A BILL TO BE ENTITLED
AN ACT TO AUTHORIZE THE USE OF OCCUPANCY TAX PROCEEDS CREDITED TO THE TOURISM PRODUCT DEVELOPMENT FUND TO BE USED IN BUNCOMBE COUNTY FOR ECONOMIC ASSISTANCE TO BUSINESSES SIGNIFICANTLY AFFECTED BY THE COVID-19 EPIDEMIC.

Whereas, visitors of Buncombe County spend $2,000,000,000 annually at local businesses; and

Whereas, many of those businesses are small, independent operations that depend on tourism to survive and thrive and on the sales and marketing programs of Buncombe County Tourism Development Authority to attract those customers; and

Whereas, local businesses purchase goods and services from other local businesses, for a total economic impact of $3,100,000,000; and

Whereas, visitors to Buncombe County generate $199,000,000 in State and local taxes; and

Whereas, the generated taxes account for 31% of sales tax revenue and 19% of property tax revenue for Buncombe County; and

Whereas, visitors to Buncombe County, through tourism spending, support 18,000 jobs at tourism-related businesses and 27,000 jobs in total; and

Whereas, total tourism support accounts for 15% of the employment in Buncombe County; and

Whereas, entertainment, food, and drinking establishments are vital elements of a healthy tourism economy, generating jobs and sales tax revenue and enlarging the property tax base, and such establishments have been disproportionately affected by loss of patrons, as evidenced by the number of business closures in such industries; and

Whereas, the closure of so many establishments has adversely affected patronage of lodging facilities in Buncombe County and such establishments are unlikely to be able to reopen without aid to contribute to the vibrant and economically necessary tourism ecosystem in the county; Now, therefore,

SECTION 1. Program. – The Buncombe County Tourism Development Authority (TDA) may, from available funds credited to its Tourism Product Development Fund and without regard for the provisions typically required for the expenditure of monies in that Fund, provide up to five million dollars ($5,000,000) to an agency experienced in emergency management funding for grants to assist small businesses that have closed or been otherwise significantly affected due to the economic hardship occasioned by the COVID-19 epidemic with the costs of
recommencing business activities. The following shall apply to the grants made under the program:

(1) Grants shall be available only to businesses meeting all of the following requirements:
   a. Prior to January 1, 2020, the business has been engaged in Buncombe County primarily in an activity that, in the determination of the TDA, promotes tourism and patronage of lodging facilities in the county, including, at a minimum, restaurants, retail establishments, studios and galleries, visitor attractions, tours and activities, breweries, wineries, cideries, distilleries, entertainment and event venues, and other providers of food, drink, or entertainment to patrons. A business engaged, in whole or in part, in providing lodging is not eligible for a grant.
   b. The business employed at least two but not more than 200 full-time equivalent employees, determined as of the state of emergency.
   c. The business has, after the state of emergency, ceased and not recommenced operations as a result of demonstrable economic loss in revenue due to the COVID-19 epidemic at the time of application or can otherwise demonstrate significant economic loss and change in operations due to the COVID-19 epidemic at the time of application.
   d. The business certifies in writing that it (i) will use the grant for employee compensation, inventory, mortgage, rent, utilities, and other operating costs and expenses incurred in reopening or otherwise resuming normal operations of a business and hiring employees in Buncombe County and (ii) will report on the financial condition of the business and use of funds received six months and one year following the receipt of funds.
   e. The business applies for funds detailing the business’s plans to recommence operations or resume normal operations following the end of the state of emergency. The plans must, to the satisfaction of the TDA, show the ongoing business concern is sustainable for at least one year.
   f. The recommenced operations of the business will, in the determination of the TDA, significantly increase patronage of lodging facilities in Buncombe County.

(2) A grant provided under the program is limited to no more than fifty thousand dollars ($50,000) per business.

(3) In awarding the grant, the TDA shall (i) prioritize independently owned businesses and (ii) state, with specificity, the reasons for the determination that the recommenced operations of the business will significantly increase patronage of lodging facilities in Buncombe County.

(4) The TDA shall establish and publish a method for determining compliance with the program.

(5) The TDA shall recapture grants for noncompliance with the program if the TDA determines there is a reasonable expectation that the recovery of funds will exceed the cost of recovery.

(6) The awarding of grants made available in this act shall cease six months following the date the state of emergency ends.

(7) Every six months until six months following the date the state of emergency ends, the TDA shall submit a report on the program to the Buncombe County Board of Commissioners containing all of the following:
a. The number of recipients of grants for each represented North American Industry Classification System Code.
b. The number of jobs retained.
c. The number of grants awarded.
d. The average grant amount.
e. The total amount granted to date.
f. The number of recipients who have failed to comply with the requirements of the program and the total amount of grant funds that have been recaptured, if any.

SECTION 2. This act is effective when it becomes law.