Public Assistance: Non-Congregate Sheltering Delegation of Authority

Release Date: March 19, 2020

Under President Trump's March 13, 2020, national emergency declaration for the coronavirus (COVID-19) pandemic, FEMA's Regional Administrators have been delegated
authority to approve requests for non-congregate sheltering for the duration of the Secretary of Health and Human Services' declaration of a Public Health Emergency for
COVID-19.

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
program.

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. States, tribes and territories should work with their regional administrators for approval of noncongregate
sheltering and procure the necessary support services needed to meet the needs of the public health
emergency. The following criteria must be considered before setting up non-congregate sheltering and support
services:

- The non-congregate sheltering must be at the direction of and documented through an official order signed by a state, local, tribal, or territorial public health official.

- Any 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.
- 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
- Prior to approval, the applicant must provide an analysis of the implementation options that were considered and a justification for the option selected.
- The funding for non-congregate sheltering 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.
- Applicable Environmental and Historic Preservation laws, regulations, and executive orders apply and must be adhered to as a condition of assistance.

###