



2023 COMMUNITY MITIGATION FUND GUIDELINES
BD-23-1068-1068C-1068L-81256
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Community Mitigation Fund Grant Program

The Expanded Gaming Act created the Community Mitigation Fund (“CMF”) to help communities and other entities offset costs related to the construction and operation of a gaming establishment. The applications are due **January 31, 2023**. The Massachusetts Gaming Commission (“Commission”) anticipates making funding decisions on any requests for grant assistance before July 2023.

The Commission intends to allocate 2023 CMF funding based on the proportion of funds paid into the CMF from the taxes and fines generated by the MGM Springfield and Encore Boston Harbor facilities.¹ These include revenues generated during calendar year (CY) 2022 as well as unspent monies from previous years.

For Calendar Year 2023, the Commission plans to allocate to the regions up to the following amounts:

- Region A \$20 million
- Region B \$7 million
- Category 2 \$1 million

1.1 Eligibility Requirements

Any governmental entity seeking funding for mitigation is required to ensure that any planned use of funding complies with the provisions of the Massachusetts Constitution and with all applicable laws and regulations, including but not limited to, Municipal Finance Law and public procurement requirements.

The Massachusetts Gaming Commission’s regulations identify a range of eligible entities including, but not limited to:

- The host communities and surrounding communities; communities that entered into a nearby community agreement; any communities that petitioned to be a surrounding community; and any communities that are geographically adjacent to a host community;
- Water and sewer districts in the vicinity of a gaming establishment;
- Local and regional agencies involved in education, transportation, infrastructure, housing and environmental issues; governmental entities within communities such as redevelopment authorities or non-regional school districts must submit applications through a municipal administrator in its service area.
- the county district attorney, police, fire, and emergency services.

¹ These Guidelines do not describe revenue estimates from the potential Tribal facility in Taunton or the participation of a Region C facility, as no Region C license or Tribal facility has yet been fully authorized.



The Commission will not directly fund any applications for assistance for non-governmental entities. Private non-governmental parties may not apply for Community Mitigation Funds. Governmental entities may apply to the Commission for funds on behalf of a private party to mitigate impacts provided that the funding is used for a “public purpose” and not the direct benefit or maintenance of a private party in line with the State’s “Anti-Aid Amendment”.

The 2023 Guidelines allow multiple communities to submit a joint application to support regional approaches to mitigation needs. Joint Applications will be eligible for a Regional Incentive Award. All communities will be held responsible for compliance with the terms contained in the grant. The Application must specify which community will serve as the grant manager.

1.2 Application Requirements

- Applicants are required to fully complete the Grant Application and select the appropriate category for their project. Applicant’s whose projects exceed the grant category caps may apply for a waiver requesting funds over the funding limits.
- Applicants will identify an impact associated with the casino, describe how the project will address it, and provide justification of any funds requested.
- First priority of funding will be given to projects that mitigate unanticipated impacts.
- Applicants will need to describe if and how such impacts were addressed or not addressed in any host or surrounding community agreements. Impacts that were addressed under a host or surrounding community agreement are not eligible for funding.
- Applicants should demonstrate that the financing for the project does not depend upon any future year awards by the Commission.
- Applicants may submit additional supporting materials. The application shall be no more than 20 pages in length including the supplemental materials.
- In the budget proposal Applicants must round-up dollar values to the nearest hundred dollars.

File Naming Conventions

Applications submitted must follow the file naming convention specified below. Each file is identified by Applicant Name, Year, Type, Project name, and document type. The Application should be one PDF with all attachments.

| | Description | <i>Sample File Name</i> Assign when creating files |
|--------------------------|-------------------------------------|--|
| Application Name: | APPLICANT_YEAR_TYPE_PROJECTNAME_APP | <i>EVERETT_22_SI_BROADWAY_APP</i> |

| TYPE | ABBREVIATION |
|-----------------------------------|--------------|
| Community Planning | CP |
| Public Safety Grant | PS |
| Transportation Construction | TC |
| Projects of Regional Significance | RS |
| Gambling Harm Reduction | HR |
| Transportation Planning | TP |
| Workforce Development | WD |
| Specific Impact | SI |

1.3 Ineligible Expenses

The CMF will not fund the mitigation of impacts already being addressed in a Host or Surrounding Community Agreement.

