

CRF and PA Applicants Should Review Priorities of Projects for Coronavirus (COVID-19) Pandemic Following Issuance of: FEMA Policy FP104-009-19 Work Eligible for Public Assistance (Interim)

Audience: Local Government, Municipalities and Non-Profits using Stafford Act and CRF Funds

Purpose: This communication is to assist eligible entities determine appropriate steps to take for documenting cost and submitting for reimbursement under eligible programs.

Update: On September 1st, FEMA issued Policy FP104-009-19. TEMA has reviewed the policy and has worked with FEMA Region IV on the outcomes from the implementation. Included with this document is a matrix that provides guidance on eligibility before September 15th and after September 15th. The matrix is broken down by program area to provide quick reference.

We ask each applicant to review claims filed within the FEMA Portal. Option include:

- If in review they do not qualify for FEMA based on the policy, we encourage the applicant to file with CRF. When filing for CRF, please indicate that you initially filed the claim within the FEMA Portal, but in review of the new policy determined the expense does not qualify.
- Review the prioritization of projects to ensure they file with CRF to not lose funding awarded
- If CRF funding for your jurisdiction is allocated, you may continue to file with FEMA and appeal denials, however, the applicant may be responsible for 12.5% Local Share as approval will most likely fall after the December 30th deadline.

Background: To date, the State of Tennessee has followed guidance on eligibility as it is defined in the Stafford Act and FEMA Public Assistance Program and Policy Guide (PAPPG, commonly called “Papa G”). Upon initial review of the new Interim policy, the established parameters appear to be inconsistent with the intent of the Stafford Act and the PAPPG. Stafford Act clearly states in Title IV, §§ 403 Sec. 403. General Federal Assistance (42 U.S.C. 5170a) in (a)(3)(I), FEMA may provide assistance in reduction of immediate threats to life, property, and public health and safety.

Stafford Act also defines in Sec. 402. General Federal Assistance (42 U.S.C. 5170a) in (E)(4)(6) for the management, control, and reduction of immediate threats to public health and safety, to assist State and local governments in the distribution of medicine, food, and other consumable supplies, and emergency assistance and provide accelerated Federal assistance and Federal support where necessary to save lives, prevent human suffering. Additionally, FEMA PAPPG defines Emergency protective measures conducted before, during, and after an incident are eligible if the measures are eliminating or lessening immediate threats to lives, public health, or safety.

Contacts: COVID PA Hotline for questions: COVID.PA@tn.gov.
 Kim Sekol, Public Assistance Specialist, Kim.Sekol@tn.gov, 315.520.3228 - If you’ve already been working with a Specialist
 Terri Tanner, Public Assistance Specialist, Terri.Tanner@tn.gov, 615.741.3737 - If you have not been working with a Specialist
 Judy Huff, Public Assistance Manager, Judy.Huff@tn.gov, 615.741.3883

Emergency Protective Measures must eliminate or lessen an immediate threat. General measures to mitigate/prevent potential transmission are not addressing an immediate threat. Such precautionary measures are not specifically responding to COVID-19. New policy (attached at the end of this guidance) states “only work associated with the performance of emergency protective measures specifically listed in this policy is eligible for PA in COVID-19 declared event.”

Pre-September 15, 2020	Effective September 15, 2020 and Going Forward
<p><u>Communications of General Health and Safety Information to the Public</u></p> <p>Eligible</p> <p>Dissemination of information to the public to provide warnings and guidance about health and safety hazards using various strategies, such as flyers, public service announcements, or newspaper campaigns</p>	<p><u>Communications of General Health and Safety Information to the Public</u></p> <p>Eligible</p> <p>Dissemination of information to the public to provide warnings and guidance about health and safety hazards using various strategies, such as flyers, public service announcements, or newspaper campaigns</p>
<p><u>Disinfection of Eligible Facilities</u></p> <p>Eligible</p> <p>Facilities:</p> <ul style="list-style-type: none"> • Medical Care • Non-Congregate Medical Sheltering • Other Public Facilities (Courthouses, City Halls, Public Transit, Public Housing Schools) <p>Work:</p> <ul style="list-style-type: none"> • Increased Operating Costs related to disinfecting. <p>Disinfection is not the same thing as cleaning. Eligible disinfection includes ready-to-use sprays, concentrates, wipes, laundry, and PPE used during disinfecting facilities.</p> <p>Other Public Facilities are eligible when necessary due to exposure with a confirmed COVID-19 positive or presumed positive individual during pre-closure operations.</p> <p>For Costs: For eligible facilities that were disinfected the costs that are eligible to be claimed are the costs that are above the regular operating costs the applicant normally spends on the same service/activity. These are the increased operating costs.</p> <p>To be eligible Increased Operating Costs need to:</p> <ul style="list-style-type: none"> • Be specifically related to eligible emergency actions to save lives or protect public health and safety or improved property 	<p><u>Disinfection of Eligible Facilities</u></p> <p>Eligible</p> <p>Facilities</p> <ul style="list-style-type: none"> • Medical Care • Non-Congregate Medical Sheltering • Emergency Operations Center for COVID <p>Costs</p> <ul style="list-style-type: none"> • Increased Operating Costs related to disinfecting eligible facilities • Purchase of necessary supplies and equipment. <p>Disinfection is not the same thing as cleaning.</p> <p>Eligible costs for disinfection of eligible facilities are the costs that are above the regular operating costs the applicant normally spends on the same service/activity. These are the increased operating costs.</p> <p>Increased Operating Costs must:</p> <ul style="list-style-type: none"> • Be specifically related to eligible emergency actions to save lives or protect public health and safety or improved property • Costs are for a limited period of time based on exigency of circumstances • Applicant tracks and documents the additional costs <p>Necessary supplies and equipment are ready-to-use sprays, concentrates, wipes,</p>

Pre-September 15, 2020	Effective September 15, 2020 and Going Forward
<ul style="list-style-type: none"> • Costs are for a limited period of time based on exigency of circumstances • Applicant tracks and documents the additional costs. <p>This includes public facilities when there is exposure to a positive COVID-19 or presumed positive individual. This is different than the original guidance.</p> <p>Ineligible</p> <p>Facilities:</p> <ul style="list-style-type: none"> • Closed/Not in Use • Closed for more than 7 days • Outdoor facilities - those that receive direct sunlight such as public parks. • Other Public Facilities where there was no exposure to a confirmed COVID-19 positive or presumed positive individual. (Courthouses, City Halls, Public Transit, Public Housing, Schools, Fire Houses, Police Departments) <p>Costs:</p> <ul style="list-style-type: none"> • New technology not in CDC Guidance including pesticidal devices such as UV lights, LED lights, or ultrasonic devices • Acquiring Supplies for re-opening or in preparation of the future <p>Fire Department and Police Departments fall under “other” public facilities. They are not medical care facilities; eligible work does not occur in these facilities. Their facilities/vehicles/equipment are not eligible for disinfection unless there is exposure to a confirmed COVID-19 positive/presumed positive individual. Ambulances are a possible exception.</p> <p>Acquiring supplies for re-opening or in preparation of the future refers to applicants stockpiling supplies they are not currently using to respond to COVID-19. Disinfection supplies are not rare; since there is not a supply issue with these products there is no need to stockpile them.</p>	<p>laundry and PPE used during disinfecting facilities.</p> <p>Ineligible</p> <p>Facilities:</p> <ul style="list-style-type: none"> • Other facilities not engaged in emergency services. Government Facilities (Courthouses, City Halls, Public Transit, Public Housing, Schools, Fire Houses, Police Departments) <p>Work:</p> <ul style="list-style-type: none"> • Resumption of regular operations <p>This includes public facilities when there is exposure to a positive COVID-19 or presumed positive individual. This is different than the original guidance.</p>
<p><u>Emergency Operation Centers (EOC) for COVID-19</u></p> <p>Eligible</p> <p>To direct and coordinate resources/response activities for COVID-19 Declarations</p> <p>The Applicant may use its EOC to direct and coordinate resources and response activities for a period of time. Response activities conducted at EOCs are eligible provided they are associated with eligible work.</p> <p>Applicants often provide meals for emergency workers. Provision of meals, including beverages and meal supplies, for employees and volunteers engaged in eligible</p>	<p><u>Emergency Operation Centers (EOC) for COVID-19</u></p> <p>Eligible</p> <p>To direct and coordinate resources/response activities for COVID-19 Declarations</p> <p>The Applicant may use its EOC to direct and coordinate resources and response activities for a period of time. Response activities conducted at EOCs are eligible provided they are associated with eligible work.</p> <p>Applicants often provide meals for emergency workers. Provision of meals, including beverages and meal supplies, for employees and volunteers engaged in eligible</p>

