



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

## FEMA Policy 104-009-18, Version 3

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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 disaster survivors who are unable to return to their pre-incident or new housing option are sheltered in a manner that provides a level of separation between individuals / households and 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 for incidents issued a Stafford Act declaration on or after June 1, 2020 through June 30, 2021 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 [Fire Management Assistance Grants | FEMA.gov](http://Fire Management Assistance Grants | FEMA.gov).



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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. FEMA intends that non-congregate sheltering is available meet the needs of communities when there is a demonstrated disaster-caused need for shelter. FEMA also intends that those sheltered are transitioned to the next phase of recovery when there is no longer an immediate threat to life or public health and safety.
- D. SLTTs should work with FEMA and other governmental agencies and non-governmental partners to determine how non-congregate sheltering options may be incorporated into overall sheltering plans.
- E. FEMA, recipients, and applicants will responsibly implement this policy and any assistance provided in a consistent manner through informed decision-making and accountable documentation.
- F. FEMA expects SLTTs will work with disaster survivors to identify available assistance options for continued sheltering or housing needs that extend beyond the period of assistance identified in this policy and transition them to other recovery resources.

## 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 jurisdictions to conduct non-congregate sheltering operations where COVID-19 continues to present a public health threat. This policy applies to:

1. Non-congregate sheltering initiated under all Stafford Act declarations, declared between January 1, 2021 and June 30, 2021.
2. All requests for time extensions of non-congregate sheltering for Stafford Act declarations that were declared between June 1, 2020 through June 30, 2021, pursuant to this policy.
3. This interim policy excludes incidents directly associated with emergency or major disaster declarations issued specifically for COVID-19.

### B. GENERAL ELIGIBILITY CONSIDERATIONS

**Outcome:** To define the eligibility framework for non-congregate sheltering for incidents issued a Stafford Act declaration between June 1, 2020 and June 30, 2021.



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## 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 government entity legally responsible for sheltering, which may then reimburse a private organization for the cost of providing those services under the agreement or contract.

## 2. General Considerations.

- a. In circumstances, such as when congregate sheltering may not be available, sufficient, or safe due to 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 may therefore approve work and costs in response to declared events. Eligible work and costs are outlined in the Sections B.3 and B.4 of this Policy.
- c. This interim policy excludes incidents directly associated with emergency or major disaster declarations for COVID-19.
- d. If not otherwise stated in this policy, all other relevant policies and programmatic considerations are required in accordance with the PAPPG, version 4 and FMAG Guide.
- e. In order to be reimbursed for costs incurred, recipients and sub-recipients must provide sufficient 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.
- f. In an Applicant's initial and any subsequent request for reimbursement and any time extension requests for non-congregate shelter must will include information that demonstrates clarifies:

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<sup>3</sup> 44 CFR §206.223.



- (1) The incident's impact is beyond the capability of the SLTT jurisdictions state and local government to effectively manage emergency sheltering needs without conducting non-congregate sheltering;
  - (2) The status of the incident period for which non-congregate sheltering is requested. For example, whether the incident period is ongoing, and if not, the request must indicate the end date for the incident period;
  - (3) Analysis regarding other available sheltering / housing resources, and how when those resources are expected to support transitioning disaster survivors out of PA -funded, non-congregate sheltering;
  - (4) Whether there is a multi-state event that is impacting the SLTTs ability to manage sheltering in some other manner. In such cases, FEMA may consider a one-time extension under an emergency declaration; and
  - (5) Whether other recovery resources are not sufficient to transition identified disaster survivors due to known and documented disaster-caused housing challenges.
- g. To allow for a smooth transition of assistance from PA- or FMAG-funded non-congregate sheltering to other forms disaster of assistance and recovery resources, recipients and applicants should collect data and report on the sheltered population. A list of the data collection elements that should be provided are included in Appendix A, Information Collection and Reporting, of this policy. This data, submitted to FEMA<sup>4</sup> through the Recipient, and other documentation requirements contained in this policy will be used to make time extension request determinations.
- h. In the event a declaration authorizing Individual Assistance (IA) programs under Section 408 of the Stafford Act is approved, Applicants should encourage disaster survivors in PA- or FMAG-funded non-congregate sheltering to register with FEMA if they have a continuing need for non-congregate sheltering and/or other federal assistance.
- i. It is the responsibility of the Applicant to transition disaster survivors out of PA- or FMAG-funded non-congregate sheltering to other forms of assistance. If the disaster survivors still require such assistance beyond the timeframes described in Section B.6.a of this policy; additional assistance may be sought through other FEMA programs, other federal assistance programs, or through SLTT and / or voluntary agency resources.