All applications must demonstrate that CMF funds will supplement and not supplant historical operations funding.

2023 Community Mitigation Fund may not be used for the mitigation of:

- impacts that are projected or predicted but that are not occurring or have not occurred by January 31, 2023;
- impacts that are the responsibility (e.g. contractual, statutory, regulatory) of parties involved in the construction and operation of gaming establishments;
- other impacts determined by the Commission; and
- the cost of the preparation and administration of a grant application.

2.0 Grant Categories

The following grant categories are available for 2023:

- Community Planning Grant
- Gambling Harm Reduction
- Projects of Regional Significance Grant
- Public Safety Grant
- Transportation Planning Grant
- Transportation Construction Grant
- Workforce Development Grant
- Specific Impact Grant

Should an applicant file under the incorrect category, the Commission reserves the right to re-categorize the grant application.

2.1 Community Planning Grants - \$200,000

Community Planning Grants may include programs for:

- providing technical assistance and promotion for groups of area businesses;
- marketing and outreach efforts to identify local opportunities for casino patrons;
- tourism plans to attract casino patrons to nearby attractions; and

- other community planning efforts designed to either take advantage of the proximity to the casino and the large influx of patrons to the area or allow a community to better compete with gaming establishments for customers.

The Community Planning Grant application must identify the impact associated with the casino. Since the Commission has determined that there are both positive and negative impacts associated with the casinos as identified above, applicants for Community Planning Grants do not need to go to extraordinary lengths to **quantify** the impacts of the casino. The planning project, however, must still be designed to mitigate the identified impact.

For the purposes of the Community Planning Grant, the Commission has determined that the presence of a gaming establishment likely has some negative impact on local businesses. The Commission also determined that the gaming establishments can provide benefits to local communities and certain businesses. These benefits present opportunities for communities to leverage the presence of casinos, their employees, and patrons to: (i) increase business opportunities to provide goods and services; (ii) attract casino patrons to increase tourism; (iii) attract casino employees to live in local communities; (iv) provide economic development opportunities; and (v) other ancillary benefits. The Commission understands that the lack of local funds to pursue these types of efforts hinders communities' ability to take advantage of casino related benefits. These Community Planning Grants are designed, in part, to address these "lost opportunity costs."

Limitations/Requirements on Community Planning Applications

The Commission will not fund applications for any municipal employee for more than two years and will not pay the full cost of any municipal employee. The municipality would need to provide the remaining amount of any employee cost and certify that all such expenses are casino related.

Applicant should provide details about the Applicant's consultation with the Regional Planning Agency (RPA) or any such interested parties. Applicants should provide details regarding consultations with nearby communities to determine the potential for cooperative regional efforts regarding planning activities.

2.2 Public Safety Grants – \$200,000 Operational Costs

Public safety operational grants are intended to supplement existing departmental budgets impacted by the operation of a gaming facility. Eligible entities include Police, Fire, EMS and other public safety agencies. Examples of eligible items could include officer training; overtime of public safety personnel; public safety equipment and/or public safety supplies; and equipment upgrades.

Applicants are requested to provide as much detailed baseline information as practicable to help the Commission in its review. For example, if a community requests funding for additional staffing for a specific time period, the Application should include information about the staffing levels that have been used for that same time period during the license term of the gaming facility. Please identify any time limited or "pilot" type operations which may have a bearing upon any determination of how the baseline service levels should be calculated. Applicants

must include detailed hourly estimates for the costs of any public safety personnel. For ongoing grant requests the Applicant must demonstrate a continuing impact associated with the gaming facility.

Grant funds shall not be used to pay for Gaming Enforcement Unit personnel or operations costs specified or anticipated in the memoranda of understanding between the Massachusetts State Police and host communities' police departments.

Interoperability of Communication Equipment Form

Applicants that are applying for radio or other communication equipment that engages with the statewide interoperability system must submit the ICIP (Interoperable Communications Investment Proposal) form and Special Conditions form with their Public Safety Application.