Pre-September 15, 2020	Effective September 15, 2020 and Going Forward
<p>Emergency Work, including those at EOCs, is eligible provided the individuals are not receiving per diem and one of the following circumstances apply:</p> <ul style="list-style-type: none"> • Meals are required based on a labor policy or written agreement; • Conditions constitute a level of severity that requires employees to work abnormal, extended work hours without a reasonable amount of time to provide for their own meals; or • Food or water is not reasonably available for employees to purchase. <p>FEMA only reimburses the cost of meals that are brought to the work location and purchased in a cost-effective and reasonable manner, such as bulk meals. FEMA does not reimburse costs related to group outings at restaurants or individual meals.</p>	<p>Emergency Work, including those at EOCs, is eligible provided the individuals are not receiving per diem and one of the following circumstances apply:</p> <ul style="list-style-type: none"> • Meals are required based on a labor policy or written agreement; • Conditions constitute a level of severity that requires employees to work abnormal, extended work hours without a reasonable amount of time to provide for their own meals; or • Food or water is not reasonably available for employees to purchase. <p>FEMA only reimburses the cost of meals that are brought to the work location and purchased in a cost-effective and reasonable manner, such as bulk meals. FEMA does not reimburse costs related to group outings at restaurants or individual meals.</p>
<p><u>Mass Casualty Management</u></p> <p>Eligible</p> <p>Includes storage of human remains and mass mortuary services as necessary to manage fatalities caused by COVID-19</p>	<p><u>Mass Casualty Management</u></p> <p>Eligible</p> <p>Includes storage of human remains and mass mortuary services as necessary to manage fatalities caused by COVID-19</p>
<p><u>Medical Care</u></p> <p>Eligible</p> <p>Emergency Medical Care:</p> <ul style="list-style-type: none"> • Non-deferrable medical treatment of infected persons in a shelter or temporary medical facility • Related medical facility services and supplies • Temporary medical facilities and/or enhance medical/hospital capacity • Use of specialized medical equipment • Medical waste disposal <p>Emergency medical transport</p>	<p><u>Medical Care</u></p> <p>Eligible</p> <p>Coronavirus (COVID-19) Pandemic: Medical Care Costs Eligible for Public Assistance FEMA Policy FP 104-010-04 – Attached</p>
<p><u>Movement of Supplies, Equipment and Persons</u></p> <p>Eligible</p> <p>Costs related to pre-positioning resources specifically for the declared incident are eligible if the resources are used in the performance of eligible Emergency Work.</p> <p>Pre-positioning resources for the purpose of evacuating, or providing emergency medical care during the evacuation period (such as ambulances and busses), is eligible even if those resources are not ultimately used, provided the staging of those resources was necessary and prudent based on the data at the time of staging.</p>	<p><u>Movement of Supplies, Equipment and Persons</u></p> <p>Eligible</p> <p>Costs related to pre-positioning resources specifically for the declared incident are eligible if the resources are used in the performance of eligible Emergency Work.</p> <p>Pre-positioning resources for the purpose of evacuating, or providing emergency medical care during the evacuation period (such as ambulances and busses), is eligible even if those resources are not ultimately used, provided the staging of those resources was necessary and prudent based on the data at the time of staging.</p>

Pre-September 15, 2020	Effective September 15, 2020 and Going Forward
<p><u>Non-Congregate Medical Sheltering</u></p> <p>Eligible</p> <p>Medical Sheltering (e.g. when existing facilities are reasonably forecasted to become overloaded in the near future and cannot accommodate needs)</p> <p>Non-congregate medical sheltering is limited to that which is reasonable and necessary to address the public health needs of the event, is pursuant to the direction of appropriate health officials and does not extend beyond the duration of the Public Health Emergency. Usually this is subject to prior approval by FEMA however for COVID-19 declarations pre-approval is not required and the FEMA Regional Administrator or their designee may approve the work and costs associated with NCS.</p>	<p><u>Non-Congregate Medical Sheltering</u></p> <p>Eligible</p> <p>FEMA Emergency Non-Congregate Sheltering during the COVID-19 Public Health Emergency (Interim) FP 104-009-18 - Attached</p> <p>Cleaning and disinfection of non-congregate shelter facilities to avoid the spread of COVID-19, including necessary disinfection supplies and equipment.</p> <p>Face coverings, as recommended by the Centers for Disease Control and Prevention, to help slow the spread of COVID-19.</p> <p>Other items necessary to protect public health and safety during the COVID-19 pandemic. Refer to applicable public health authorities and/or FEMA guidance specific to the COVID-19 pandemic for guidance on what items may be necessary and appropriate.</p>
<p><u>Personal Protective Equipment (PPE)</u></p> <p>Eligible</p> <p>Work</p> <ul style="list-style-type: none"> • Medical Care • Custodial Care • Medical Sheltering* • Eligible Disinfection* <p>* When necessary to protect public health</p> <p>PPE is defined as N95 and other filtering respirators, surgical masks, gloves, protective eyewear, face shields, and protective clothing (e.g. gowns). Face masks that are not regulated by the US Food and Drug Administration (FDA) are not considered PPE (e.g. cloth face masks); these may be eligible as PPE when used by staff while disinfecting an eligible facility.</p> <p>Custodial Care provides institutional care for persons who require close supervision and some physical constraints on daily activities. For COVID-19 projects this applies specifically to custodial care that is providing medical care. Prisons are not automatically eligible under custodial care.</p>	<p><u>Personal Protective Equipment (PPE)</u></p> <p>Eligible</p> <p>Work</p> <ul style="list-style-type: none"> • Healthcare Workers • First Responders <p>Costs</p> <ul style="list-style-type: none"> • Patients with confirmed/suspected COVID-19 • Acquiring a 60-day supply of PPE for eligible emergency work <p>Healthcare workers are those that work in Medical Care</p> <p>First Responders include: emergency public safety, fire, law enforcement, emergency response, emergency medical, and related personnel that may interact with individuals infected with, or suspected to be infected with, COVID-19.</p> <p>PPE for first responders is generally authorized without the normal need for local officials to track that it was used in performance of otherwise eligible activities.</p> <p>Stockpiling a 60-day supply of PPE is eligible for applicants performing eligible emergency protective measures. The applicant is responsible to provide an estimate of what a 60-day supply is; they need to be able to support their estimate.</p>

Pre-September 15, 2020	Effective September 15, 2020 and Going Forward
<p>Ineligible</p> <ul style="list-style-type: none"> Government facilities (courthouses, prisons, utilities, public housing, or recreation) Work that is not directly related to the performance of otherwise eligible emergency work, or that is provided to individuals other than healthcare workers, patients with confirmed or suspected COVID-19 infection, or first responders. Costs of distribution of PPE to the Public at Large. <p>First responders include: emergency public safety, fire, law enforcement, emergency response, emergency medical and related personnel that may interact with individuals infected with, or suspected to be infected with, COVID-19.</p> <p>First Responders have to be doing eligible emergency work.</p> <p>An applicant who distributes PPE to the public is not performing eligible work and the costs are not eligible. Even if local law requires masks for the public.</p>	<p>Ineligible</p> <p>Facilities</p> <ul style="list-style-type: none"> Government facilities: courthouses, prisons, utilities, public housing, or recreation. <p>Work</p> <ul style="list-style-type: none"> PPE not required by law/regulation Medical Sheltering Disinfection Activities <p>Costs</p> <ul style="list-style-type: none"> Stockpiling eligible PPE that is for more than a 60-day supply. <p>PPE not required by law/regulation refers to when PPE is not required by law or regulation as part of routine duties performed by essential critical infrastructure workers. This does not refer to local law that may require masks inside public facilities. This comes directly from the FEMA Fact Sheet: Addressing PPE Needs in Non-Healthcare Setting</p> <p>For stockpiling PPE the applicant has to support their estimated need of PPE. If the provided costs are above what is needed for a 60 day supply, it's not eligible.</p>
<p><u>Pet Sheltering and Containment</u></p> <p>Eligible</p> <p>Sheltering and caring for household pets is only eligible while the pet owner is in a medical facility or non-congregate shelter.</p>	<p><u>Pet Sheltering and Containment</u></p> <p>Eligible</p> <p>Sheltering and containment for household pets is only eligible while the pet owner is in a medical facility or non-congregate shelter. Actions must be in accordance with CDC guidelines.</p>
<p><u>Private Non-Profits (PNPs)</u></p> <p>Eligible</p> <p>Applicant</p> <ul style="list-style-type: none"> Own/Operate an eligible facility that provides emergency, medical, or custodial care services. <p>Work</p> <ul style="list-style-type: none"> Perform emergency, medical, or custodial care services. 	<p><u>Private Non-Profits (PNPs)</u></p> <p>Eligible</p> <p>Applicant</p> <ul style="list-style-type: none"> Own/Operate an eligible facility that provides emergency, medical, or custodial care services. <p>Work</p> <ul style="list-style-type: none"> Perform emergency, medical, or custodial care services for which they are legally responsible.

