



# FEMA Emergency Non-Congregate Sheltering during the COVID-19 Public Health Emergency, Version 2 (Interim)

## FEMA Policy 104-009-18

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### 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)<sup>1</sup> and the *Fire Management Assistance Grant Program Guide*.<sup>2</sup>

### 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.

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<sup>1</sup> 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](http://www.fema.gov/media-library/assets/documents/111781).

<sup>2</sup> 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](https://www.fema.gov/media-library-data/1581017232216-74156de976d581852e91b9826c2968c2/FMAG_Guide_Feb_2014_508.pdf).



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- 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.<sup>3</sup> 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.

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<sup>3</sup> 44 CFR §206.223.



## 2. General Considerations.

- 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.<sup>4</sup>
- 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.<sup>5</sup>
- 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.

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

<sup>5</sup> Questions on data collection and data sharing can be sent via email to [FEMA-Recovery-RAD-Data-Sharing-Support@fema.dhs.gov](mailto:FEMA-Recovery-RAD-Data-Sharing-Support@fema.dhs.gov).



### 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.
- 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.<sup>6</sup>
- 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.<sup>7</sup>
- c. Applicants must follow applicable cost principles and procurement requirements.<sup>8</sup>
  - 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.<sup>9</sup> 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.

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<sup>6</sup> Chapter 7.II.O(2)(e) PAPPG.

<sup>7</sup> In certain circumstances, the Regional Administrator may require the submission of an internal control plan, pursuant to 2 CFR §200.303.

<sup>8</sup> COVID-19 Guidance: Procurements Under Grants During Periods of Exigent or Emergency Circumstances, March 17, 2020. [https://www.fema.gov/sites/default/files/2020-06/procurement\\_during\\_ee\\_circumstances\\_factsheet\\_ea\\_031820.pdf](https://www.fema.gov/sites/default/files/2020-06/procurement_during_ee_circumstances_factsheet_ea_031820.pdf).

<sup>9</sup> 2 CFR §200.404; OMB Circular 87.



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- 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.

- 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.<sup>10</sup>
- 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

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<sup>10</sup> 42 U.S.C. § 5155.



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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 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.

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Keith Turi  
Assistant Administrator, Recovery Directorate

August 29, 2020

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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.



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## 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. FEMA Registration ID (if available)
  2. Shelter Name
  3. Head of Household: First Name
  4. Head of Household: Last Name
  5. Head of Household: Mobile or other phone number
  6. Number of individuals in the Household
  7. Damaged Dwelling: Street Address
  8. Damaged Dwelling: City
  9. Damaged Dwelling: State
  10. Damaged Dwelling: 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.