The [Statewide Interoperability Executive Committee](#) ("SIEC") reviews all public safety agency interoperability/communications requests for funding under state grant programs, to confirm that agencies are investing in equipment that is compliant with established state standards, and consistent with the [Statewide Interoperability Communications Plan](#) ("SCIP").

Community Mitigation Grant Applicants are required to submit their proof of ICIP Submission to EOPSS with their Application. The Application will not be reviewed until MGC receives the approved form. The email address is: icb@mass.gov

2.3 Transportation Planning Grants – \$250,000

The transportation planning projects must be clearly related to addressing transportation issues or impacts directly related to the gaming facility. Transportation planning projects must have a defined area or issue that will be investigated as well as a clear plan for implementation of the results. Transportation planning grants are intended to assist communities with gathering data, hiring planning consultants, performing engineering review/surveys, conducting public meetings, preparing final reports, and preparing analysis or design.

Applicants may include a description of how the project meets the evaluation standards for the Fiscal Year 2023 Transportation Improvement Program (TIP) criteria for the Boston MPO Region or the Pioneer Valley Planning Commission's transportation evaluation criteria, or other regional transportation project evaluation standard, whichever may be most applicable.

The Commission will also consider whether the Applicant demonstrates the potential for such transportation project to compete for state or federal transportation funds.

2.4 Transportation Construction Grants – \$1,500,000

Transportation Construction Grants provide funding for the construction of transportation related improvements. These projects may include roadway capacity enhancements, pedestrian and bicycle improvements, traffic signal improvements or other transportation related projects. Most of these projects will have an ancillary benefit to the community that likely exceeds the mitigation of a casino impact, therefore, the Commission anticipates that any CMF assistance provided will only be for a **maximum of 33% of the total project construction cost.**

Transportation Construction Grants are not available for transportation operations costs. The Transportation Construction Grants do not cover design, those are covered under Transportation Planning. Applicants must demonstrate that the project will begin construction no later than June 30, 2024. Applicants may apply for transportation construction funds in future years for a project included in a 2023 application. However, any 2023 transportation construction project may not rely upon contributions from the CMF in future rounds.

Applicants must identify an impact attributable to a gaming establishment and must demonstrate that the construction project will mitigate that impact. Applicants may include a description of how the project meets the evaluation standards for the Fiscal Year 2023 TIP criteria for the Boston MPO Region or the Pioneer Valley Planning Commission's transportation evaluation criteria, or other regional transportation project evaluation standard, whichever may be most applicable. Applicants are strongly encouraged to include a letter of support from the MassDOT with any application.

2.5 Workforce Development Grants – \$500,000 per Region

CMF Workforce Development Grant Applicants should focus on areas highly impacted by casino operations to mitigate a strain in existing resources and a potential impact to the regional labor market. Applicants must be able to demonstrate that the education and skills training programs proposed are in response to an identified need at the casinos or as a means to provide a sufficient supply of workers to backfill jobs being lost to the casinos. Proposals may include programming elements such as gaming school scholarships, culinary, hospitality skills, banking, or general customer service training or vocational programs focused on English language/adult basic education. The Gaming Commission encourages new and innovative program ideas that align with the grant program's intention.

Eligible activities include (but may not be limited to):

- a program that structures intentional connections among adult basic education, occupational training, and post-secondary education programs designed to meet the needs of both adult learners and employers;
- post-secondary vocational programs;
- registered apprenticeships;
- courses leading to college credits or industry-recognized certificates;
- Adult Basic Education ("ABE") and vocationally based English for Speakers of Other Languages ("ESOL") training programs; contextualized learning;
- Integrated Education & Training; and industry-recognized credentials.

A consortium application is required. Eligible workforce development proposals must include a regional consortium approach to improve the skills, knowledge, and credential attainment for residents. The proposal must also include regional labor market information and evidence of employer partnerships.

The Commission has determined that administrative costs (including but not limited to all indirect and other administrative funding) shall not exceed 7.5% of the total grant allocation. Administrative costs include activities related to management, oversight, reporting, and record keeping, and monitoring of the grant program. Each governmental entity applying for workforce development funds will also need to provide details on what it will contribute to the workforce development project such as in-kind services or workforce development funds.