Pre-September 15, 2020	Effective September 15, 2020 and Going Forward
<p>Costs</p> <ul style="list-style-type: none"> Disinfection <p>Hospitals are an example of eligible PNPs.</p> <p>For COVID-19 declarations only, FEMA is waiving the primary use and primary ownership policies normally applicable to PNP entities that own or operate mixed-use facilities</p>	<p>For COVID-19 declarations only, FEMA is waiving the primary use and primary ownership policies normally applicable to PNP entities that own or operate mixed-use facilities.</p> <p>Ineligible</p> <p>Applicant</p> <ul style="list-style-type: none"> PNPs that have a formal agreement with a legally responsible applicant government to perform emergency work or provide emergency service (sheltering or food distribution) <p>Work</p> <ul style="list-style-type: none"> Not performing eligible emergency work/service <p>An example is an eligible government that partners with a Food Bank PNP.</p> <p>For PNPs that have a formal agreement with a legally responsible applicant; PA funding may be eligible for the legally responsible government entity.</p>
<p><u>Purchase and distribution of food, water, ice, medicine, and other consumable supplies</u></p> <p>Eligible</p> <p>Any of these items may require specific circumstances or parameters, such as food bank or emergency worker meals. Before automatic assumption of eligibility, it would be advisable to contact your PA Specialist.</p>	<p><u>Purchase and distribution of food, water, ice, medicine, and other consumable supplies</u></p> <p>Eligible</p> <p>Any of these items may require specific circumstances or parameters, such as food bank or emergency worker meals. Before automatic assumption of eligibility, it would be advisable to contact your PA Specialist.</p>
<p><u>Reimbursement for Applicant’s Force Account Overtime Costs</u></p> <p>For Emergency Work, only overtime labor is eligible for budgeted employees. For unbudgeted employees performing Emergency Work, both straight-time and overtime labor are eligible.</p> <ul style="list-style-type: none"> Budgeted employees are identified as permanent employees, and seasonal employees working during their normal season of employment. Unbudgeted employees are identified as essential employees called back from administrative leave, permanent employees funded from an external source, temporary employees hired to perform eligible work, and seasonal employees working outside their normal season of employment. 	<p><u>Reimbursement for Applicant’s Force Account Overtime Costs</u></p> <p>For Emergency Work, only overtime labor is eligible for budgeted employees. For unbudgeted employees performing Emergency Work, both straight-time and overtime labor are eligible.</p> <ul style="list-style-type: none"> Budgeted employees are identified as permanent employees, and seasonal employees working during their normal season of employment. Unbudgeted employees are identified as essential employees called back from administrative leave, permanent employees funded from an external source, temporary employees hired to perform eligible work, and seasonal employees working outside their normal season of employment.

Pre-September 15, 2020	Effective September 15, 2020 and Going Forward
<p>Schools</p> <p>Eligible</p> <p>Work</p> <ul style="list-style-type: none"> Disinfecting during pre-closure operations <p>This is disinfection that schools did while still in session before they closed due to COVID-19. To be eligible they need to have been open at the time. If schools did not close disinfection is eligible only if they had exposure with a confirmed COVID-19 positive or presumed positive individual.</p> <p>Ineligible</p> <p>Work</p> <ul style="list-style-type: none"> Disinfection for re-opening Schools School Meal Delivery <p>Costs</p> <ul style="list-style-type: none"> Distance Learning Technology and Software for remote teaching/learning PPE for re-opening Schools <p>Technology and software include the purchase of computers, zoom licenses or similar software, and IT support to set up remote capabilities.</p> <p>Schools are not legally responsible to provide meals to students that are not in school.</p>	<p>Schools</p> <p>Eligible</p> <p>There are no eligible costs for schools for work performed on or after September 15, 2020.</p> <p>Ineligible</p> <p>Work</p> <ul style="list-style-type: none"> Disinfecting Temperature Scanning School Meal Deliver <p>Costs</p> <ul style="list-style-type: none"> PPE Cloth Facial Covering Distance Learning Technology and software for remote teaching/learning
<p><u>Search and rescue to locate and recover members of the population requiring assistance</u></p> <p>Eligible</p> <p>Search and rescue is an action for saving lives and protecting public health or safety, therefore, an eligibility activity for Category B work.</p>	<p><u>Search and rescue to locate and recover members of the population requiring assistance</u></p> <p>Eligible</p> <p>Search and rescue is an action for saving lives and protecting public health or safety, therefore, an eligibility activity for Category B work.</p>
<p><u>Security and Law Enforcement</u></p> <p>Eligible</p> <p>Security and law enforcement activities must be the legal responsibility of the applicant claiming the work.</p>	<p><u>Security and Law Enforcement</u></p> <p>Eligible</p> <p>Security and law enforcement activities need to be the legal responsibility of the applicant claiming them and they need to be in response to COVID-19.</p>

Pre-September 15, 2020	Effective September 15, 2020 and Going Forward
<p><u>Social Distancing</u></p> <p>Ineligible</p> <p>Costs</p> <ul style="list-style-type: none"> • Facility Retrofits/Engineering Controls • Technology for Virtual Support/Working from Home <p>Facility Retrofits/Engineering Controls include plexiglass, barriers, signs, and markers used for social distancing. These are only eligible for eligible facilities where eligible emergency work is being performed.</p> <p>Technology includes computers, software and IT support.</p>	<p><u>Social Distancing</u></p> <p>Ineligible</p> <p>Costs</p> <ul style="list-style-type: none"> • Facility Retrofits/Engineering Controls • Technology for Virtual Support/Working from Home <p>Facility Retrofits/Engineering Controls include plexiglass, barriers, signs, and markers used for social distancing. These are only eligible for eligible facilities where eligible emergency work is being performed.</p> <p>Technology includes computers, software and IT support.</p>
<p><u>Testing</u></p> <p>Eligible</p> <p>Facility</p> <ul style="list-style-type: none"> • Medical Care • Temporary Medical Care/Alternate Care Sites • Community Based Testing Sites (CBTS) <p>Work</p> <ul style="list-style-type: none"> • Medically Necessary <p>Testing must be medically necessary. Applicants who require all their employees to be tested as a preventative measure is not eligible.</p> <p>Ineligible</p> <p>Work</p> <ul style="list-style-type: none"> • Widespread screening for re-opening efforts 	<p><u>Testing</u></p> <p>Eligible</p> <p>Facility</p> <ul style="list-style-type: none"> • Medical Care • Temporary Medical Care/Alternate Care Sites • Community Based Testing Sites (CBTS) <p>Work</p> <ul style="list-style-type: none"> • Medically Necessary <p>Testing must be medically necessary. Applicants who require all their employees to be tested as a preventative measure is not eligible.</p> <p>Ineligible</p> <p>Work</p> <ul style="list-style-type: none"> • Widespread screening for re-opening efforts
<p><u>Training and Technical Assistance Specific to the Declared Event</u></p> <p>Eligible</p> <p>Management, control and reduction of immediate threats to public health and safety may require training or other technical assistance. This may be requested of FEMA by the State and considered on a case-by-case basis.</p>	<p><u>Training and Technical Assistance Specific to the Declared Event</u></p> <p>Eligible</p> <p>Management, control and reduction of immediate threats to public health and safety may require training or other technical assistance. This may be requested of FEMA by the State and considered on a case-by-case basis.</p>



Coronavirus (COVID-19) Pandemic: Work Eligible for Public Assistance (Interim)

FEMA Policy FP 104-009-19

BACKGROUND

Under the President Donald J. Trump's March 13, 2020, Coronavirus (COVID-19) emergency declaration¹ and subsequent major disaster declarations for COVID-19, state, local, tribal, and territorial (SLTT) government entities and certain private nonprofit (PNP) organizations are eligible to apply for assistance under the FEMA Public Assistance (PA) Program.²

PURPOSE

This interim policy defines the framework, policy details, and requirements for determining the eligibility of work and costs under the PA Program to ensure consistent and appropriate implementation across all COVID-19 emergency and major disaster declarations. Except where specifically stated otherwise in this policy and other disaster specific COVID-19 policies, assistance is subject to PA Program requirements as defined in Version 3.1 of the *Public Assistance Program and Policy Guide (PAPPG)*.³

This interim policy supersedes the FEMA Fact Sheet dated March 19, 2020: *Coronavirus (COVID-19) Pandemic: Eligible Emergency Protective Measures*, for work performed on or after September 15, 2020. This interim policy will be updated or revised as required by changes in the status of the COVID-19 pandemic.

PRINCIPLES

- A. FEMA remains committed to providing support to meet emergency needs during the COVID-19 pandemic, specifically those critical actions that are necessary to save lives and protect public health and safety.
- B. FEMA will implement this policy and any assistance provided in a consistent manner through informed decision making and review of an applicant's supporting documentation.
- C. FEMA will engage with interagency partners, including the U.S. Department of Health and Human Services (HHS) Office of the Assistant Secretary for Preparedness and Response (ASPR), the Centers for Disease Control and Prevention (CDC), the Centers for Medicare and Medicaid Services (CMS), and the Health Resources and Services Administration (HRSA); the U.S. Department of Agriculture (USDA), and the U.S. Department of Housing

¹ <http://www.fema.gov/news-release/2020/03/13/covid-19-emergency-declaration>.

² See <https://www.fema.gov/assistance/public/program-overview> for more information.

³ Version 3.1 of the PAPPG is applicable to all COVID-19 declarations and is available on the FEMA website at www.fema.gov/sites/default/files/2020-03/public-assistance-program-and-policy-guide_v3.1_4-26-2018.pdf.



and Urban Development (HUD) among others, to ensure any assistance is provided in a coordinated manner without duplicating assistance.

REQUIREMENTS

A. APPLICABILITY

Outcome: To define the declarations, eligible applicants, and work to which this interim policy applies.

