

Emergency Non-Congregate Sheltering: Approval and Reimbursement of Costs Frequently Asked Questions (FAQ)

Subsequent to President Trump's March 13, 2020, Nationwide Emergency Declaration for Coronavirus Disease 2019 (COVID-19), the U.S. Department of Homeland Security's Federal Emergency Management Agency (FEMA) recognizes that non-congregate sheltering may be necessary in this Public Health Emergency to save lives, to protect property and public health, and to ensure public safety, as well as to lessen or avert the threat of a catastrophe.

On March 27, 2020, FEMA approved the State of California's request for reimbursement of costs related to emergency, non-congregate sheltering (Emergency NCS). FEMA's approval is limited to that which is reasonable and necessary to address the public health needs of the event and should not extend beyond the duration of the Public Health Emergency.

FAQs listed below are provided as initial guidance to any government or non-government entity impacted by this approval.

State Authority and Conditions for Approval to Implement Emergency NCS

Q1: Under what authority will the State of California implement Emergency NCS?

Q2: Who has authority within the State of California to approve the implementation of Emergency NCS?

Q3: What conditions for approval exist for the State of California to implement Emergency NCS?

FEMA Reimbursement Guidance

Q4: In accordance with what authority, may efforts associated with the implementation of Emergency NCS be reimbursed?

Q5: What is the stated duration of FEMA's approval for reimbursement of costs for implementation of Emergency NCS?

Q6: What costs for reimbursement are currently included in FEMA's approval for implementation of Emergency NCS?

Q7: What costs for reimbursement are NOT currently included in FEMA's approval for implementation of Emergency NCS?

State Authority and Conditions for Approval to Implement Emergency NCS

Q1. Under what authority will the State of California implement Emergency NCS?

A1. Emergency NCS will be implemented by the State of California pursuant to the following:

- Governor's Executive Order No. N-25-20 ordering all residents to obey any orders and guidance issued by state and local public health officials, including but not limited to the imposition of social distancing measures, to control the spread of COVID-19;
- Governor's Executive Order N-33-20 (a) incorporating the Order of the State Public Health Officer issued on March 19, 2020, that requires all individuals living in the State of California to stay at home or at their place of residence except as needed to maintain continuity of operations of the federal critical infrastructure sectors, and (b) directing the California Governor's Office of Emergency Services to take necessary steps to ensure compliance with the Executive Order; and
- Guidance issued by the California Department of Public Health that includes the need to practice social distancing¹.

Q2. Who has authority within the State of California to approve the implementation of Emergency NCS?

A2. Implementation of Emergency NCS must be at the direction of and documented through an official order signed by a state, local, tribal, or territorial public health official.

Q3. What conditions for approval exist for the State of California to implement Emergency NCS?

A3. The State must follow FEMA's *Procurement Under Grants: Under Exigent or Emergency Circumstances* guidance and include a termination for convenience clause in its contracts for sheltering and related services, such as food, security services, and care for those with disabilities or access and functional needs.

Additionally, applicable Environmental and Historic Preservation laws, regulations, and executive orders apply and must be adhered to as a condition of assistance or funding may be jeopardized.

¹ <https://www.gov.ca.gov/2020/03/16/california-issues-directive-to-fight-covid-19/>

FEMA Reimbursement Guidance

Q4. In accordance with what authority, may efforts associated with the implementation of Emergency NCS be reimbursed?

A4. In accordance with section 502 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, eligible emergency protective measures taken to respond to the COVID-19 emergency at the direction or guidance of state, local, tribal, and territorial public health officials may be reimbursed under Category B of FEMA's Public Assistance program².

Reimbursement under Category B is limited to costs that are reasonable and necessary for the provision and operation of facilities for Emergency NCS to eligible individuals (as identified below).

However, the funding for Emergency NCS to meet the needs of the Public Health Emergency cannot be duplicated by another federal agency, including the U.S. Department of Health and Human Services or Centers for Disease Control and Prevention.

Q5. What is the stated duration of FEMA's approval for reimbursement of costs for implementation of Emergency NCS?

A5. FEMA's approval is limited to costs associated with sheltering individuals through April 30, 2020, unless the public health needs should sooner terminate

The State must obtain FEMA's approval for any time extensions, which should include a re-assessment of the continuing need for Emergency NCS from a State public health official, as well as a detailed justification for the continuing need for emergency non-congregate sheltering.

Q6. What costs for reimbursement **are currently included** in FEMA's approval for implementation of Emergency NCS?

A6. FEMA will currently reimburse Emergency NCS costs incurred for or associated with:

- Individuals who test positive for COVID-19 that do not require hospitalization, but need isolation or quarantine (including those exiting from hospitals);
- Individuals who have been exposed to COVID-19 (as documented by a state or local public health official, or medical health professional) that do not require hospitalization, but need isolation or quarantine;
- Individuals who are asymptomatic, but are at "high-risk," such as people over 65 or who have certain underlying health conditions (respiratory,

² https://www.fema.gov/media-library-data/1525468328389-4a038bbef9081cd7dfe7538e7751aa9c/PAPPG_3.1_508_FINAL_5-4-2018.pdf

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compromised immunities, chronic disease), and who require Emergency NCS as a social distancing measure; and

- Wrap-around services directly necessary for the safe and secure operation of NCS facilities.

Q7. What costs for reimbursement **are NOT currently included** in FEMA's approval for implementation of Emergency NCS?

A7. FEMA will not currently reimburse costs that are not reasonable and necessary for providing Emergency NCS to eligible individuals identified above. FEMA will currently not reimburse Emergency NCS costs incurred for or associated with:

- Sheltering of asymptomatic individuals that are not among the populations identified above, but whose living situation may make them unable to adhere to social distancing guidance;
- The provision of support services such as case management, mental health counseling, and similar services; and
- The conversion of facilities for the provision of emergency medical care.