

205 CMR 153.00: COMMUNITY MITIGATION FUND

Section

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153.01: Scope and Purpose

(1) 205 CMR 153.00 shall govern the manner in which the Commission exercises its authority established pursuant to M.G.L. 23K, § 61 to administer the Community Mitigation Fund and expend funds to assist the host and surrounding communities, or any other communities or entities identified in M.G.L. 23K, § 61, in offsetting costs related to the construction and operation of the gaming establishments.

153.02: Guidelines for Distribution of Funds

(1) For purposes of administration of the Fund in accordance with M.G.L. c. 23K, § 61, the Commission, with recommendation from the Gaming Policy Advisory Committee and its subcommittees established pursuant to M.G.L. c. 23K, § 68, shall review and approve guidelines annually for the administration and distribution of monies in the Fund. Such guidelines shall include, at a minimum:

- (a) The types of grants that will be available;
- (b) Who may apply;
- (c) What types of projects may be funded, including any limitations;
- (d) The form, process, and timeline for application and review, including the application deadline;
- (e) The availability and allocation of funding;
- (f) The process and criteria for Commission review;
- (g) A timeframe within which funds must be expended before reverting back to the Fund;
- (h) The use of surplus funds; and
- (i) A procedure providing for waiver or variance from a provision of the guidelines.

153.03: Emergency Procedure

(1) In accordance with M.G.L. c. 23K, § 61, parties seeking appropriations from the Fund must submit written requests before February 1<sup>st</sup> of each year. For purposes of 205 CMR 153.03, each year shall run from February 1<sup>st</sup> through January 31<sup>st</sup>.

(2) The Commission may accept a request for an emergency appropriation from the Fund at any time. An emergency shall be defined as a serious and unexpected situation requiring immediate action to avoid significant harm to the community or to prevent threats to the health, welfare or safety of individuals or serious damage to property. For purposes of 205 CMR 153.03, an emergency shall include, but not be limited to, situations related to infrastructure, technology, and/or public safety, that were not known or could not have been known at the time requests for allocations from the Fund were due.

(3) The Commission shall establish a procedure for the request and allocation of funds on an emergency basis, which shall be outlined in the guidelines. Emergency appropriations from the Fund for applications received on or after February 1<sup>st</sup> shall be funded from the next Community Mitigation Fund fiscal year allocation.

153.04: Commission Review and Execution of Grant

(1) The Commission shall review all requests for appropriations from the Fund and shall make a determination as to whether to award funds and the amount of that award.

153.04: continued

(2) Following an award from the Commission, the successful requestor shall execute a grant instrument with the Commission outlining the scope and terms of the award. The grant instrument shall include, at a minimum:

- (a) A detailed scope of the grant;
- (b) The person responsible for managing the grant on the applicant's behalf;
- (c) A timeline, breakdown, and requirements to be met for disbursement of the funds;
- (d) Reporting requirements;
- (e) Requirement that the funds be returned to the Commission in the event of noncompliance with the terms of the grant;
- (f) Indemnification provisions for the Commission and its staff; and
- (g) Any other provisions deemed appropriate by the Commission and its staff.

153.05: Expenses Related to Administration of the Community Mitigation Fund

(1) The Commission is the trustee of the Community Mitigation Fund in accordance with M.G.L. c. 23K, § 4(38).

(2) The Commission finds that administration of the Fund by its staff including, but not limited to, development of guidelines for approval by the Commission pursuant to 205 CMR 153.02 and oversight of the grant program, is directly related to and essential to assisting the host and surrounding communities and any other communities or entities identified in M.G.L. 23K, § 61 in receiving funds and offsetting costs related to the construction and operation of the gaming establishments. Accordingly, reasonable administrative costs incurred by the Commission on behalf of and in furtherance of the administration of the Fund may be assessed to the Fund.

(3) The administrative costs shall not exceed 10% of the funds available in the Community Mitigation Fund for the fiscal year. The precise assessment to the Fund shall be set annually by the Commission at a public meeting as part of its budgetary process.

(4) Reasonable administrative costs which may be assessed to the Fund may include, but not be limited to, Commission staff salaries (in full or on a *pro-rata* basis), technology, software, and office supplies, provided that any such costs shall be directly related to administration of the Fund.

REGULATORY AUTHORITY

205 CMR 153.00: M.G.L. c. 23K, § 61.