1. This policy applies to:
 - a. All Presidential emergency and major disaster declarations under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. § 5121 *et seq.* (the Stafford Act), as amended, issued for the COVID-19 pandemic.
 - b. This policy does not apply to any other emergency or major disaster declaration
 - c. Eligible PA applicants under the COVID-19 emergency declaration or any subsequent COVID-19 major disaster declaration.⁴
 - d. Work performed on or after September 15, 2020. Prior to this date, policies in place when the work was completed apply.

B. GENERAL ELIGIBILITY CONSIDERATIONS FOR COVID-19

Outcome: To define the overarching framework for all eligible work related to COVID-19 declarations.

1. Legal Responsibility:
 - a. To be eligible for PA, an item of work must be the legal responsibility of an eligible applicant.⁵ Measures to protect life, public health, and safety are generally the responsibility of SLTT governments.
 - b. Legally responsible SLTT governments may enter into formal agreements or contracts with private organizations, including PNP organizations, when necessary to carry out eligible emergency protective measures in response to the COVID-19 pandemic. In these cases, PA funding is provided to the legally responsible government entity, which would then pay the private entity for the provision of services under the formal agreement or contract.
 - c. In limited circumstances, essential components of a facility are urgently needed to save lives or protect health and safety, such as an emergency department of a PNP hospital. In these cases, PNPs that own or operate an eligible facility and perform eligible work, such as providing emergency, medical or custodial care services, may be eligible for reimbursement of costs as a PA applicant. For these PNP facilities and for COVID-19 declarations only, FEMA is waiving the primary use and primary ownership policies normally applicable to PNP

⁴ See *Coronavirus (COVID-19) Pandemic: Private Nonprofit Organizations* (April 2, 2020), www.fema.gov/fact-sheet/coronavirus-covid-19-pandemic-private-nonprofit-organizations, for more information on PNP applicant eligibility.

⁵ 44 C.F.R. § 206.223(a)(3).



entities that own or operate mixed-use facilities.⁶

2. To be eligible, claimed costs must be necessary in order to respond to the COVID-19 pandemic and be reasonable pursuant to federal regulations and federal cost principles. A cost is considered reasonable if, in its nature and amount, it does not exceed that which would be incurred by a prudent person under the circumstances prevailing at the time the decision was made to incur the cost.⁷ All costs are subject to standard PA program eligibility and other federal requirements.⁸

C. WORK ELIGIBILITY

Outcome: To establish parameters for eligible work for COVID-19 declarations.

1. In accordance with sections 403 and 502 of the Stafford Act, emergency protective measures necessary to save lives and protect public health and safety, may be reimbursed under the PA program.
2. All work must be required as a direct result of the emergency or major disaster in accordance with 44 C.F.R. § 206.223(a)(1).
3. Only work associated with the performance of emergency protective measures specifically listed in this policy is eligible for PA in COVID-19-declared events.
4. FEMA may provide assistance only for the following emergency protective measures in response to COVID-19 declared events⁹:
 - a. Medical care, in accordance with COVID-19 specific policy or subsequent updates.¹⁰
 - b. Purchase and distribution of food, in accordance with COVID-19 specific policy or subsequent updates.¹¹
 - c. Non-congregate medical sheltering, in accordance with COVID-19 specific policy or subsequent updates.¹²
 - d. Operation of Emergency Operations Centers to direct and coordinate resources and response activities for COVID-19 declarations.¹³

⁶ See PAPPG V3.1 (2018), at page 16.

⁷ 2 CFR § 200.404.

⁸ See PAPPG V3.1 (2018), 2 CFR Part 200, and <https://www.fema.gov/grants/procurement> for additional guidance.

⁹ See www.fema.gov/media-collection/public-assistance-disaster-specific-guidance-covid-19-declarations for all COVID-19 related PA policies and other guidance.

¹⁰ Stafford Act, Section 403(a)(3)(B). For COVID-19 specific policy, see *Coronavirus (COVID-19) Pandemic: Medical Care Costs Eligible for Public Assistance (Interim)*, FEMA Policy FP 104-010-04 (May 9, 2020) and *Coronavirus (COVID-19) Pandemic: Alternate Care Site (ACS) "Warm Sites" Fact Sheet* (May 12, 2020).

¹¹ Stafford Act, Section 403(a)(3)(b). For COVID-19 specific policy, see *Coronavirus (COVID-19) Pandemic: Purchase and Distribution of Food Eligible for Public Assistance*, FEMA Policy FP 104-010-03 (April 11, 2020).

¹² See *Public Assistance: Non-Congregate Sheltering Delegation of Authority Fact Sheet* (March 19, 2020), and *Coronavirus (COVID-19) Pandemic: Non-Congregate Sheltering Frequently Asked Questions* (March 31, 2020).

¹³ PAPPG, V3.1 (2018), at page 62.



- e. Communications to disseminate public information regarding health and safety measures and provide warnings about risks and hazards.¹⁴
 - f. Mass casualty management, including storage of human remains and mass mortuary services, as necessary to manage fatalities caused by COVID-19.¹⁵
 - g. Purchase and distribution of Personal Protective Equipment (PPE)¹⁶ that is directly related to the performance of otherwise eligible emergency work,¹⁷ or is provided to healthcare workers, patients with confirmed or suspected COVID-19 infection, and first responders.¹⁸
 - i. Funding for stockpiling a supply of eligible PPE is limited to a supply that is projected for up to 60 days from date of purchase.
 - ii. Funding for storing eligible PPE is limited to what is necessary to store a projected 60-day PPE supply.
5. FEMA may provide assistance for the following activities in response to COVID-19-declared events only when necessary to perform otherwise eligible emergency work listed in C.4:
- a. Purchase and distribution of face masks,¹⁹ including cloth facial coverings, provided to persons conducting eligible emergency work and/or in facilities where eligible emergency work is performed.
 - b. Temperature scanning, including purchase and distribution of hand-held temperature measuring devices and associated supplies, in facilities where eligible emergency work is performed.
 - c. Disinfection, in accordance with CDC guidance,²⁰ in facilities where eligible emergency work is performed, including purchase and provision of necessary supplies and equipment, and in excess of current operating costs.
 - d. Acquisition and installation of temporary physical barriers, such as plexiglass barriers, in facilities where eligible emergency work is conducted.

¹⁴ Stafford Act, Section 403(a)(3)(F) and (G), and PAPPG V3.1 (2018), at page 58.

¹⁵ See PAPPG V3.1 (2018), at page 58. For information on COVID-19-related fatality management see <https://asprtracie.hhs.gov/technical-resources/129/covid-19-fatality-management-resources/99>.

¹⁶ For this policy, PPE is defined to include items such as N95 and other filtering respirators, surgical masks, gloves, protective eyewear, face shields, and protective clothing (e.g., gowns).

¹⁷ PAPPG V3.1 (2018), at pages 21 and 63.

¹⁸ See www.fema.gov/fact-sheet/addressing-ppe-needs-non-healthcare-setting, <https://www.cdc.gov/coronavirus/2019-ncov/hcp/using-ppe.html>, <https://www.cdc.gov/coronavirus/2019-ncov/community/organizations/firefighter-EMS.html>, and <https://www.cdc.gov/coronavirus/2019-ncov/community/guidance-law-enforcement.html>. For this policy, the definition of first responder includes: emergency public safety, fire, law enforcement, emergency response, emergency medical, and related personnel that may interact with individuals infected with, or suspected to be infected with, COVID-19.

¹⁹ For this policy, face masks, such as cloth face coverings, that are not regulated by the U.S. Food and Drug Administration (FDA) are not considered PPE. Per FDA guidance, these face masks are not PPE, but may be used to prevent or slow the spread of COVID-19. See <https://www.fda.gov/medical-devices/personal-protective-equipment-infection-control/n95-respirators-surgical-masks-and-face-masks> and <https://www.fda.gov/medical-devices/emergency-situations-medical-devices/faqs-emergency-use-authorization-face-masks-non-surgical>.

²⁰ Work should be consistent with current PAPPG and public health guidance as it relates to disinfection recommendations. CDC provides disinfection guidance online at <https://www.cdc.gov/coronavirus/2019-ncov/community/clean-disinfect/index.html>.



- e. Law enforcement and security.
- f. Training and technical assistance specific to the declared event.
- g. Reimbursement for force account overtime costs, costs related to hiring temporary employees, and contract labor costs associated with performance of eligible emergency protective measures.²¹
- h. Movement of equipment and supplies, including transportation and storage.
- i. Other work and costs delineated within COVID-19 policies referenced in C.4.

D. COORDINATION OF FUNDING

Outcome: To provide information on coordinating PA and other sources of federal funding.

1. Congress to date has authorized over \$3 trillion to multiple federal agencies to address the effects of the COVID-19 pandemic.
 - a. FEMA is closely coordinating with other federal agencies about the eligible uses of various COVID-19 funding resources and will continue to provide guidance to eligible applicants about where they can seek funding²².
 - b. A list of federal funding for COVID-19 is available at: <https://www.usa.gov/coronavirus>. General information about available federal funding needs may be found at www.grants.gov.
2. FEMA may provide PA funding to applicants for eligible work under the COVID-19 declarations that may also be eligible for funding under another federal agency's authorities.
 - a. Potential PA applicants may have the flexibility to determine which source of funding to use for their costs, subject to the purpose and eligibility requirements of each of the federal programs and funding sources.
 - b. If an eligible applicant applies for PA funding and then determines it will instead seek funding from another federal agency, the applicant should notify FEMA as soon as possible.
 - i. If FEMA has not awarded PA funding, the applicant should withdraw or amend their PA project application.
 - ii. If FEMA has already awarded PA funding, the applicant should request an updated version to their project worksheet to amend their PA project.
 - c. PA funding should not be considered funding of last resort. It is advisable that PA funding is considered concurrently with other federal agency programs and sources.
3. For certain types of work that may be eligible for funding under another agency's authorities, FEMA, in coordination with other federal agencies and after close examination of available CARES Act funding, has determined that it will not provide reimbursement through the PA program.

