

Travel, Tourism & Hospitality Industry Presumptive Eligibility

OVERVIEW

Sections 602(c)(1)(A) & 603(c)(1)(A) of the Social Security Act, which are the authorizing statutes for SLFRF programming, recognize that the tourism, travel and hospitality industries are “severely negatively impacted by the pandemic” and, therefore, eligible aid under SLFRF may be provided to small businesses within these industries on a presumptively-eligible basis. The Final Rule elaborates on this group of industries: “The national Leisure & Hospitality sector largely represents the national travel, tourism, and hospitality industries enumerated in this statute.”

The Final Rule requires that

...aid may only be considered responsive to the negative economic impacts of the pandemic if it supports businesses, attractions, and Tribal development districts operating prior to the pandemic and affected by required closures and other efforts to contain the pandemic.

This requirement appears in the Final Rule under “Aid to Impacted Industries,” making unclear whether this restriction applies only to small businesses within presumptively impacted industries, or to all small businesses. Therefore, OCCoC will apply the restriction to all small businesses eligible for business assistance payments.

The Final Rule points to the SLFRF Interim Final Rule FAQ’s 2.9 to define a “Tribal development district.” FAQ 2.9 states: “Tribal development districts are considered the commercial centers for tribal hospitality, gaming, tourism and entertainment industries.” This is not quite a definition, but does suggest the US Treasury intends to treat those businesses on Tribal lands such as gaming, restaurants, hotels, etc., as grouped with the travel, tourism and hospitality industries presumptively eligible category overall. This is confirmed in the Final Rule which states:

Treasury considers Tribal development districts, which are commercial centers for Tribal hospitality, gaming, tourism, and entertainment and can include Tribal enterprises, as part of the tourism, travel, and hospitality industries that have been severely hit by the pandemic. Therefore, Treasury reaffirms that Tribal Development districts are considered impacted industries and recipients may provide eligible aid to them.

Therefore, all businesses associated with Tribal development districts should be subject to all eligibility requirements of this Section 3.2 and not with section 3.3, below.

Any business associated with the Travel, Tourism or Hospitality industries are considered presumptively eligible for business assistance payments. OCCoC need only analyze and verify the data collected in Section 3.1, that the business is reasonably associated with these industries, and that the business was operating prior to the pandemic, for the business to receive a small business assistance payment. OCCoC should choose a method for verifying identification within this category, such as assigning a NAICS code to applicants seeking to qualify under this section when staff are in the eligibility-review stage.

All applicants applying under the Travel, Tourism & Hospitality Industry Presumptive Eligibility classification must be located in the Oregon City Chamber’s service area: which includes only these Zip Codes: 97027, 97045, 97004, 97013, 97038, 97042, 97017 & 97022