchuk Motion & Danny Baro 2nd

**ROLL CALL VOTE:** CLODO CONCEPCION YES, ROBERT SHEWCHUK YES, FRED SHUBRICK YES, HECTOR VELEZ YES, AND DANNY BARO YES, **RESOLUTION PASSES.**

**21-10 ARVILLA ST. STOP SIGN FACING EASTBOUND VEHICLES ON ARVILLA ST. AT GILLETTE AVE.**

No discussion as participants are familiar with the resolution.

**MOTION:** Robert Shewchuk Motion & Fred Shubrick 2<sup>ND</sup>

Attachment: TRAFFIC APRIL 5TH MINS (6267 : Solid Waste Appeal Process)

**ROLL CALL VOTE:** CLODO CONCEPCION YES, ROBERT SHEWCHUK YES, FRED SHUBRICK YES, HECTOR VELEZ YES, AND DANNY BARO YES, **RESOLUTION PASSES.**

ADJOURMENT MOTION: Robert Shewchuk Motion & Danny Baro 2nd

**ROLL CALL VOTE:** CLODO CONCEPCION YES, ROBERT SHEWCHUK YES, FRED SHUBRICK YES, HECTOR VELEZ YES, AND DANNY BARO YES, **RESOLUTION PASSES.**

**10:54 MEETING ADJOURNS**

D

Attachment: TRAFFIC APRIL 5TH MINS (6267 : Solid Waste Appeal Process)

AMENDING CHAPTER 178 OF THE REVISED ORDINANCES OF THE CITY OF SPRINGFIELD, AS AMENDED, BY INSERTING NEW SECTION 178-4 I, AND AMENDING CHAPTER 1, ARTICLE V SECTION 1-25

Be it ordained by the City Council, in session assembled, that the following amendments to the Revised Ordinances of the City of Springfield, as amended, be enacted:

1. CHAPTER 178 § 4 of the Revised Ordinances of the City of Springfield, as amended, is hereby amended to include new Section 178-4 I, as follows:

"Chapter 178 § 178-4 - Gasoline Stations

I. Sale of Gasoline for Illegal Purposes

(a) No owner or employee of any retail dealer of gasoline shall sell, offer for sale, or attempt to sell any article or product represented as gasoline for use in any motorized recreational vehicle as defined in this ordinance, unless that vehicle is conveyed to and from the retailer's premises by a registered motor vehicle, as defined in under Massachusetts General Law Chapter 90 section 1, as may be amended, and no individual shall purchase or attempt to purchase gasoline for use in any motorized recreational vehicle as defined in this ordinance.

(b) Signs with the words "FUELING OF ALL TERRAIN VEHICLES, MINI CYCLES, DIRT BIKES, OR OTHER UNAUTHORIZED VEHICLES PROHIBITED" in English and "PROHIBIDO DESPACHAR GASOLINA A ALL TERRAIN VEHICLES, MINI CYCLES O DIRT BIKES O A OTROS VEHICULOS NO AUTORIZADOS" in Spanish at least one (1) inch in height with a contrasting margin shall be posted at all dispensing locations. The location of warning signs shall be based on local conditions but shall be visible and legible from all gas pumps.

(c) Any owner or employee of any retail dealer of gasoline who violates any provision of Subsections (a) or (b) of this section who owns or is employed by a retail dealer that has been previously issued one warning as the result of a previous violation of Subsections (a) or (b) of this section shall be fined one hundred dollars (\$100.00) per occurrence. Each motorized recreational vehicle as to which an owner or employee of any retail dealer of gasoline sells, offers for sale, or attempts to sell gasoline shall be considered a separate violation of Subsection (a) above."

2. CHAPTER 1, Article V, § 1-25 of the Revised Ordinances of the City of Springfield as amended, is hereby amended to include the following new provision:

| <b>Offense</b>                                                   | <b>Fine</b> | <b>Enforcing<br/>Personnel</b> |
|------------------------------------------------------------------|-------------|--------------------------------|
| Sale of Gasoline<br>for Illegal<br>Purposes (Chapter<br>178-4 I) | \$100.00    | Fire Department                |

3. The effective date for the amendments listed above shall be May 31, 2021.

Approved as to form,

Associate City Solicitor



June 9, 2021

To: Marcus Williams, President, Springfield City Council  
 From: Compensation Advisory Committee: Vanessa Otero, Rick Sullivan, David Cruise  
 Re: Comparative Assessment and Recommendations

As our appointment to the Compensation Advisory Committee dictates, we conducted a review and comparison of population size, budget and current rates of compensation of local, elected officials of other cities across the Commonwealth. We also discussed the needs and time spent by our elected officials fulfilling their duties. Based on those factors we recommend the following effective January 1, 2022.

