

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021**

**SESSION LAW 2021-25
SENATE BILL 172**

AN ACT TO ESTABLISH THE STATE FISCAL RECOVERY RESERVE AND FUND, CORONAVIRUS CAPITAL PROJECTS RESERVE AND FUND, AND LOCAL FISCAL RECOVERY RESERVE AND FUND TO MAINTAIN FUNDS PAID TO THE STATE FROM THE CORONAVIRUS STATE FISCAL RECOVERY FUND, CORONAVIRUS CAPITAL PROJECTS FUND, AND CORONAVIRUS LOCAL FISCAL RECOVERY FUND; TO APPROPRIATE FUNDS FROM THE LOCAL FISCAL RECOVERY FUND FOR DISTRIBUTION TO NONENTITLEMENT UNITS OF LOCAL GOVERNMENT; TO APPROPRIATE CERTAIN FEDERAL GRANT FUNDS PROVIDED TO THE STATE UNDER THE AMERICAN RESCUE PLAN ACT; AND TO MAKE TECHNICAL AND OTHER CHANGES.

The General Assembly of North Carolina enacts:

PART I. GENERAL PROVISIONS

DEFINITIONS

SECTION 1.1. Except as otherwise provided, the following definitions apply in this act:

- (1) American Rescue Plan Act. – The American Rescue Plan Act of 2021, P.L. 117-2.
- (2) Consolidated Appropriations Act. – The Consolidated Appropriations Act, 2021, P.L. 116-260.
- (3) Coronavirus or COVID-19. – The coronavirus disease 2019.
- (4) FTA. – Federal Transit Administration.
- (5) IDEA. – Individuals with Disabilities Education Act.
- (6) Nonentitlement unit of local government. – 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, as that term is defined in Section 603 of the Social Security Act.
- (7) OSBM. – The Office of State Budget and Management.
- (8) SNAP. – Supplemental Nutrition Assistance Program.
- (9) Social Security Act. – Title VI of the Social Security Act, 42 U.S.C. § 801, et seq., as amended by the American Rescue Plan Act.
- (10) WIC. – Special Supplemental Nutrition Program for Women, Infants, and Children.

REQUIRED REPORT ON USE OF FUNDS

SECTION 1.2. In addition to any report required under this act or any other law, each State agency or department that receives federal grant funds under Section 3.2 of this act shall submit a quarterly report to the Joint Legislative Commission on Governmental Operations and the Fiscal Research Division beginning on July 15, 2021, detailing the use of funds. The report required from each State agency or department that receives federal grant funds under



conditioning systems, filtering, purification and other air cleaning, fans, control systems, and window and door repair and replacement.

CONSTRUCTION OF PART

SECTION 3.6. Nothing in this Part shall be construed as appropriating funds paid to the State from (i) the Coronavirus State Fiscal Recovery Fund pursuant to the authorization set forth in section 602 of the Social Security Act or (ii) the Coronavirus Capital Projects Fund pursuant to the authorization set forth in section 604 of the Social Security Act.

PART IV. TECHNICAL AND OTHER CHANGES

EXTEND DATE FOR USE OF CERTAIN DISASTER RECOVERY FUNDS

SECTION 4.1.(a) Funds allocated to OSBM to be used as directed grants under sub-subdivisions f. and i. through l. of subdivision (2) of Section 2.1 of S.L. 2019-224 that have not been expended by June 30, 2021, shall remain available to implement the purposes of the directed grant until June 30, 2024. Funds that are not expended, made subject to an encumbrance, or disbursed to another entity, as of June 30, 2024, shall revert to the Hurricane Florence Disaster Recovery Fund in accordance with Section 3.1(c) of S.L. 2018-134.

SECTION 4.1.(b) Section 3.1(c) of S.L. 2019-224 reads as rewritten:

"SECTION 3.1.(c) Directed Grants; Sunset. – This section expires on June 30, ~~2021-2024.~~"

SECTION 4.1.(c) This section becomes effective June 30, 2021.

YMCA/REVISE USE OF COVID-19 FUNDS

SECTION 4.2. Section 3.3(103a) of S.L. 2020-4, as enacted by Section 1.2 of S.L. 2020-97 and amended by Section 3.2 of S.L. 2021-1, reads as rewritten:

"(103a) \$19,850,000 to YMCA of the Triangle Area, Inc., (YMCA) for the North Carolina Alliance of YMCAs (Alliance) which shall develop and administer a grant program to facilitate remote learning opportunities during the COVID-19 pandemic. Of the funds allocated under this subdivision, the Alliance and YMCA may use a total of five hundred thousand dollars (\$500,000) for administrative costs. For purposes of the grant program, the YMCA shall serve only as the fiscal agent for the Alliance. The following shall apply to the grant program developed and administered by the Alliance pursuant to this subdivision:

a. For the first round of grants awarded through the grant program developed and administered pursuant to this subdivision, all of the following shall apply:

a.1. All North Carolina YMCAs, YWCAs, Boys and Girls Clubs, county and municipal parks and recreation departments, and community-based organizations are eligible to receive grant funds. For purposes of this subdivision, the term "community-based organizations" means public or private nonprofit organizations of demonstrated effectiveness that are representative of a community or significant segments of a community that provide educational or related services to individuals in the community, such as parks and recreation programs, YMCAs, YWCAs, and Boys and Girls Clubs.

b.2. All applicants shall submit a plan detailing how grant funds will be spent and the estimated number of children that will be served with grant funds.

or holders of a valid power of attorney on behalf of individuals applying for a grant under this subdivision. Applications received under this subdivision do not amend a taxpayer's tax return."

PART V. MISCELLANEOUS

EFFECT OF HEADINGS

SECTION 5.1. The headings to the parts, subparts, and sections of this act are a convenience to the reader and are for reference only. The headings do not expand, limit, or define the text of this act, except for effective dates referring to a part or subpart.

SEVERABILITY

SECTION 5.2. If any provision of this act or its application is held invalid, the invalidity does not affect other provisions or applications of this act that can be given effect without the invalid provisions or application, and to this end, the provisions of this act are severable.

EFFECTIVE DATE

SECTION 5.3. Except as otherwise provided, this act is effective when it becomes law.

In the General Assembly read three times and ratified this the 20th day of May, 2021.

s/ Bill Rabon
Presiding Officer of the Senate

s/ John R. Bell, IV
Presiding Officer of the House of Representatives

s/ Roy Cooper
Governor

Approved 4:27 p.m. this 24th day of May, 2021