



Federal Emergency Management Agency

Washington, D.C. 20472

1. **Date Published:** July 16, 1998
2. **Response and Recovery Directorate Policy Number:** 9523.3
3. **Title:** Provision of Temporary Relocation Facilities
4. **Purpose:** This policy will facilitate national uniformity in determining eligibility for and duration of temporary relocation under the FEMA public assistance program.
5. **Scope and Audience:** This policy is applicable to all major disasters and emergencies declared on or after the publication date of this policy. It is intended for use by all personnel involved in the administration of the FEMA public assistance program. This policy is effective on publication.
6. **Background:** As a result of disasters, services provided at public and private nonprofit (PNP) facilities may be disrupted to the extent that they cannot continue unless they are temporarily relocated to another facility. Applicants may request that their services be relocated temporarily to continue that service. Criticality of the service and safety of the facility are the factors used to determine the need for temporary relocation.

Section 403 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended (Stafford Act), authorizes FEMA to provide Federal assistance to meet immediate threats to life, and property resulting from a major disaster. Specifically, Section 403 (a)(3)(D) allows for the provision of temporary facilities for schools and other essential community services, when it is related to saving lives and protecting and preserving property or public health and safety. For essential facilities, temporary relocation may be eligible both for immediate relocation and/or for relocation during repairs/reconstruction when the repair/reconstruction is begun within the timelines outlined in this policy.

7. Policy:

A. General Provisions

This policy is based on the general eligibility requirements in Title 44 of the Code of Federal Regulations (44 CFR) 206.223. To be eligible, an item of work must 1) be required as a result of the major disaster event, 2) be located within a designated disaster area, and 3) be the legal responsibility of the applicant.

1. Applicant Eligibility

To be eligible, the applicant, whether a public or a PNP entity, must own or operate a school (educational institution) or a facility that provides an essential community service, per Section 403 of the Stafford Act. A school is defined as

an elementary, secondary, or institution of higher education as outlined in 44 CFR 206.221. Essential community services are those that are necessary to save lives, and/or to protect and preserve property or public health and safety.

- Essential government facilities include facilities for police, fire, and other essential governmental operations. Not all government facilities are essential. For example, recreation facilities, parking facilities, and other facilities that do not provide essential community services are not eligible.
- Specifically for PNPs, essential community services include medical, custodial care, education, emergency, utilities and other health and safety services of a governmental nature. Libraries (other than school libraries), museums, zoos, community centers, senior citizen centers, rehabilitation facilities, shelter workshops, etc. are not considered essential community services/facilities. Because the disruption or discontinuance of these services would not result in a threat to lives, property or public health and safety, these facilities are not eligible for relocation assistance under Section 403 of the Stafford Act.
- The ancillary facilities of essential facilities are not eligible for relocation assistance; examples include: parking garages, athletic stadiums, faculty and student housing, administration buildings, hospital laundry facilities, research facilities, warehouse facilities, and student union buildings.

2. Capacity of Relocation Facilities

The capacity of temporary facilities must be comparable to the pre-disaster capacity of the facility that housed the displaced services.

B. Basis for Temporary Relocation:

1. The facility was not damaged by the disaster but lacks a critical utility or operational item (such as potable water, electricity, and cellular telephone service) for a period of time beyond which is reasonable given the nature of the services provided and relocation would restore services to the community more quickly than awaiting restoration of the disrupted vital utility at the current site.
2. The facility was damaged by the disaster to the extent that the facility cannot be occupied safely and the nature of the service provided requires that it be relocated.
3. The facility was damaged by the disaster, but can be used if emergency protective measures, such as temporary shoring, are performed. If this work will take place over a period of time beyond which is reasonable given the nature of the services provided, temporary relocation is permitted both before and during the time emergency work is performed.

4. Temporary relocation is needed for the duration of eligible, disaster-related repairs, which begin and proceed on a work plan within the time lines outlined below.
5. A temporary relocation is needed for the time necessary to construct a replacement facility, if construction begins and proceeds on a work plan within the time lines outlined below.
6. In the case of an improved project (but not alternate project), temporary relocation is needed during the estimated period of time that would have been required for the performance of the eligible repair or replacement project (but not for the full time required for the improved project) and work begins within the time lines outlined below.

C. Time Limitations for Temporary Facilities:

1. The period of time for which temporary relocation assistance may be provided is 6 months, based on the regulatory time limitation for the completion of emergency work (44 CFR 206.204(c)).
2. A time estimate (days, weeks, months) must be provided in the damage survey report scope of work prepared for the temporary facility.
3. The Governor's Authorized Representative (GAR) does not have the authority to grant time extensions for temporary facilities, since time extensions for temporary relocation change the approved scope of work and increase costs and those determinations may only be made by FEMA.
4. The GAR may recommend a time extension based on information provided by the applicant documenting: 1) extenuating circumstances beyond the control of the applicant that prevented the completion of work within the initial time limit (e.g., FEMA delays in historic or environmental reviews), 2) a design proposal, 3) a schematic, and 4) the revised timeline for the project. If a design proposal, schematic and timeline cannot be presented, an extension may not be granted.
5. If the GAR supports an applicant request for temporary relocation, the GAR may request approval of a time extension from the FEMA Regional Director (RD), providing the RD with a new proposed scope of work. If granted, a time extension may not exceed six-months (i.e., for a 12 month total). Exceptions to the 12-month relocation policy may be granted by the Regional Director if construction has begun before the 12-month expiration date. The exceptions may be projected for the duration of the construction based on regional policy and industry standards for construction (e.g., from R.S. Means or equivalent source).
6. If a time extension is approved by FEMA, a new description of the scope of work shall be prepared as a supplement to the original scope of work that funded the temporary relocation.