### 3. Work Eligibility.

- a. All work must be necessary and reasonable based on the type of shelter and the specific needs of the disaster survivors. It is the responsibility of the Recipient and/or subrecipient to ensure that all sheltering work is necessary as an emergency

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<sup>4</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).



protective measure. Work that is not necessary in order to lessen immediate threats to lives, public health, or safety is not eligible for reimbursement.

- b. In recognition of the unique circumstances posed by COVID-19, additional work items may be eligible, such as:
  - (1) Disinfection of non-congregate shelter facilities to avoid the spread of COVID-19, including necessary disinfection supplies and equipment.
  - (2) Face coverings, as recommended by the Centers for Disease Control and Prevention, to help slow the spread of COVID-19.
  - (3) 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.
  
- c. Work eligibility during periods that have been granted a time extension will be based on data collection and reporting described in Appendix A of this policy and the following criteria regarding each disaster survivor household (individuals and households) served by non-congregate sheltering:
  - (1) Each household is in an IA designated county / parish / jurisdiction;
  - (2) Each household has registered with FEMA IA program for disaster assistance;
  - (3) Each household has not requested to withdraw its FEMA registration
  - (4) The SLTT has determined that the home (primary residence) is not habitable (see Appendix A for more information); and
  - (5) The SLTT has determined the household is able to document status as an owner or renter of the home (primary residence) pre-incident.Habitability status may be determined using FEMA Home Assessment information or a habitability assessment process developed by the Applicant that demonstrates the disaster survivor household is not inhabitable.
  
- d. In the event an SLTT intends to perform work not identified in this Section or below in Section 4, Cost Eligibility, the jurisdiction should communicate with PA regional or field staff to determine eligibility prior to conducting the work.

#### 4. Cost Eligibility.

- a. FEMA determines eligible costs based on applicable statutes, regulations, and policy and PA review of the contractual agreement between an SLTT and private entities; all emergency work costs must be necessary and reasonable.<sup>5</sup>
  
- b. Generally, the work outlined below is eligible for reimbursement. Activities not listed below may be eligible for reimbursement on a case-by-case basis.<sup>6</sup>

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<sup>5</sup> In certain circumstances, the Regional Administrator may require the submission of an internal control plan, pursuant to 2 CFR §200.303.

<sup>6</sup> The eligible costs are cited from PAPPG V4 with costs specific to congregate sheltering removed.



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- (1) Shelter Facility Costs, eligible shelter facility costs, include:
  - Facility lease or rent, including space for food preparation;
  - Utilities, such as power, water, and telephone;
  - Minor facility modifications, if necessary, to make the facility habitable or compliant with the Americans with Disabilities Act (ADA);
  - Secure storage space for medical supplies.
  
- (2) Shelter Staff Costs, eligible shelter staff costs, include:
  - Medical staff;
  - Personal assistance service staff;
  - Public Information Officer;
  - Custodial and facilities staff; and
  - Other staff such as National Guard personnel <sup>7</sup>.
  
- (3) Shelter Supplies and Commodities, eligible shelter supplies and commodities costs, include:
  - Hot and cold meals, snacks, beverages, and related supplies for disaster survivors
  - Infant formula, baby food, and diapers;
  - Durable medical equipment;
  - Consumable medical supplies;
  - Refrigerators, microwaves, and crock pots;
  - Cots, cribs, linens, blankets, pillows, tables, and chairs;
  - Personal hygiene kits with items such as shampoo, soap, toothpaste, a toothbrush, towels, and washcloths;
  - Access to washers and dryers for laundry purposes.
  
- (4) Shelter Services, eligible shelter services costs, include:
  - Shelter management;
  - Supervision of paid and volunteer staff;
  - Cleaning the shelter, linens, when not already in a daily / nightly room charge;
  - Shelter safety and security;
  - Use of equipment, such as ambulances, buses, trucks, or other vehicles, to provide sheltering support;
  - Phone banks for disaster survivors;
  - Care for disaster survivors with disabilities or others with access and functional needs, including the provision of the following personal assistance services:
    - Grooming, eating, walking, bathing, toileting, dressing, and undressing;

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<sup>7</sup> PAPPG, version 4, Chapter 6: XI. National Guard.