²¹ See PAPPG V3.1 (2018) at pages 23-26 for more on FEMA's labor policies.

²² FEMA has posted a [COVID-19 Resource Summary Report](#) that is a list of resources provided by the federal government since the start of the response to COVID-19. This list is provided as a point of reference and partners should directly consult with each agency to verify the applicability of a specific program.



- a. For example, COVID-19 contact tracing may be an emergency protective measure otherwise eligible for PA funding. However, in coordination with other federal agencies, FEMA has determined that PA is not the appropriate source of funding for COVID-19 contact tracing and there are other more appropriate sources of funding.²³
4. Section 312 of the Stafford Act prohibits all federal agencies from duplicating benefits for disaster relief.
- a. Multiple agencies having authority to expend funds for the same purpose is not, by itself, a duplication of benefits under Section 312.²⁴ However, all federal agencies are prohibited by Section 312 from paying applicants for the same work twice.
 - b. Recipients and subrecipients are ultimately responsible for ensuring that they do not receive payment for the same item of work twice. FEMA applicants must certify in the PA application process that assistance is not being duplicated.

E. TIME LIMITATIONS

Outcome: To provide time limitations for the completion of eligible work.

- 1. For all COVID-19 declarations, FEMA has extended the deadline in accordance with regulatory timeframes for emergency work at 44 C.F.R. § 206.204(d) beyond six months of the date of the declaration and will make notification 30 days prior to establishment of the deadline.

Keith Turi
Assistant Administrator, Recovery Directorate

September 1, 2020
Date

²³ See the CDC Epidemiology and Laboratory Capacity for Prevention and Control of Emerging Infectious Disease (ELC) at <https://www.cdc.gov/ncezid/dpei/epidemiology-laboratory-capacity.html>.

²⁴ See FEMA Fact Sheet *Coronavirus Disease 2019 (COVID-19) Public Health Emergency: Coordinating Public Assistance and Other Sources of Federal Funding* (July 1, 2020) at <https://www.fema.gov/media-collection/public-assistance-disaster-specific-guidance-covid-19-declarations> for more information.

ADDITIONAL INFORMATION

REVIEW CYCLE

FEMA Policy #104-009-19, *Coronavirus (COVID-19) Pandemic: Work Eligible for Public Assistance (Interim)*, will be reviewed and evaluated regularly throughout the duration of the COVID-19 pandemic. The Assistant Administrator for the Recovery Directorate is responsible for authorizing any changes or updates. This policy will sunset with the closure of the national emergency declaration for COVID-19 and any subsequent major disaster declarations for COVID-19.

AUTHORITIES and REFERENCES

Authorities

- Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. § 5121-5207, as amended
- Title 44 of the Code of Federal Regulations, Part 206, Subpart H
- Title 2 of the Code of Federal Regulations, Part 200

References

- *Public Assistance Program and Policy Guide*, Version 3.1

DEFINITIONS

To establish consistent terminology for purposes of implementing this policy, the following definitions are provided below. These definitions are specific to this policy and **may differ from definitions prescribed for the same or similar terms in other policies.**

1. **Personal Protective Equipment (PPE):** PPE refers to items such as N95 and other filtering respirators, surgical masks, gloves, protective eyewear, face shields, and protective clothing (e.g., gowns).
2. **First Responder:** First responder refers to emergency public safety, fire, law enforcement, emergency response, emergency medical, and related personnel that may interact with individuals infected with, or suspected to be infected with, COVID-19.

MONITORING AND EVALUATION

FEMA will closely monitor the implementation of this policy through close coordination with regional and field staff, as appropriate, as well as interagency partners and SLTT stakeholders.

QUESTIONS

Applicants should direct questions to their respective FEMA regional office.

Coronavirus (COVID-19) Pandemic: Medical Care Costs Eligible for Public Assistance

FEMA Policy FP 104-010-04

BACKGROUND

Under the President's March 13, 2020 COVID-19 emergency declaration¹ and subsequent major disaster declarations for COVID-19, state, local, tribal, and territorial (SLTT) government entities and certain private non-profit (PNP) organizations are eligible to apply for assistance under the FEMA Public Assistance (PA) Program. This policy is applicable to eligible PA Applicants only and is exclusive to emergency and major disaster declarations for the COVID-19 pandemic.

PURPOSE

This policy defines the framework, policy details, and requirements for determining the eligibility of medical care costs under the PA Program to ensure consistent and appropriate implementation across all COVID-19 emergency and major disaster declarations. Except where specifically stated otherwise in this policy, assistance is subject to PA Program requirements as defined in Version 3.1 of the Public Assistance Program and Policy Guide (PAPPG).²

PRINCIPLES

- A. FEMA will provide assistance for medical care provided under COVID-19 declarations to improve the abilities of communities to effectively respond to the COVID-19 Public Health Emergency.
- B. FEMA will implement this policy and any assistance provided in a consistent manner through informed decision making and review of an Applicant's supporting documentation.
- C. FEMA will engage with interagency partners, including the U.S. Department of Health and Human Services' (HHS) Office of the Assistant Secretary for Preparedness and Response (ASPR) and the Centers for Disease Control and Prevention (CDC), the Health Resources

¹ www.fema.gov/news-release/2020/03/13/covid-19-emergency-declaration.

² The current version of the Public Assistance Program and Policy Guide (PAPPG), Version 3.1, is available on the FEMA website at www.fema.gov/media-library/assets/documents/111781.



and Services Administration (HRSA), and the Centers for Medicare and Medicaid Services (CMS) to ensure this assistance is provided in a coordinated manner without duplicating assistance.

REQUIREMENTS

A. APPLICABILITY

Outcome: To establish the parameters of this policy and ensure it is implemented in a manner consistent with program authorities and appropriate to the needs of the COVID-19 Public Health Emergency.

1. This policy applies to:
 - a. All Presidential emergency and major disaster declarations under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act), as amended, issued for the COVID-19 Public Health Emergency.
 - b. Eligible PA Applicants under the COVID-19 emergency declaration or any subsequent COVID-19 major disaster declaration, including:
 - i. SLTT government entities; and
 - ii. PNP organizations that own and/or operate medical facilities, as defined in Title 44 of the Code of Federal Regulations (44 C.F.R.) §206.221(e)(5).
 - c. This policy does not apply to any other emergency or major disaster declaration.

B. GENERAL ELIGIBILITY CONSIDERATIONS FOR COVID-19 MEDICAL CARE

Outcome: To define the overarching framework for all eligible medical care work related to COVID-19 declarations.

1. All work must be necessary as a direct result of the emergency or major disaster in accordance with 44 C.F.R. §206.223(a)(1).
2. Medical care and associated costs refer to assistance to support the provision of medical care, including eligible facility, equipment, supplies, staffing, and wraparound services (as defined in the **Definitions** section at the end of this document), as well as assistance for clinical care of patients not covered by another funding source as described throughout this policy.

C. ELIGIBLE MEDICAL CARE WORK AND COSTS BY FACILITY TYPE

Outcome: To establish parameters for eligible medical care work and costs for COVID-19 declarations based on the type of facility providing medical care.

1. Primary Medical Care Facility.

For medical care provided in a primary medical care facility (as defined in the **Definitions** section at the end of this document), work must be directly related to the treatment of



COVID-19 patients. Work may include both emergency and inpatient treatment of COVID-19 patients; this includes both confirmed and suspected cases of COVID-19. Medical care related to treatment of a non-COVID-19 illness or injury in a primary medical care facility is not eligible. The following medical care activities and associated costs are eligible in primary medical care facilities:

- a. Emergency and inpatient clinical care for COVID-19 patients, including, but not limited to:
 - i. Emergency medical transport related to COVID-19;
 - ii. Triage and medically necessary tests and diagnosis related to COVID-19 patients;
 - iii. Necessary medical treatment of COVID-19 patients; and
 - iv. Prescription costs related to COVID-19 treatment.
- b. Purchase, lease, and delivery of specialized medical equipment necessary to respond to COVID-19 (equipment purchases are subject to disposition requirements³);
- c. Purchase and delivery of PPE, durable medical equipment, and consumable medical supplies necessary to respond to COVID-19 (supply purchases are subject to disposition requirements⁴);
 - i. This includes the costs of eligible SLTT government Applicants providing PPE to any public or private medical care facility that treats COVID-19 patients.
- d. Medical waste disposal related to COVID-19; and
- e. Certain labor costs associated with medical staff providing treatment to COVID-19 patients may be eligible as outlined below. Any labor costs for medical staff that are included in patient billing and/or otherwise covered by another funding source (as described in **Section D.4 Duplication of Benefits** of this policy) are not eligible for PA. Otherwise, the following labor costs may be eligible:
 - i. Overtime for budgeted medical staff providing treatment to COVID-19 patients;
 - ii. Straight time and overtime for temporary medical staff providing treatment to COVID-19 patients; and
 - iii. Straight time, overtime, and other necessary costs for contract medical staff providing treatment to COVID-19 patients. Work and associated costs must be consistent with the scope of the contract and may include costs for travel, lodging, and per diem for contract medical staff from outside the local commuting area.