2.6 Specific Impact Grants – \$500,000

Specific Impact Grant are only for projects that do not fit within the categories of the other CMF Grants. Communities may apply for more than one Specific Impact Grant, but the total of all Specific Impact Grants may not exceed \$500,000 per community.

The community must provide a thorough description of an identified impact of the gaming facility and a proposed mitigation measures to address the impact.

2.7 Projects of Regional Significance

Projects of Regional Significance are designed to mitigate identified gaming impacts that affect multiple communities. To be considered under this category, the Applicant must demonstrate that the project will have regional benefits. The Applicant must also demonstrate that the project is in the general vicinity of the gaming establishment and will address an identified impact of that establishment. For instance, if a large transportation construction project is designed to reduce congestion along a nearby stretch of highway that affects multiple communities, while also mitigating traffic related impacts associated with the gaming establishment, that project would likely be eligible for funding. Eligible projects may include those related to transportation issues, economic development, housing, public health, or other infrastructure needs. For the first year of this program, the Commission will consider this to be a pilot program that will be evaluated for continued use in later years.

The following are eligible communities who may apply for these funds:

Region A- Everett, Boston, Cambridge, Chelsea, Lynn, Malden, Medford, Melrose, Revere, Somerville and Saugus

Region B- Springfield, Agawam, Chicopee, Holyoke, East Longmeadow, Hampden, Longmeadow, Ludlow, Northampton, West Springfield and Wilbraham

State and Local Agencies may also apply for these funds on their own behalf or on behalf of eligible communities as long as the project is within the boundaries of these communities.

Applicants should provide detail regarding consultations with nearby communities to determine the potential for cooperative regional efforts regarding these projects. The application must specify which community will be the fiscal agent for the grant.

Depending on the impact identified and the expected cost of the project, the Commission intends that any CMF assistance provided will only be for a percentage of the costs and that significant other federal, state, local, private or other funding will be available to pay for the

costs of any such project. The Commission will cover up to 15% of the total cost capped at \$5 million in Region A and \$3 million in Region B.

Due to the increased level of complexity in these types of projects, any project funded under this category must be under contract for construction by June 30, 2025. Readiness to proceed will be a key consideration in the evaluation of these applications. Applicants must submit a scope, budget and detailed schedule outlining the key project milestones.

2.8 Gambling Harm Reduction – \$20,000 - \$200,000

The Commission seeks to study and mitigate gambling related harms through a new pilot program. The pilot program will provide funding for a limited number of community-engaged research projects. The objective of community-engaged research is to more deeply understand specific negative or unintended impacts of casino gambling at a community level. The specific research topic or question should be developed through a community driven process. Examples of topics include but are not limited to the relationship of casino gambling with social determinants of health, such as poverty, education, economic development, housing, and employment. Outputs include but are not limited to community assessment, evaluation, community awareness, and community engagement.

If findings derived from the community engaged research project warrant mitigation efforts, recommendations should focus on specific activities and/or measures which may be supported by the Community Mitigation Fund in subsequent funding cycles. Examples of mitigation activities include culturally specific projects to prevent, address, and treat problem gambling. Projects should be contextual to their city, town, and neighborhood, and should highlight unique aspects of the community.

Where demonstrable gambling related harms exist or have been identified in previous research studies, the Applicant may wish to apply for Community Mitigation Funding under the Specific Impact Category. If an Applicant is considering filing under the Specific Impact Category the Applicant should contact the Community Affairs Division to discuss in advance of the submission.

The funding for this grant is for two levels of assistance. Type 1 is for the development or planning of a study or project and Type 2 is for the implementation of a project.

Type 1: \$20,000 community engagement, vision and planning. Applicants may apply to develop a plan to engage the community to identify a casino or gambling related topic or issue which warrants further investigation. The product of this process should be a research strategy which may be considered for Type 2 funding in subsequent funding cycles. We expect these types of grants to be a one-year term.

Type 2: \$200,000 is for Applicants that have a specific research topic and/or question and are prepared to propose a research strategy. For this type of proposal, applicants must organize their proposal in the following order.