D. Eligible Temporary Relocation Facilities

Eligible temporary facilities may be leased, purchased, or constructed. The selected facility must be used to provide the eligible function to the same extent and manner as it was provided prior to the disaster. The selected facilities option must be reasonable, cost-effective and temporary in nature. FEMA will not mandate that the applicant pursue a specific option for temporary relocation, but FEMA will fund only the least costly option. FEMA will not fund utilities (power, water, heat, etc.), maintenance, or operating costs, nor will FEMA fund the differential should these costs increase.

1. Cost Comparison

Based on the preferred alternative, the applicant must supply FEMA with information sufficiently detailed so that a cost comparison can be made by FEMA. This information should consist of at least three proposals that include cost estimates. FEMA will review the estimates and perform a cost comparison to identify the most cost-effective facility option.

2. Renting/Leasing Option

The applicant can pursue this option and receive Federal disaster assistance from FEMA for the rent of a temporary facility during the eligible time period, as previously explained.

3. Purchase/Construction Option

Costs associated with the purchase/construction of a facility to which an applicant will temporarily relocate may be eligible for FEMA assistance if FEMA confirms that it is the most cost-effective option.

- With the exception of modular or manufactured units, all proposed purchase/construction options must be submitted in advance to the Executive Associate Director for review and approval. Before approving a proposal, FEMA may determine it is in the best interest of the federal government to impose conditions on the applicant's use and/or disposition of the facility.
- Pursuant to 44 CFR 13.24 or Office of Management and Budget Circular A-110, FEMA will require that it be compensated when the authorized temporary relocation time period has ended or the facility is no longer needed by the applicant for the authorized temporary relocation purpose (i.e., the approved scope of work), whichever occurs first. As a general rule, if FEMA has paid only a portion of the cost of the facility, FEMA shall be entitled to compensation in an amount equal to FEMA's proportionate equity in the facility. The amount due FEMA will be computed by applying FEMA's percentage of participation in the cost of the purchase/construction to the fair market value or sale proceeds taking into consideration reasonable out-of-pocket costs related to the sale.

E. Insurance

Some insurance policies provide funds for temporary relocation. Therefore, FEMA must determine the amount of funding available from the applicant's insurance carrier and make appropriate adjustments to assure that there is no duplication of benefit.

F. Policy Application

This section provides direction on the application of this policy as it pertains to the following topics:

1. Relocation costs

These are costs associated with the transfer of the eligible pre-disaster service, including equipment and supplies, and costs for rent, purchase or construction of the temporary facility itself. The allowable costs associated with the provision of temporary relocation include:

- Reasonable alterations of the temporary facility if they are *required* to make the space functional and meet the pre-disaster needs of the applicant.
- Moving expenses to and from the temporary facility.
- If an applicant uses force account labor and/or equipment to relocate to a temporary facility, the eligibility for straight and overtime labor costs and equipment costs are based on the provisions of 44 CFR 206.228 for emergency work.
- Minimal life safety or other building upgrades required by an applicable State or local code or standard in effect at the time the temporary facility is acquired (by purchase or lease). For example, a "change in use" could trigger the need for such work.

2. Alternate Projects

Funds approved for temporary facilities may not be applied to an alternate project defined by 44 CFR 206.203(d)(2). Further, if temporary relocation costs were approved before a decision by an applicant to pursue an alternate project, these costs will be deducted from the eligible Federal estimate for the permanent restoration of the damaged facility.

3. Improved Projects

For improved projects [CFR 206.203(d)(1)], temporary relocation facilities are eligible; however, there are funding limitations. If an applicant chooses to incorporate improvements into the repair of disaster damages or to expand the pre-disaster capacity of a damaged facility, a temporary facility is eligible only during the time estimated as necessary to perform the approved scope of repair or replacement work. In other words, funding of a temporary relocation facility will not be based on the total amount of time necessary to complete the improved project.

4. Additional Emergency Services
Increased capacity for the existing essential service or the addition of new services will not be eligible for relocation costs.
5. Temporary storage space
If a facility is authorized for temporary relocation, FEMA also will fund additional temporary space for the storage and protection of property (e.g., equipment, supplies, and furniture) for the same period of time for which temporary relocation has been approved. The total space/capacity (for relocation of the essential service and the storage space) must not exceed the original space/capacity of the facility that was damaged or is being repaired or replaced. Temporary storage is eligible if the service is essential, the need has been demonstrated, and the facility/service is otherwise eligible.
6. Increase in Rental Costs
Applicants that perform essential services in leased facilities may have to temporarily relocate to another leased facility as a result of the disaster. If the rent for the temporary facility is greater than the rent for the pre-disaster facility, only the rental cost differential is eligible for FEMA funding. FEMA considers the pre-disaster rental cost a fixed commitment made by the applicant before the disaster and the increase in rental costs a direct result of the disaster, thus, the differential is eligible for FEMA assistance subject to Sections 7.B. and 7.C. above.
8. **Supersession:** This policy updates and replaces all previous FEMA public assistance policy memoranda on this subject.
9. **Authorities:** Section 403 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act) and implementing regulations in Title 44 of the Code of Federal Regulations Section 206.
10. **Origintating Office:** Infrastructure Support Division, Response and Recovery Directorate
11. **Review Date:** Two years from date of publication
12. **Signature:**

Signed

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13. **Distribution:** Regional Directors, Regional and Headquarters R&R Division Directors