³ As described in Chapter 2:V.E. Disposition of Purchased Equipment and Supplies of the PAPPG (V3.1).

⁴ Id.



- f. For primary medical care facilities, increased operating costs for administrative activities (such as medical billing) are not eligible.⁵

2. Temporary and Expanded Medical Facilities.⁶

FEMA may approve work and costs associated with temporary medical facilities or expanded medical facilities when necessary in response to the COVID-19 Public Health Emergency. These facilities may be used to treat COVID-19 patients, non-COVID-19 patients, or both, as necessary. Medical care activities and associated costs related to treating both COVID-19 and non-COVID-19 patients in a temporary or expanded medical facility may be eligible.

- a. Costs must be reasonable and necessary based on the actual or projected need. The projected needs (i.e., capacity and capability) for a temporary or expanded medical facility must be supported by predictive modeling or other substantiating information used to determine the projected need.
- b. Eligible costs for temporary and expanded medical facilities include:
 - i. All eligible items and stipulations included in **Section C.1 Primary Medical Care Facility**, but applicable to both COVID-19 and non-COVID-19 patients;
 - ii. Lease, purchase, or construction costs, as reasonable and necessary, of a temporary facility as well as reasonable alterations to a facility necessary to provide medical care services;⁷
 - iii. Mobilization and demobilization costs associated with setting up and closing the temporary or expanded medical facility;
 - iv. Operating costs including equipment, supplies, staffing, wraparound services (as defined in the **Definitions** section at the end of this document), and clinical care not covered by another funding source; and
 - v. Maintenance of a temporary or expanded medical facility in an operationally ready but unused status available for surge capacity for COVID-19 readiness and response when necessary to eliminate or lessen an immediate threat to public health and safety, based on public health guidance, location of areas expected to be impacted, and local/state hospital bed/ICU capacity.
- c. For contract costs related to establishing and/or operating a temporary or expanded medical facility, contracts must include a termination for convenience clause that will be implemented if the site is ultimately not needed, or the needs are less than projected, as determined by the legally responsible entity.
 - i. Ongoing and projected needs regarding continuing operations at a temporary or expanded medical facility should be based on regular assessments and the Applicant must document the review process to support its decision making.

⁵ See Chapter 2:VI.B.2. Expenses Related to Operating a Facility or Providing a Service of the PAPPG (V3.1).

⁶ Temporary medical facilities may include Alternate Care Sites or Community Based Testing Sites if eligible work and costs related to these facilities are incurred by eligible PA Applicants.

⁷ As described in Chapter 2:VI.B.17(e) and (g) of the PAPPG (V3.1).



- ii. The assessments should include adjustments to projected needs based on guidance from public health officials, caseload trends, and/or other predictive modeling or methodologies; lead times and associated costs for scaling up or down based on projected needs; and any other supporting information.
 - iii. The assessments and supporting information are necessary to determine eligibility of claimed costs and should align with PA reasonable cost guidance provided in the PAPPG⁸ and the *Public Assistance Reasonable Cost Evaluation Job Aid*.⁹
- d. Costs related to expanding a primary medical care facility to effectively respond to COVID-19 must be feasible and cost effective. In most cases, permanent renovations are not eligible unless the Applicant can demonstrate that the work can be completed in time to address COVID-19 capacity needs and is the most cost-effective option. Permanent renovations and other improvements to real property with PA funds are subject to real property disposition requirements.¹⁰
- e. For temporary and expanded medical facilities, and the specific type of temporary medical facilities known as Alternate Care Sites, administrative activities and associated costs necessary for the provision of essential medical services are eligible.

D. GENERAL ELIGIBILITY CONSIDERATIONS FOR COVID-19 COSTS

Outcome: To provide additional information about eligible costs and cost-related considerations.

1. Eligible claimed costs must be necessary in order to respond to the COVID-19 Public Health Emergency and reasonable pursuant to Federal regulations and Federal cost principles.¹¹ A cost is considered reasonable if, in its nature and amount, it does not exceed that which would be incurred by a prudent person under the circumstances prevailing at the time the decision was made to incur the cost. All costs are subject to standard PA program eligibility and other Federal requirements. For COVID-19 declarations, FEMA will use Medicare rates¹² as the basis to determine reasonable costs for eligible clinical care not covered by another funding source. Both patient payments and insurance payments are considered another funding source; clinical care for which providers have received or will receive payments from patients or insurance is not eligible.
2. Cost Share for COVID-19 Declarations. PA funding authorized under COVID-19 declarations is subject to the following cost share provisions:

⁸ As described in Chapter 2:V. Cost Eligibility of the PAPPG (V3.1).

⁹ The Public Assistance Reasonable Cost Evaluation Job Aid is available on the FEMA website at www.fema.gov/media-library/assets/documents/90743.

¹⁰ As described in Chapter 2:V.F. Disposition of Real Property of the PAPPG (V3.1).

¹¹ 2 CFR §200.404.

¹² FEMA will use standard Medicare rates that do not include the 20 percent increase in COVID-19 Medicare DRG rates implemented by the CARES Act.



- a. Eligible costs incurred by an eligible Applicant claiming reimbursement through PA are subject to the non-federal cost share established for the respective emergency or major disaster declaration. Pursuant to sections 403(b) and 503(a) of the Stafford Act, the federal share for FEMA PA funding is not less than 75 percent of eligible costs.
- b. Direct Federal Assistance provided under Stafford Act authorities is also subject to the cost share established for the respective emergency or major disaster declaration, unless otherwise stipulated.
- c. Federal assistance provided by other federal departments and agencies, including instances in which provision of the assistance is facilitated by FEMA, is funded at the cost share of the other federal department or agency, some of which may be provided at 100 percent federal funding.
- d. In most cases, federal assistance provided by other federal departments and agencies cannot be used to cover the non-federal cost share. The Applicant can only apply other federal award funds toward the PA non-federal cost share if the other federal award has specific statutory authority allowing it to be utilized to meet cost-share requirements, or is otherwise allowable under the other federal source of funding.
- e. The Applicant cannot apply PA funds toward the non-federal cost share of other federal agency funding. For example, States may not use PA funding to meet the State share of Medicaid or the Children's Health Insurance Program (CHIP).¹³

3. Procurement Requirements for COVID-19 Declarations.¹⁴

- a. States and territorial governments are required to follow their own procurement procedures as well as the Federal requirements for procurement of recovered materials and inclusion of required contract provisions per 2 C.F.R. §§ 200.317, 200.322, and 200.326 and Appendix II to 2 CFR Part 200.¹⁵
- b. Tribal governments, local governments, and PNPs must comply with the requirements of 2 C.F.R. §§ 200.318-200.326.
- c. In accordance with the March 17, 2020, memorandum from David Bibo, Acting Associate Administrator for the Office of Response and Recovery, and Bridget E. Bean, Assistant Administrator, Grant Programs Directorate, for the duration of the Public Health Emergency, as determined by HHS, local governments, tribal

¹³ See 42 C.F.R. § 433.51 and 45 C.F.R. § 75.306.

¹⁴ Additional guidance regarding procurement standards is available at <https://www.fema.gov/procurement-disaster-assistance-team>.

¹⁵ For additional guidance regarding required contract clauses, see the Procurement Disaster Assistance Team's "FEMA Contract Provisions Template" (2019 ed.), available online at https://www.fema.gov/media-library-data/1569959119092-92358d63e00d17639d5db4de015184c9/PDAT_ContractProvisionsTemplate_9-30-19.pdf.



governments, nonprofits, and other non-state entities may proceed with new and existing non-competitively procured contracts using the exigent/emergency circumstances exception in 2 C.F.R. § 200.320(f)(2). The March 17, 2020 memorandum and other information related to procurement specific to COVID-19 declarations are available on the FEMA website at www.fema.gov/media-library/assets/documents/186350. Additional resources on COVID-19 specific to grants are also available at www.fema.gov/grants under “News and Announcements” and www.fema.gov/coronavirus.

- d. SLTT governments may contract with medical providers, including private entities, to carry out any eligible activity described in **Section C. Eligible Medical Care by Facility** of this policy.
- e. Contracts must include an actionable termination for convenience clause that will be implemented if any part of the scope of the contract is ultimately not needed, or the needs are less than projected, as determined by the legally responsible entity. Ongoing and projected needs should be based on regular reviews and the Applicant must document the review process to support its decision making. All claimed contract costs must be necessary and reasonable pursuant to applicable Federal regulations and Federal cost principles.

4. Duplication of Benefits.

Pursuant to Section 312 of the Stafford Act, FEMA is prohibited from providing financial assistance where such assistance would duplicate funding available from another program, insurance, or any other source for the same purpose.