1. **Specific Aims:** State concisely the goals of the proposed research. Summarize the gambling related harms and potential impacts that the results of the proposed project will exert on Massachusetts and the research field(s) involved.

2. Research Strategy

Provide a detailed research strategy, including the following:

- **Approach**: Describe the overall strategy, methodology, and analyses to be used to accomplish the specific aims of the project.
 - **Significance**: Explain the importance of the topic or question that the proposed project addresses.
 - **Innovation**: Describe any new or novel theoretical concepts, approaches or methodologies to be used.
 - **Protection of Human Subjects**: If applicable, summarize you plan to protect human subjects and obtain IRB approval.
3. **Collaboration and Knowledge of the Community**: Describe the organizations relationship and understanding of the community with whom the study will take place.
 4. **Knowledge Translation and Exchange**: Describe how an answer to the question or insight on the topic may mitigate gambling related harms in the community. Identify specific activities and/or measures which may be supported by the Community Mitigation Fund in subsequent funding cycles. Describe a plan to share information with the community and or use it to inform policy or practice.

Some examples of MGC General Research Agenda and Community Engaged Research can be found: <https://massgaming.com/about/research-agenda/> or <https://massgaming.com/about/research-agenda-search/?cat=community-engaged-research>

2.9 Funding Set Aside to Mitigate other Impacts:

The following two Grant categories are for very specific uses. As a result, the Commission has set aside the funds in the event a community needs access to these specific grants.

- **Tribal Gaming Technical Assistance Grants**. The Commission set aside \$200,000 of funding to assist in the determination of potential impacts that may be experienced by communities in geographic proximity to the potential Tribal Gaming facility in Taunton. Such funding will only be made available, after approval of any application by SRPEDD or a comparable regional entity.
- **Emergency Mitigation Grants**. The 2022 Guidelines proposed a \$200,000 set aside to cover newly identified impacts of an emergency nature that would cause significant harm to a community if it were not remedied in an expeditious fashion. The intent of this grant is to allow the Commission to be more responsive in addressing significant casino related issues that do not fall within the normal CMF timelines. This grant is not intended to circumvent the normal CMF processes.

3.0 Waivers and Variances

Applicants may request a waiver of a condition set forth in the application for the Commission's consideration. All requests for waivers or variances shall be submitted with the Application. MGC encourages the use of a waiver to ensure that Applicants are applying in the correct category of grants.

The Commission may in its discretion waive or grant a variance from any provision or requirement contained in these Guidelines where the Commission finds that:

- a) Granting the waiver or variance is consistent with the purposes of M.G.L. c. 23K;
- b) Granting the waiver or variance will not adversely affect the public interest; and
- c) Not granting the waiver or variance would cause a substantial hardship to the community, governmental entity, or person requesting the waiver or variance.

The waiver shall set forth the specific provision of the Guidelines to which the waiver or variance is sought. The Waiver Form can be found at:

<https://massgaming.com/about/community-mitigation-fund/forms/> Applicant may contact Mary Thurlow at mary.thurlow@massgaming.gov with any questions.

The Commission may grant a waiver or variance, deny a waiver or variance, or grant a waiver or variance subject to such terms, conditions and limitations as the Commission may determine.

3.1 Regional Incentive Award

To further regional cooperation, the applications for Transportation Planning Grants and Community Planning Grants that involve more than one community for the same planning projects may request grant assistance that exceeds the limits specified in these Guidelines. The additional funding may be requested only for the costs of a joint project being proposed by more than one community, not similar projects. Eligible communities may request additional funding for joint projects based on the below table.

| | Base Funding | Regional Incentive Award | Total Allowable Request |
|--|------------------------------|--------------------------|---|
| Community Planning Projects Involving Two (2) Communities | \$200,000 for each community | \$20,000 | <u>\$400,000 + \$20,000 = \$420,000</u> |
| Community Planning Project Involving Three (3) or More Communities | \$200,000 for each community | \$30,000 | <u>\$600,000 + \$30,000 = \$630,000</u> |
| Transportation Planning Projects Two (2) Communities | \$250,000 for each community | \$50,000 | <u>\$500,000 + \$50,000 = \$550,000</u> |
| Transportation Planning Projects Three (3) or more Communities | \$250,000 for each community | \$75,000 | <u>\$750,000 + \$75,000 = \$825,000</u> |

The maximum Community Planning Regional Incentive is \$30,000 and the maximum Transportation Planning Regional Incentive is \$75,000 regardless of the number of communities participating. No community is eligible for more than one Transportation Regional Planning Incentive Award. No community is eligible for more than one Community Regional Planning Incentive Award.