| Position         | Current Salary | Salary Adjusted Added Annually to Base | CY 2015-2021 Salary Adjustment Added to CY 2021 Base |                      | Salary<br>*January 1, 2022 |
|------------------|----------------|----------------------------------------|------------------------------------------------------|----------------------|----------------------------|
|                  |                | Annual                                 | %                                                    | Adjusted 2021 Salary |                            |
| Mayor            | \$135,000      | 3%                                     | 3%                                                   | \$166,033            | \$176,144<br>(\$175,000)   |
| City Council     | \$19,500       | 5%                                     | 5%                                                   | \$27,438             | \$28,809<br>(\$28,000)     |
| School Committee | \$12,500       | 5%                                     | 5%                                                   | \$17,588             | \$18,468<br>(\$18,000)     |

**\*Mayor Salary to Be Effective January 1, 2024**

#### Rationale:

**MAYOR:** A review of the compensation across the Commonwealth revealed they are not correlated with population size and budget. There are many outliers with populations half the size of Springfield and smaller budgets where compensation is drastically different in both directions:

| City        | Population | Mayor's Salary           | City Budget |
|-------------|------------|--------------------------|-------------|
| Springfield | 154,139    | \$135,000                | 727.6M      |
| Worcester   | 185,143    | \$266,600 (City Manager) | 721.8M      |
| Lowell      | 111,306    | \$196,000 (City Manager) | 439M        |
| Brockton    | 95,594     | \$153,037                | 450M        |
| Lynn        | 93,743     | \$185,534                | 375M        |
| Framingham  | 72,308     | \$187,630                | 307M        |
| Holyoke     | 40,241     | \$125,000                | 156M        |
| Chicopee    | 55,421     | \$122,000 (Jan 2023)     | 205M        |

We then discussed the mayor's time spent fulfilling duties and agreed that an annual raise of 3% for each year starting in 2015 is justified. This is especially true over the last year when the Mayor led Springfield's response to COVID-19. It is also in line with the percentage increases in the collective bargaining agreements. The increase results in a salary of \$175,000 effective January 1, 2024.

**CITY COUNCIL:** We determined a 5% increase for every year since their last would bring the City Council members closer to their counterparts in other parts of the State. The increases result in a salary of \$28,000 effective January 1, 2022.

| City        | Population | Councilor Salaries | City Budget |
|-------------|------------|--------------------|-------------|
| Springfield | 154,139    | \$19,500           | 727.6M      |
| Worcester   | 185,143    | \$32,875           | 721.8M      |
| Lowell      | 111,306    | \$25,000           | 439M        |
| Brockton    | 95,594     | \$21,000           | 450M        |
| Lynn        | 93,743     | \$25,000           | 375M        |
| Framingham  | 72,308     | \$5,000            | 307M        |
| Holyoke     | 40,241     | \$10,000           | 156M        |
| Chicopee    | 55,421     | \$12,000           | 205M        |

**SCHOOL COMMITTEE:** We determined a 5% increase for every year since their last increase would bring the School Committee Members closer to their counterparts in Worcester. The increase result in a salary of \$18,000 effective January 1, 2022.

| City        | Population | SC Member Salaries | City Budget |
|-------------|------------|--------------------|-------------|
| Springfield | 154,139    | \$12,500           | 727.6M      |
| Worcester   | 185,143    | \$16,115           | 721.8M      |
| Lowell      | 111,306    | \$12,000           | 439M        |
| Brockton    | 95,594     | \$6,675            | 450M        |
| Lynn        | 93,743     | 0.00               | 375M        |
| Framingham  | 72,308     | \$5000             | 307M        |
| Holyoke     | 40,241     | \$5000             | 156M        |
| Chicopee    | 55,421     | \$6000             | 205M        |

Lastly, we recommend the development and implementation of a mechanism to ensure a salary assessment process of local, elected official salaries is adopted.

Respectfully,



Vanessa Otero



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David M. Cruise



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Rick Sullivan

**To The City Council of the City of Springfield:**  
*The undersigned respectfully petition your honorable body*

to change the zoning of the property known as 1259 East Columbus Avenue (04303-0510) from Business C to Business B.

**Mailing Address:**

1259 East Columbus Avenue, Suite 201  
Springfield, MA 01105

**Owner/Petitioner:**

**Colvest/Columbus Springfield, LLC**

I hereby certify that I am the owner and petitioner  
or acting on behalf of the owner and petitioner.

