

Letterhead

March 13, 2020

XXXX

State Coordinating Officer / Governor's Authorized Representative

RE: FEMA Non-Congregate Sheltering Delegation of Authority

Dear Mr./Ms. XXXX:

The << jurisdiction >> requests approval for a << jurisdiction >> established and managed COVID-19 pandemic outbreak non-congregate sheltering and support services.

Per FEMA COVID-19 Fact Sheets: Non-Congregate Sheltering Delegation of Authority; Procurement During Emergency/Exigent Circumstances Fact Sheet; and Eligible Emergency Protective Measures Fact Sheet; the following information is provided.

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.

- The << jurisdiction >> Public Health Official working in conjunction with federal and state health authorities in responding to the Public Health and Presidentially declared National Emergency, as well as to Governor's Emergency Proclamation on COVID-19 related matters, directed the isolation and quarantine of those non-hospital, admitted, suspected or recovered COVID-19 patients in non-congregate sheltering per best available health authorities guidance.

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.

- The << jurisdiction >> elected officials responding at the direction and guidance of public health officials and emergency management personnel, will establish and manage non-congregate sheltering for the minimum time necessary to meet the public health needs of the COVID-19 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.

- The << jurisdiction >> will follow local and state contracting requirements as well as the criteria outlined in the FEMA Procurement Under Grants Conducted Under Exigent or Emergency Circumstances Fact Sheet guidance. In addition, a termination for convenience clause will be included in the 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 << jurisdiction >> will provide a cost and feasibility analysis of the non-congregate sheltering options considered given the affected population affected, the criteria for meeting either quarantine or isolation, and any additional criteria required by cognizant public health authorities. In addition, a justification will be provided for the selected option.

- If requesting a waiver for approval after the fact the justification needs to be provided as to why it was not requested prior to implementation

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.

- The << jurisdiction >> understands that funding for non-congregate sheltering to meet the needs of the Public Health Emergency cannot be duplicated by another federal agency and has not received funding for this requested non-congregate sheltering from any other federal funding source.

Applicable Environmental and Historic Preservation laws, regulations, and executive orders apply and must be adhered to as a condition of assistance.

- The << jurisdiction >>, as part of the siting of non-congregate sheltering will comply with all local and state requirements. In addition, it is understood that given the nexus of federal funding, applicable federal environmental and historic preservation laws, regulations, and executive orders apply and must be adhered to as a condition of federal financial assistance

If there are any questions regarding this request for FEMA Non-Congregate Sheltering, please contact XXX, XXX at (xxx) xxx-xxxx or xxxx.xxxxt@xxxxx.gov.

Sincerely,

XXX

<< position >>

<< jurisdiction >>

Enclosures:

- Analysis of implementation options considered and justification for option selected
- Siting permits for non-congregate sheltering



FEMA

April 3, 2020

Deputy Commissioner Anne Bink
Alternate Governor's Authorized Representative
New York State Division of Homeland Security and Emergency Services
1220 Washington Avenue
Building 7A, Floor 4
Albany, New York 12242

Deanne Criswell
Commissioner
New York City Emergency Management
165 Cadman Plaza East
Brooklyn, New York 11201

RE: FEMA-4480-DR-NY
New York City Emergency Management
PA ID 061-51000-24
Non-Congregate Sheltering Request

Dear Deputy Commissioner Bink and Commissioner Criswell:

This letter is in response to New York City Office of Management and Budget's (NYCOMB) April 1 and 3, 2020 e-mails clarifying New York City Emergency Management's (NYCEM) March 25, 2020 request for Federal Emergency Management Agency (FEMA) approval to use non-congregate sheltering in response to the Coronavirus Disease 2019 (COVID-19) pandemic. The New York State Division of Homeland Security and Emergency Services (DHSES) forwarded both e-mails on April 3, 2020.