- a. FEMA cannot duplicate assistance provided by HHS or other federal departments and agencies. This includes, but is not limited to, funding provided by the programs listed below. FEMA is providing this list as a helpful reference, but SLTT government entities and PNPs should consult with the appropriate federal agency and the terms and conditions of each program or source of funding to determine what funding may be considered duplicative.
 - i. The Public Health Emergency Preparedness Cooperative Agreement Program;
 - ii. The Public Health Crisis Response Cooperative Agreement;
 - iii. The Epidemiology and Laboratory Capacity for Prevention and Control of Emerging Infectious Diseases;
 - iv. The Hospital Preparedness Program Cooperative Agreement;
 - v. The Regional Ebola and Other Special Pathogen Treatment Centers Cooperative Agreement;
 - vi. The National Emerging Special Pathogens Training and Education Center Cooperative Agreement;
 - vii. The Hospital Association COVID-19 Preparedness and Response Activities Cooperative Agreement;
 - viii. The Coronavirus Relief Fund and the Provider Relief Fund;



- ix. The COVID-19 Uninsured Program; and
 - x. The Paycheck Protection Program.
-
- b. FEMA cannot provide PA funding for clinical care costs funded by another source, including private insurance, Medicare, Medicaid/CHIP, other public insurance, a pre-existing private payment agreement, or the COVID-19 Uninsured Program for uninsured patients.¹⁶ The Applicant will certify that it has not received and does not anticipate receiving assistance from these sources or any other source for the same work or costs. FEMA will deobligate any PA funding that has been provided in the event that another source provides funds to the Applicant for the same clinical care costs.
 - c. At no time will FEMA request or accept any Personally Identifiable Information related to the medical care of individual COVID-19 patients.
 - d. FEMA will reconcile final funding based on any funding provided by another agency or covered by insurance or any other source for the same purpose. FEMA will coordinate with HHS to share information about funding from each agency to assist in preventing duplication of benefits.
5. Time Limitations for the Completion of Work.
- a. Costs for eligible medical care for COVID-19 declarations are limited to those incurred within six months of the date of the declaration in accordance with regulatory timeframes for emergency work at 44 C.F.R. §206.204(c) or until the end of the COVID-19 Public Health Emergency, whichever comes first.
 - b. For all COVID-19 declarations, FEMA may extend the deadline in accordance with 44 C.F.R. §206.204(d) if the duration of the COVID-19 Public Health Emergency extends beyond six months or for work required after the end of the Public Health Emergency, such as demobilization of temporary medical facilities, or to address localized needs as appropriate.

Keith Turi
Assistant Administrator, Recovery Directorate

May 9, 2020

Date

¹⁶ The COVID-19 Uninsured Program reimburses for testing and clinical care costs for the uninsured which is being provided at Medicare rates.

ADDITIONAL INFORMATION

REVIEW CYCLE

This policy will be reviewed periodically during the COVID-19 Public Health Emergency period. The Assistant Administrator for the Recovery Directorate is responsible for authorizing any changes or updates. This policy will sunset with the closure of the national emergency declaration for COVID-19 and any subsequent major disaster declarations for COVID-19.

AUTHORITIES and REFERENCES

Authorities

- Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. § 5121-5207, as amended
- Title 44 of the Code of Federal Regulations, Part 206, Subpart H
- Title 2 of the Code of Federal Regulations, Part 200

References

- Public Assistance Program and Policy Guide, Version 3.1

DEFINITIONS

To establish consistent terminology for purposes of implementing this policy, the following definitions are provided below. These definitions are specific to this policy and may differ from definitions prescribed for the same or similar terms in other policies.

1. **Medical Care:** Medical Care refers both to assistance provided to support the provision of medical care and assistance for clinical care. Examples of medical care support include eligible facility, equipment, supplies, and staffing costs.
2. **Clinical Care:** Clinical Care refers to medical treatment of individual patients including testing, diagnosis, treatment, hospitalization, prescriptions, and other costs associated with individual patient treatment typically billed to individual patients, their insurance carriers, Medicare, Medicaid, or other pre-existing payment agreements.
3. **Primary Medical Care Facility:** A primary medical care facility is the facility owned and/or operated by an eligible PA Applicant that provides medical care services. This includes any licensed hospital, outpatient facility, rehabilitation facility, or facility for long-term care.
4. **Temporary Medical Facility:** A temporary medical facility is a facility separate from the primary medical care facility that is used to provide medical care services when the primary medical care facility is overwhelmed by the declared event.



5. **Expanded Medical Facility:** An expanded medical facility is part of the primary medical care facility and refers to an expansion of the primary medical care facility to increase its capacity when the primary medical care facility is overwhelmed by the declared event.
6. **Alternate Care Sites:** Alternate Care Site is a type of Temporary Medical Facility and broadly describes any building or structure of opportunity converted for healthcare use. It provides additional healthcare capacity and capability for an affected community separate from a traditional, established healthcare institution, though healthcare institutions may partner with eligible Applicants operating an Alternate Care Site.
7. **Community-Based Testing Sites:** Community-Based Testing Sites are strategically located sites within a community operated by a SLTT government for the purpose of providing COVID-19 testing to members of the community.
8. **Wraparound Services:** Wraparound services in the context of this policy are the same as those defined in the Alternate Care Site Toolkit. The services will differ at each temporary medical facility. Such services include, but are not limited to, the following: linen and laundry services; food preparation and delivery; biomedical waste removal, including contaminated items such as personal protective equipment; perimeter fencing; contracted security guards; professional cleaning; and other related services. The toolkit and other Alternate Care Site resources are available on the HHS website at <https://asprtracie.hhs.gov/technical-resources/111/covid-19-alternate-care-site-resources>.

MONITORING AND EVALUATION

FEMA will closely monitor the implementation of this policy through close coordination with regional and field staff, as appropriate, as well as interagency partners and SLTT stakeholders.

QUESTIONS

Applicants should direct questions to their respective FEMA regional office.



FEMA Emergency Non-Congregate Sheltering during the COVID-19 Public Health Emergency (Interim)

FEMA Policy 104-009-18

BACKGROUND

FEMA provides Public Assistance (PA) funding to state, local, tribal, and territorial (SLTT) governments for costs related to emergency sheltering for disaster survivors. Typically, sheltering occurs in facilities with large open spaces, such as schools, churches, community centers, or other similar facilities rather than in non-congregate environments, which are locations where each individual or household has living space that offers some level of privacy such as hotels, motels, or dormitories. FEMA recognizes sheltering operations during the COVID-19 Public Health Emergency may require SLTTs to consider additional strategies to ensure that survivors are sheltered in a manner that does not increase the risk of exposure to or further transmission of COVID-19.

PURPOSE

This policy defines the framework, policy details, and requirements for determining eligible work and costs for non-congregate sheltering in response to a Presidentially declared emergency or major disaster, or Fire Management Assistance Grant (FMAG) declaration, hereafter “Stafford Act declarations.” Except where specifically stated otherwise, assistance is subject to PA Program requirements as defined in Version 4 of the *Public Assistance Program and Policy Guide* (PAPPG)¹ and the *Fire Management Assistance Grant Program Guide*.²

PRINCIPLES

- A. FEMA will provide flexibility to applicants to take measures to safely conduct non-congregate sheltering activities through December 31, 2020 in the event of a Stafford Act declaration.

¹ The current version of the *Public Assistance Program and Policy Guide* (PAPPG), Version 4, is available on the FEMA website at www.fema.gov/media-library/assets/documents/111781.

² The current version of the *Fire Management Assistance Grant Program* FEMA P-954, is available online at https://www.fema.gov/media-library-data/1581017232216-74156de976d581852e91b9826c2968c2/FMAG_Guide_Feb_2014_508.pdf.



FEMA

- B. FEMA does not intend for PA- or FMAG-funded non-congregate sheltering to be the single solution for sheltering, but rather one of many forms of non-congregate sheltering assistance.
- C. SLTTs should work with FEMA and other non-governmental partners to determine how non-congregate sheltering options may be incorporated into overall sheltering plans.
- D. FEMA will responsibly implement this policy and any assistance provided in a consistent manner through informed decision-making and accountable documentation.
- E. FEMA expects SLTTs will work with survivors to identify available assistance options for continued sheltering or housing needs that extend beyond the period of assistance identified in this policy.

REQUIREMENTS

A. APPLICABILITY

Outcome: To establish the parameters of this policy and ensure implementation in a manner consistent with program authorities and the needs of non-congregate sheltering operations in a COVID-19 environment.

- 1. This policy applies to all Stafford Act declarations, declared between June 1, 2020 and December 31, 2020.

B. GENERAL ELIGIBILITY CONSIDERATIONS

Outcome: To define the eligibility framework for non-congregate sheltering in Stafford Act declared events between June 1 and December 31, 2020.

- 1. Legal Responsibility.
 - a. To be eligible for PA funding, an item of work must be the legal responsibility of an eligible applicant.³ Measures to protect life, public health, and safety are generally the responsibility of SLTT governments.
 - b. Legally responsible SLTT governments may enter into formal agreements or contracts with private entities, including private nonprofit organizations to conduct sheltering activities when necessary as an emergency protective measure in response to a declared incident. In these cases, PA funding is provided to the legally responsible government entity, which would then reimburse the private organization for the cost of providing those services under the agreement or contract.
- 2. General Considerations.