By: \_\_\_\_\_

Peter J. LaPointe



Attachment: E\_Columbus\_Ave\_1259\_Formal\_Zone\_Change\_#3220 (6178 : 1259 East Columbus Avenue)





# CITY OF SPRINGFIELD

IN THE YEAR TWO THOUSAND AND TWENTY ONE

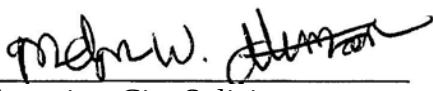
## AN ORDINANCE

AMENDING SECTION 47 OF THE BUILDING ZONE MAP

*Be it ordained by the City Council of the City of Springfield as follows:*

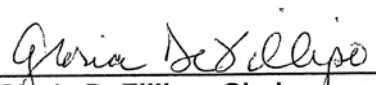
SECTION 1. The Zoning Ordinance of the City of Springfield, Massachusetts entitled “An Ordinance for Consolidating and Arranging, Enlarging, Modifying and Amending the Ordinances of the City Restricting Buildings, Structures, and Premises According to Their Use or Construction to Specified Parts of the City”, text enacted, May 28, 2013, as amended, is hereby further amended by changing from **Business C to Business B** the zoning on **Plot #3220, Section 47** of the Building Zone Map as indicated in red ink on the plan thereof hereto attached and marked “**Section 47 Building Zone Map of the City of Springfield.**”

Approved as to Form;

  
Associate City Solicitor

In accordance with Mass. Gen. Laws c. 40A, section 5, the Planning Board held a hearing on May 19, 2021 and June 2, 2021 regarding the above Ordinance amendment.

2 Person(s) appeared in favor, and 0 Person(s) appeared in opposition.

  
Gloria DeFillipo, Chairperson



# CITY OF SPRINGFIELD

IN THE YEAR TWO THOUSAND AND TWENTY ONE

## AN ORDINANCE

### AMENDING SECTION 47 BUILDING ZONE MAP

SECTION 1. The Zoning Ordinance of the City of Springfield, Massachusetts entitled “An Ordinance for Consolidating and Arranging, Enlarging, Modifying and Amending the Ordinances of the City Restricting Buildings, Structures, and Premises According to Their Use or Construction to Specified Parts of the City”, text enacted, May 28, 2013, as amended, is hereby further amended by changing from **Business C to Business B** the zoning on **Plot #3220, Section 47** of the Building Zone Map as indicated in red ink on the plan thereof hereto attached and marked “**Section 47 Building Zone Map of the City of Springfield.**”

**REPORT TO CITY COUNCIL  
ZONE CHANGE HEARING**

**PETITION:** #3220  
**SECTION:** 47

**DATE:** June 3, 2021

To the Honorable Mayor and City Council of the City of Springfield, Massachusetts, the Planning Board submits the following report on the Zone Change Petition, which was referred to the Board for its recommendation:

**PETITIONER:** Colvest/Columbus Springfield, LLC

**ADDRESS:** 1259 East Columbus Avenue (04303-0510)

**CHANGE REQUESTED:** Proposed zone change from Business C to Business B

**PETITIONER'S PURPOSE STATEMENT:** To allow a drive-up service window.

**DATE OF PUBLIC HEARING:** May 19, 2021 and June 2, 2021

**DATE OF FINAL DECISION:** June 2, 2021

**BOARD MEMBERS PRESENT and COUNT:** seven (7): Ms. Morin. Ms. Defillipo, Ms. McQuade, Mr. Mineo, Mr. Cunningham, Mr. Daniele and Mr. Florian

**FINAL MOTION:** APPROVE

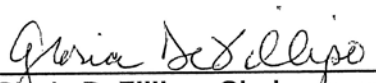
**IN FAVOR:** seven (7): Ms. Morin. Ms. Defillipo, Ms. McQuade, Mr. Mineo, Mr. Cunningham, Mr. Daniele and Mr. Florian

**OPPOSED:** zero (0)

**ABSTAINED:** N/A

**RECOMMENDATION:** APPROVE

Respectfully submitted,

  
Gloria DeFillipo, Chairperson

Attachment: 3220\_1259\_E\_Columbus\_Ave\_2021\_PB\_Report (6178 : 1259 East Columbus Avenue)

**To The City Council of the City of Springfield:**  
*The undersigned respectfully petition your honorable body*

to change the zoning of the properties known as 1021 Boston Road (01655-0570), SS Boston Road (01655-0578), ES Wollaston Street (12440-0120 & 0115) and 20 Shumway Street (01850-0010) from Residence A and Business A to Business B.

**Mailing Address:**

265 Michael Sears Road  
 Belchertown, MA 01007

**Owner:**

**Mark F & Bonnie Bousquet, Trustees**

I hereby certify that I am the owner or acting on behalf of the owner.

By: 

**Mark F Bousquet**

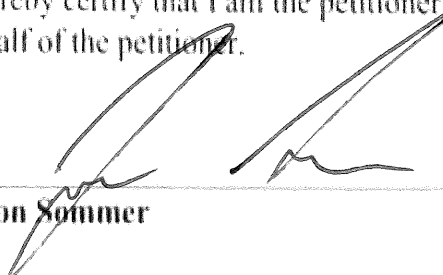
**Mailing Address:**

880 Marietta Highway, Suite 630-243  
 Roswell, GA 30075

**Petitioner:**

**Diamond Point Development, LLC**

I hereby certify that I am the petitioner or acting on behalf of the petitioner.

By: 

**Jason Sommer**