



FEMA

R8-Recovery

April 8, 2020

Mr. Kris Hamlet, Director
Utah Division of Emergency Management
1110 State Office Building
PO Box 141710
Salt Lake City, Utah 84114-1710

Re: Request for Approval of Non-Congregate Sheltering Activities
FEMA-4525-DR-UT (COVID-19)

Dear Director Hamlet:

This is in response to your letter dated April 7, 2020, requesting that the Federal Emergency Management Agency (FEMA) approve emergency, non-congregate sheltering (Emergency NCS) activities under the Public Assistance (PA) program. Specifically, your letter requests approval for Emergency NCS, throughout the State, to include shelter missions for both the State of Utah (State) and eligible subrecipients.

In accordance with section 403 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, eligible emergency protective measures taken to respond to the referenced Coronavirus Disease 2019 (COVID-19) disaster, at the direction or guidance of state, local, tribal, and territorial public health officials, may be reimbursed under Category B of FEMA's PA program if necessary to save lives, protect improved property, or public health and safety, and/or lessen or avert the threat of catastrophes.

Based on my review of your request and supporting documentation and information provided, I am approving your request for Emergency NCS activities, subject to the conditions and limitations set forth below. The Emergency NCS will be implemented by the State and their eligible subrecipients pursuant to the March 27, 2020 Governor's "Stay Home, Stay Safe" Directive 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.

My approval of the State's request for PA funding for costs related to Emergency NCS includes the populations identified below, which does not include all populations identified in your April 7, 2020 letter. My approval of the State's request is subject to and conditioned by the following:

- FEMA will reimburse Emergency NCS costs incurred for:
 - Individuals who test positive for COVID-19 that do not require hospitalization, but need isolation or quarantine (including those discharged 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; and
 - Individuals who are at “high-risk,” such as people over 65 or who have certain underlying health conditions (respiratory, compromised immunities, chronic disease), and who require Emergency NCS as a social distancing measure.
- My approval does not currently include the reimbursement of costs for the sheltering of asymptomatic individuals that are not among the populations identified above, and whose living situation may make them unable to adhere to social distancing guidance.
- My approval includes the provision of wrap-around services directly necessary for the safe and secure operation of NCS facilities. However, activities and costs associated with the provision of support services such as case management, mental health counseling, and similar services are not eligible for reimbursement under the PA program.
- My approval is limited to costs that are reasonable and necessary for providing Emergency NCS to eligible individuals (as identified in bullet point 1 above).¹ In this regard, please note that FEMA does not mandate that the State and subrecipients pursue a specific option or options for temporary facilities to be used for Emergency NCS, but FEMA will only approve PA funding for cost-effective and practical options.
- My approval is limited to the activities and costs associated with sheltering individuals through May 7, 2020, unless the public health needs terminate earlier. The State must obtain FEMA’s approval for any time extensions, which must include a re-assessment of the continuing need for Emergency NCS from a State or Local public health official, as well as a detailed justification for the continuing need for Emergency NCS.²
- My approval is limited to the provision and operation of facilities for Emergency NCS and does not include the approval for the conversion of facilities for the provision of emergency medical care. Alternative Care Sites will be addressed separately.
- My approval does not obligate specific funding. Funding requests will be subject to PA program eligibility guidance, including the Emergency NCS guidance, to include Fact Sheets, issued by FEMA.

¹ *Public Assistance Program and Policy Guide*, FP 104-009-2, at 67 (April 1, 2018) (PAPPG). See also 2 C.F.R §§ 200.403 and 200.404.

² PAPPG, at 67.

Additionally, please ensure attention to the following considerations in your implementation of Emergency NCS activities:

- The State and subrecipients must follow FEMA's Procurement Under Grants Conducted 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, and care for those with disabilities or access and functional needs.³
- FEMA will not approve PA funding that duplicates funding by another federal agency, including the U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, or U.S. Department of Housing and Urban Development.
- FEMA encourages the development and use of shelter intake and transition plans for each shelter operation. Technical assistance is available upon request from the State.
- The State must have each subrecipient submit a Request for Public Assistance and submit shelter cost analysis and required shelter data through Grants Portal once a shelter has been identified.
- All entities engaging in shelter missions, who plan to seek FEMA reimbursement must comply with, and enable FEMA to comply with, applicable environmental and historic preservation laws, regulations, and executive orders or funding may be jeopardized.⁴ FEMA assistance is available to assess potential sites. FEMA encourages the State and subrecipients to contact FEMA Environmental and Historical Preservation (EHP) staff at FEMA-R8EHP@fema.dhs.gov for an EHP compliance review of identified shelters. FEMA will provide prompt and timely responses to EHP shelter assessments.

The State and subrecipients will need to maintain tracking mechanisms to provide sufficient data and documentation to establish the eligibility of Emergency NCS costs for which it is requesting PA funding (including the need for non-congregate sheltering of each individual, length of stay, and costs). As with any activity, lack of sufficient support documentation may result in FEMA determining that some or all of the claimed costs are ineligible.

If you have any additional questions regarding this matter, please contact Ryan Pietramali, Recovery Division Director, at (303) 235-4836.

Sincerely,

LEE K DEPALO Digitally signed by LEE K DEPALO
Date: 2020.04.09 06:58:18 -06'00'

Lee K. dePalo
Regional Administrator

³ *Id.* at 68-69.

⁴ *Id.* at 43-44.

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cc: Nathan Knapp, Response Division Director, FEMA Region VIII
Ryan Pietramali, Recovery Division Director, FEMA Region VIII
Jennifer Dick, Regional Counsel, FEMA Region VIII