3.2 How Will the Commission Decide on Applications?

Members of the MGC staff meet weekly over the course of five months to review, analyze and develop recommendations on the applications for the Commission’s oversight. The Commission may ask Applicants for supplementary materials, may request a meeting with Applicants, and reserves the ability to host a hearing or hearings on any application. Depending on the content of the application Commission Staff may consult with outside agencies with expertise in various areas to assist the review process. Staff provides detailed memoranda of considerations for the Commissioner’s to review in a public meeting.

The Commission reserves the ability to fund only portions of requested projects and to fund only a percentage of amounts requested. The Commission also reserves the ability to place conditions on any award.

The Commission reserves the right to determine which requests to fund based on its assessment of a broad range of factors including the extent of public benefit each grant is likely to produce.

Factors used by the Commission to evaluate grant applications may include but not be limited to:

- A demonstration that the impact is being caused by the gaming facility;
- The significance of the impact to be remedied;
- The potential for the proposed mitigation measure to address the impact;
- The feasibility and reasonableness of the proposed mitigation measure;
- A demonstration that any program to assist non-governmental entities is for a demonstrated public purpose and not for the benefit or maintenance of a private party;
- The significance of any matching funds including but not limited to the ability to compete for state or federal workforce, transportation or other funds;
- Any demonstration of regional benefits from a grant award;
- A demonstration that other funds from host or surrounding community agreements are not available to fund the proposed mitigation measure;
- A demonstration that such mitigation measure is not already required to be completed by the licensee pursuant to any regulatory requirements or pursuant to any agreements between such licensee and Applicant; and
- The inclusion of a detailed scope, budget, and timetable for each mitigation request.
- The inclusion of information detailing diversity in vendor/supplier spending practices relative to Minority Business Enterprises (“MBE”), Veteran’s Business Enterprises (“VBE”) and Women’s Business Enterprises (“WBE”).

3.3 Guidelines Used to Evaluate Workforce Development Applications

- Does the application develop a workforce development program that seeks to address any claimed impacts? Is that impact related to an identified needs of the casinos or the existence of the casino?

- Does the proposal include elements of the eligible activities identified? If not, are the included program elements and outcomes applicable to the goals of the grant?”
- Does the proposal seek to address the anticipated goals of the program? Do those goals correlate to the casino/hospitality industry and benefit the surrounding workforce?
- Will the participants receive industry-recognized or academic credentials needed to work in the most in-demand casino-related occupations within the region?
- If the Applicant is a governmental entity applying for workforce development funds, did Applicant provide detail on what it will contribute to the workforce development project such as in-kind services or workforce development funds.
- Is the Applicant collaborating with others to provide a regional/consortium approach?

3.4 Who Should be Contacted for Questions?

CMF Applicants are encouraged to contact the Commission’s staff (see below) with any questions. The Chief of Community Affairs can be reached at (617) 721-9198 or via e-mail at joseph.delaney@massgaming.gov or **MGCCMF**. The Commission’s address is 101 Federal Street, 12th Floor, Boston, MA 02110.

Procedure for submitting 2023 Community Mitigation Fund Applications

This year the Community Mitigation Fund applications will be sent directly to an email address for the Massachusetts Gaming Commission. Applications **must** be sent to the MGC email address: **MGCCMF**.

When an application is received MGC Staff will send a receipt back to the Applicant acknowledging receipt. Please note that the Applications will not be opened for review until after January 31, 2023.

An Application received by the Massachusetts Gaming Commission by January 31, 2023 will meet the application deadline. Any Applicant experiencing difficulty in submitting their Application should contact the MGC well in advance of the January 31, 2023 deadline to make arrangements for submission of the Application by the deadline.

COMMISSION STAFF

| | | |
|----------------|--------------|-------------------------------|
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