NYCEM's requested approval for non-congregate sheltering for the following potential populations:

1. COVID-19 symptomatic individuals, which could include any of the following:
 - healthcare workers;
 - individuals discharged from hospitals who do not have an appropriate home setting to convalesce and/or be isolated; and/or
 - individuals in City programs such as ACS, DSS, DYCD, Department of Health and Mental Hygiene, and the State programs sponsored by the Office of Mental

Health, Office of Addiction Services and Supports, and Office for People with Developmental Disabilities, who are symptomatic, do not require clinical care, and do not have access to an isolated setting.

2. Asymptomatic individuals, which could include any of the following:
 - healthcare workers;
 - individuals discharged from hospitals who do not have an appropriate home setting to convalesce and/or be isolated; and/or
 - individuals in City programs such as DSS and DOC, whose programs who do not have access to an isolated setting.

On March 30, 2020, FEMA conditionally approved NYCEM's request non-congregate sheltering for:

- COVID-19 symptomatic individuals who do not require hospitalization who do not have access to an isolated setting and
- Asymptomatic individuals who do not have access to an isolated setting.

Subsequent to that approval, DHSES and FEMA discussed the definition of "asymptomatic." Based on those discussions, it became clear that FEMA did not correctly interpret NYCEM's use of the term asymptomatic. Accordingly, NYCOMB provided clarification in its April 1 and 3, 2020 e-mails stating that "the City's intent was to include asymptomatic individuals who were exposed to COVID19 but not necessarily diagnosed or receiving a positive test. The request was not a blanket approval for any individual rather only for those who have been exposed and pose a potential public health risk."

Based on this clarification, FEMA amends its March 30, 2020 approval as follows:

FEMA conditionally approved NYCEM's request non-congregate sheltering for:

- COVID-19 symptomatic individuals who do not require hospitalization who do not have access to an isolated setting and
- Asymptomatic individuals exposed to COVID19, but not necessarily diagnosed or receiving a positive test, who do not have access to an isolated setting.

All other conditions remain as previously described and are repeated here for convenience:

- This approval is limited to emergency non-congregate sheltering costs that are reasonable and necessary to address the public health needs resulting from FEMA-4480-DR-NY.
- This approval is limited to costs associated with sheltering individuals from March 10, 2020, through April 30, 2020, unless the public health needs should sooner terminate. NYCEM must obtain FEMA's approval for any time extensions, which should include a detailed justification for the continuing need for emergency non-congregate sheltering.

Additionally,

- NYC departments implementing a non-congregate sheltering program 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 services, and care for those with disabilities or access and functional needs.
- FEMA will not approve Public Assistance funding that duplicates funding by another federal agency, including the U.S. Department of Health and Human Services or Centers for Disease Control and Prevention.
- NYC departments must comply with, and enable FEMA to comply with, applicable environmental and historic preservation laws, regulations, and executive orders or funding may be jeopardized.

NYCEM or the NYC departments implementing a non-congregate sheltering program must maintain tracking mechanisms to provide sufficient data and documentation to establish the eligibility of costs for which it is requesting Public Assistance 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 costs are ineligible. FEMA understands NYCEM's concern related to personally identifiable information (PII) expressed in its request. FEMA will not require any PII to establish eligibility. Lastly, in response to NYCEM's question regarding tracking shelterees who register for assistance from FEMA's Individual Assistance (IA) Program, this tracking is not required, because the only IA Program that has been approved is the Crisis Counseling Program.

Lastly, requests for funding for non-congregate sheltering must include an estimate of the number of individuals that will require sheltering and explanation of how that number was derived. Further, NYCEM's request states that it will use hotels and motels for non-congregate sheltering, and possibly dormitories, armories, and rental units, as appropriate. Requests for funding must also include an analysis and justification for the option ultimately chosen. FEMA does not mandate that NYCEM pursue a specific option or options, but FEMA will only approve PA funding for cost-effective and practical options.

Should you have any questions or require further assistance, please contact Recovery Division Director Claude Hyacinthe at Claude.Hyacinthe@fema.dhs.gov.

