



### Project Eligibility for Private Nonprofit Houses of Worship under Hazard Mitigation Assistance (HMA)

May 3, 2018

**Purpose:** The purpose of this policy clarification is to implement policy changes in Hazard Mitigation Assistance (HMA) programs based on requirements related to houses of worship established in the Bipartisan Budget Act of 2018 (Public Law No: 115-123) (BBA). As described more fully below, the policy changes are as follows: (1) HMA will include a house of worship in the definition of a PNP, distinct from other PNPs such as community centers;<sup>1</sup> (2) a house of worship, with properly documented PNP status,<sup>2</sup> will be eligible to receive HMGP funding as a subapplicant; (3) HMA will fund eligible mitigation activities for a house of worship, as it would for any eligible PNP facility, including retrofitting and elevation which primarily benefit the house of worship; and, (4) the definition of private nonprofit organization (or facility) in the HMA Guidance (2015) at Part III.B (in box) and Part VIII.A.6 is changed from “essential governmental service(s)” to “essential social service(s)”.

**Background:** Prior to the passage of the BBA, houses of worship were not included in the definition of a private non-profit (PNP) organization (or facility). As such, houses of worship were not eligible subapplicants under the Hazard Mitigation Grant Program (HMGP). Further, although applicants could submit projects on behalf of PNPs under all HMA programs, a mitigation project for a PNP facility primarily used for religious purposes was ineligible unless the project benefited the entire community.

Section 20604 of the BBA amended the definition of “private non-profit facility” in Section 102(11)(B) of the Robert T. Stafford Emergency Assistance and Relief (Stafford Act) to include a house of worship. Specifically, Section 20604 clarified that “private nonprofit facility” means private nonprofit educational facility “without regard to the religious character of the facility.” Further, Section 20604 explicitly added “houses of worship” to the definition of a private nonprofit facility, which includes community centers and libraries. Finally, Section 20604 states: “[n]o house of worship may be excluded from this definition because leadership or membership in the organization operating the house of worship is limited to persons who share a religious faith or practice.” Section 20604 also changed the language in the Section 102 definition of “essential services of a governmental nature” to “essential social services.”

**Eligibility Considerations:** Under the HMGP, private nonprofit organizations are eligible subapplicants.<sup>3</sup> Since the amendment includes houses of worship in the definition of a PNP, houses of worship may submit an HMGP subapplication like any other eligible PNP. All PNPs applying under HMGP are required to document their non-profit status by including the following in their subapplications: an effective ruling letter from the IRS granting tax exemption under Section 501(c), (d), or (e) of the Internal Revenue Code of 1954, as amended, or State certification, under State law, of nonprofit status.<sup>4</sup>

PNPs cannot be a subapplicant for the Pre-Disaster Mitigation (PDM) or Flood Mitigation Assistance (FMA) grant programs. However, an eligible subapplicant may submit an application on their behalf. Under the

<sup>1</sup> 44 C.F.R. §§ 206.221(e), 206.434(a)(2), and HMA Guidance Part VIII, A.6, p. 104.

<sup>2</sup> See HMA Guidance (2015), Part VIII, A.6, p. 104.

<sup>3</sup> 44 C.F.R. § 434(a)(2).

<sup>4</sup> See n. 4.

amended Section 102(11), an eligible applicant may submit an application on behalf of a house of worship for any eligible mitigation project under PDM or FMA.

**Policy Changes:** An eligible mitigation activity for a house of worship is no longer limited to projects that benefit the whole community such as property acquisition and structure demolition or relocation. Eligible mitigation projects may include those projects that primarily benefit the house of worship.

This policy clarification amends the HMA Guidance, published February 27, 2015. This change is effective for all assistance provided in response to major disasters declared on or after August 23, 2017, or for any application for assistance under the PDM or FMA programs that was pending before FEMA as of February 9, 2018.<sup>5</sup>

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<sup>5</sup> Section 20604(c) states the section is applicable to assistance provided in response to a major disaster or emergency declared on or after August 23, 2017, or with respect to any application for assistance that is pending before FEMA as of the date of enactment of the Bipartisan Budget Act, i.e., February 9, 2018.