- Transferring (e.g., movement between a cot and wheelchair or wheelchair to restroom facilities);
  - Maintaining health and safety;
  - Assistance with self-administering medications; and
  - Communicating or accessing programs and services;
  - Sheltering self-evacuees (self-evacuee transportation costs are ineligible).
- c. Identified shelter costs above are not eligible if covered within the per night rooms charges when using hotel/motel accommodations for the purpose of providing non-congregate sheltering
- d. Generally, feeding support, other supplies and commodities, and shelter support services may be limited to the initial 30-days of NCS operations or for the period of time that routine access to food, other supplies and commodities, and support services is disrupted by the disaster incident.
- e. Applicants must follow applicable cost principles and procurement requirements.<sup>8</sup>
- (1) 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 / shelter support services.
  - (2) Costs claimed by Applicants 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.
  - (3) 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.
  - (4) 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 provided 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 programs and/or grants. These

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<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.

<sup>10</sup> 42 U.S.C. § 5155.



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include FEMA's Transitional Sheltering Assistance (TSA), Lodging Expense Reimbursement, and Temporary Housing.

## 6. Time Limitations.

Non-congregate sheltering is subject to the following consideration regarding time limitation.

- a. FEMA may fund costs associated with necessary non-congregate sheltering activities which were incurred up to six days (applicable only for potential, pre-landfall hurricane events) before the incident period begins and for up to 30 days after the onset of the incident period.
- b. For non-congregate sheltering activity conducted after the initial 30 days, the Applicant must submit a request through the Recipient to the appropriate FEMA Regional Administrator. Time extensions are granted in 30-day increments. The time extension request should be submitted not less than seven days before the expiration date of currently approved period of performance.
- c. For all time extensions, the applicant must justify the ongoing need for non-congregate sheltering. For non-congregate sheltering activity associated with either an emergency declaration or a major disaster declaration that does not include IA programs, the applicant may be limited to one-time extension for an additional 30-days.
- d. Special considerations for time extension requests will be given to FMAG declarations for which there is no registration for IA programs and for which the incident period is ongoing. However, applicants should collect the data referenced in Appendix A when non-congregate sheltering activity exceeds 60-days.
- e. FEMA will determine whether maintaining disaster survivors in non-congregate shelters during time extensions is eligible work based on the data reported by the Recipient and Applicant on all individuals / households residing in non-congregate sheltering, and the criteria listed in Section 3. Work Eligibility.
- f. Work authorized under this policy is eligible until June 30, 2021. All time extensions for non-congregate sheltering activities after June 30, 2021 must be approved by the FEMA Assistant Administrator for Recovery, or designee.

## 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 review in coordination with other federal and/or state agencies as





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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 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.
  - (1) Non-congregate 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.
  - (2) Non-congregate shelters must provide meaningful communication and program access to individuals with limited English proficiency.

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Keith Turi  
Assistant Administrator, Recovery Directorate

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January 29, 2021  
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.



## Appendix A: Information Collection and Reporting

- A. FEMA expects Applicants to develop and include a data management component that supports the capture and providing routine reporting of the following data elements regarding individuals/ households when conducting non-congregate sheltering operations. FEMA PA staff are not intended to conduct the data collection on behalf of the recipients and applicants.
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 jurisdiction requests and FEMA implements Individual Assistance programs, including TSA (if activated), which facilitate transition of eligible disaster survivors from emergency non-congregate sheltering to other housing and recovery solutions. The Recipient is expected to require the Applicant to collect and report the above identified data elements to FEMA for every individual/household to which non-congregate sheltering is provided.
1. To ensure the transition of individuals and households from PA- or FMAG-funded non-congregate sheltering to other recovery options (e.g., FEMA Temp. Housing or TSA) is accomplished in a timely manner, the data will support data matching and accountability for transition of disaster survivor households.
  2. If FEMA's IA programs are activated, additional consultation with FEMA regarding the transition process may be necessary.
- C. Reporting Frequency<sup>11</sup>: the reporting frequency is weekly beginning at the end of the first week of non-congregate shelter operations and weekly thereafter the Applicant's commencement of non-congregate sheltering operations. Applicants may opt to provide more frequent reporting and should provide an updated report with any time extension request.
- D. Disaster survivor individuals and households should be made aware that information collected by the Applicant will be shared with FEMA.
- E. When requesting a time extension, the applicant should also include information about the basic habitability of each disaster survivor household they intend to provide non-congregate

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<sup>11</sup> 2 CFR § 200.329(c)(1).



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shelter services to during the request extension. Habitability status may be determined using FEMA Home Assessment information or a process developed by the Applicant. Specifically