³ 44 CFR §206.223.



FEMA

- a. In some circumstances, such as when congregate shelters are not available, sufficient, or could present a threat to public health and safety, FEMA may reimburse costs related to emergency sheltering in non-congregate environments.
- b. Pre-approval of non-congregate sheltering is not required for the Stafford Act declarations to which this policy applies. The FEMA Regional Administrators, or their designee, may therefore approve work and costs as outlined in Sections B.3 and B.4 of this policy.
- c. If not otherwise stated in this policy, all other relevant policies and programmatic considerations are required in accordance with the PAPPG and FMAG Guide.
- d. The Recipient must provide sufficient data and documentation to establish eligibility of the non-congregate sheltering activities, including the need for non-congregate sheltering resulting from the declared event, reasonableness, and costs. For a list of documentation requirements, refer to the PAPPG, Version 4.⁴
- e. To allow for a smooth transition of assistance from PA- or FMAG-funded non-congregate sheltering to other forms of FEMA assistance, Applicants are encouraged to collect data on the sheltered population. Examples of suggested data collection can be found in Appendix A, Data and Information Management, of this policy. This data is not intended to be collected by PA staff nor is it necessary to determine eligibility or to process the PA grant.
- f. In the event a declaration authorizing Individual Assistance (IA) programs under Section 408 of the Stafford Act is approved, Applicants should encourage survivors in PA- or FMAG-funded non-congregate sheltering to register with FEMA if they have a continuing need for federal assistance. FEMA will then determine whether the survivors are eligible for additional assistance.
- g. It is the responsibility of the Applicant to transition survivors out of PA- or FMAG-funded non-congregate sheltering to other forms of assistance, if the survivor still requires such assistance beyond the timeframes described in Section B.6.a of this policy. Additional assistance may be provided through other FEMA or federal programs, or through state, local, or voluntary agency resources.

3. Work Eligibility.

- a. Eligible work related to non-congregate sheltering includes, but is not limited to, the items enumerated in the Chapter 7.II.O(2) of the PAPPG, Version 4. Work must be necessary based on the type of shelter and the specific needs of the survivors.

⁴ See pages 123 and 124 of the PAPPG for data and documentation requirements for non-congregate sheltering.



- b. In recognition of the unique circumstances posed by COVID-19, additional work items may be eligible, such as:
 - i. Cleaning and disinfection of non-congregate shelter facilities to avoid the spread of COVID-19, including necessary disinfection supplies and equipment.
 - ii. Face coverings, as recommended by the Centers for Disease Control and Prevention, to help slow the spread of COVID-19.
 - iii. Other items necessary to protect public health and safety during the COVID-19 pandemic. Refer to applicable public health authorities and/or FEMA guidance specific to the COVID-19 pandemic for guidance on what items may be necessary and appropriate.

4. Cost Eligibility.

- a. FEMA determines eligible costs based on applicable statutes, regulation, and policy and its review of the contractual agreement between an SLTT and private entities.⁵
- b. All claimed costs must be necessary and reasonable in order to respond to the declared event and are subject to program eligibility and other Federal requirements, including the applicable cost-share for the respective Stafford Act declaration.⁶
- c. Applicants must follow applicable cost principles and procurement requirements.⁷
 - i. Applicants must follow FEMA's Procurement Under Grants Conducted Under Exigent or Emergency Circumstances guidance and include a termination for convenience clause in their contracts, including contracts for wrap-around services.
 - ii. Costs claimed by SLTT governments must be reasonable pursuant to Federal regulations and Federal cost principles.⁸ A cost is considered reasonable if, in its nature and amount, it does not exceed that which would be incurred by a prudent person under the circumstances prevailing at the time the decision was made to incur the cost.
 - iii. State and territorial governments are required to follow their own procurement procedures, comply with 2 CFR §200.322, and include any clauses required by 2 CFR §200.326 and Appendix II to 2 C.F.R. Part 200.
 - iv. Tribal and local governments must follow their own procedures and comply with 2 C.F.R. §§200.318-200.326.

5. Duplication of Benefits.

⁵ Chapter 7.II.O(2)(e) PAPPG.

⁶ In certain circumstances, the Regional Administrator may require the submission of an internal control plan, pursuant to 2 CFR §200.303.

⁷ See. *COVID-19 Guidance: Procurements Under Grants During Periods of Exigent or Emergency Circumstances*, March 17, 2020. ([https://www.fema.gov/media-library/assets/documents/186350.](https://www.fema.gov/media-library/assets/documents/186350))

⁸ 2 CFR §200.404; OMB Circular 87.



FEMA

- a. Pursuant to Section 312 of the Stafford Act, FEMA is prohibited from providing financial assistance where such assistance would duplicate funding available from another program, insurance, or any other source for the same costs.⁹
- b. Funding for non-congregate sheltering cannot be duplicated by a non-federal agency, another federal agency or other FEMA program and/or grant. This includes Transitional Sheltering Assistance (TSA) and Lodging Expense Reimbursement.

6. Time Limitations.

- a. FEMA will fund costs associated with necessary non-congregate sheltering activities which were incurred up to six days before the incident period begins and for up to 30 days after the incident period ends.
- b. For costs incurred outside this timeframe, the Applicant must request a time extension and receive approval from the appropriate Regional Administrator. The time extension request should be submitted seven days in advance of the need and include a detailed justification for the continued need of non-congregate sheltering and a revised analysis of shelter options, including the costs for each option in accordance with Chapter 7.II.O(2)(e) of the PAPPG, Version 4.
- c. Work authorized under this policy is eligible until December 31, 2020. All time extensions for non-congregate sheltering activities after December 31, 2020 must be approved by the FEMA Assistant Administrator for Recovery.

7. Other Considerations.

- a. Activities must comply with all applicable federal, state and local laws, regulations, and executive orders. FEMA will conduct an Environmental and Historic Preservation (EHP) review in coordination with other federal and/or state agencies as appropriate before funding is obligated to ensure that work is in compliance with these laws, regulations and executive orders.
- b. Under Section 308 of the Stafford Act, 42 U.S.C. § 5151, and other federal civil rights laws, recipients of FEMA financial assistance must ensure relief and assistance activities be accomplished in an equitable and impartial manner, without discrimination on the grounds of race, color, religion, national origin, sex, age, disability, English proficiency, or economic status.
 - i. Shelters must ensure that people with disabilities have equal access to its services, programs, which may include taking appropriate steps to ensure effective communication and complying with applicable physical accessibility

⁹ 42 U.S.C. § 5155.



FEMA

- requirements, such as those identified under the Americans with Disabilities Act and Architectural Barriers Act.
- ii. Shelters must provide meaningful communication and program access to individuals with limited English proficiency.

A handwritten signature in blue ink, appearing to read "Keith Turi".

Keith Turi
Assistant Administrator, Recovery Directorate

June 17, 2020
Date



ADDITIONAL INFORMATION

REVIEW CYCLE

FEMA Policy #104-009-18, FEMA Emergency Non-Congregate Sheltering during the COVID-19 Public Health Emergency (Interim), will be reviewed, reissued, revised, and/or rescinded by December 31, 2020. The Assistant Administrator of Recovery is responsible for authorizing any changes or updates.

AUTHORITIES and REFERENCES

Policies do not have the force and effect of law, except as authorized by law or as incorporated into a contract.

Authorities

- Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. § 5121, et seq., as amended
- Title 44 of the Code of Federal Regulations, Part 206, Subparts G and H
- Title 2 of the Code of Federal Regulations, Part 200
- Title 44 of the Code of Federal Regulations, Part 204

References

- FEMA Public Assistance Program and Policy Guide, Version 4
- FEMA Fire Management Assistance Grant Program Guide, P-954, February 2014

MONITORING AND EVALUATION

FEMA will closely monitor the implementation of this policy through close coordination with regional and field staff, as appropriate, as well as interagency partners and SLTT stakeholders.

QUESTIONS

Applicants should direct questions to their respective FEMA regional office.



FEMA

Appendix A: Suggested Information Collection

- A. FEMA strongly encourages Applicants to include a data management component that supports the capture of the following data elements regarding individuals/ households when conducting non-congregate sheltering operations.
1. Head of Household: First Name
 2. Head of Household: Last Name
 3. Head of Household: SSN last four (4) digits
 4. Head of Household: Mobile or other phone number
 5. Number of individuals in the Household
 6. Pre-Disaster Residence Address: Street Number and Name
 7. Pre-Disaster Residence Address: City
 8. Pre-Disaster Residence Address: State
 9. Pre-Disaster Residence Address: Zip Code
- B. In the event the State, Tribal, or Territorial government requests and FEMA activates TSA, the Recipient will be expected to encourage the Applicant to collect and report the above identified data elements to FEMA for every individual/household to which non-congregate sheltering is provided. This data will support data matching and accountability if TSA is activated, and to ensure the transition from PA- or FMAG-funded non-congregate sheltering to TSA is accomplished within established timeframes.
- C. The preferred reporting frequency is weekly beginning at the end of the first week of the Applicant's commencement of non-congregate sheltering operations.
- D. Individuals should be made aware that information collected by the Applicant will be shared with FEMA.