Sincerely,

Thomas Von Essen
Regional Administrator
FEMA Region II

U.S. Department of Homeland Security
Region II
Jacob K. Javits Federal Office Building
26 Federal Plaza, Room 1807
New York, New York 10278



FEMA

April 9, 2020

Lieutenant Michael Gallagher
Governor's Authorized Representative
Division of State Police
Public Assistance Unit
1034 River Road
West Trenton, New Jersey 08628

Mr. Daniel J. Kelly
Alternate Governor's Authorized Representative
Executive Director, Governor's Office of Recovery & Rebuilding
State of New Jersey
Office of the Governor
P.O. Box 001
Trenton, New Jersey 08625-0001

RE: FEMA-4488-DR-NJ
State of New Jersey Office of Emergency Management
Non-Congregate Sheltering Request

Dear Lieutenant Gallagher and Mr. Kelly:

This letter is in response to the State of New Jersey Office of Emergency Management's (NJOEM) April 6, 2020 request for Federal Emergency Management Agency (FEMA) approval to use non-congregate sheltering in response to the Coronavirus Disease 2019 (COVID-19) pandemic under major disaster declaration FEMA-4488-DR-NJ. NJOEM requests retroactive approval effective March 18, 2020.

Funding for eligible emergency protective measures taken to respond to the COVID-19 disaster at the direction or guidance of state or local public health officials may be provided under the Public Assistance Program pursuant to Section 403 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act if necessary to save lives, protect improved property or public health and safety, and/or lessen or avert the threat of catastrophes.

After a review of NJOEM's request and supporting documentation and information provided, FEMA conditionally approves the request for the use of emergency, non-congregate sheltering based on the April 6, 2020 directive from the Department of Health of the State of New Jersey for the Establishment of Temporary Quarantine/Isolation Non-congregate Housing Program for Specific Populations (Directive). According to the Directive, all New Jersey Departments and

healthcare systems that serve the below listed vulnerable populations, must partner with State, county, and local Offices of Emergency Management to implement non-congregate shelters for:

1. Homeless individuals and families who live in congregate shelters who are symptomatic or tested positive for COVID-19;
2. Homeless individuals who require quarantine or isolation due to being symptomatic or having a positive test for COVID-19;
3. Children and adults living in congregate living settings who have tested positive for COVID-19; and
4. First responders and healthcare workers who do not require hospitalization but nevertheless need to avoid direct contact with their families due to exposure to COVID-19.
5. Other groups that may need assistance as the State continues to respond to the COVID-19 pandemic.

Consistent with the Directive, NJOEM requests approval to implement non-congregate sheltering State-wide for the populations listed above and for COVID-19 positive patients who do not require hospitalization in a traditional setting but who nonetheless require quarantine or isolation outside their residence to prevent the further spread of the virus. Further, NJOEM states that after considering all non-congregate sheltering options, the use of hotel and motel rooms "is the most reasonable option to protect the public and prevent the spread of COVID-19."

FEMA's approval of this request is subject to and conditioned by the following:

1. FEMA approves State-wide non-congregate sheltering using hotels or motels for the populations listed above and for:
 - a. COVID-19 positive patients who do not require hospitalization in a traditional setting but who nonetheless require quarantine or isolation outside their residence to prevent the further spread of the virus.
2. This approval is limited to emergency non-congregate sheltering costs that are reasonable and necessary to address the public health needs resulting from FEMA-4488-DR-NJ.
3. This approval is limited to costs associated with sheltering individuals from March 18, 2020 through May 10, 2020, unless the public health needs should sooner terminate. NJOEM must obtain FEMA's approval for any time extensions, which should include a detailed justification for the continuing need for emergency non-congregate sheltering.

Additionally,

- Each agency, department or organization implementing a non-congregate sheltering program 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 services, and care for those with disabilities or access and functional needs.

- FEMA will not approve Public Assistance funding that duplicates funding by another federal agency, including the U.S. Department of Health and Human Services or Centers for Disease Control and Prevention.
- Each agency, department or organization implementing non-congregate sheltering must comply with, and enable FEMA to comply with, applicable environmental and historic preservation laws, regulations, and executive orders or funding may be jeopardized.

Each agency, department or organization implementing a non-congregate sheltering program must maintain tracking mechanisms to provide sufficient data and documentation to establish the eligibility of costs for which it is requesting Public Assistance funding (including the need for non-congregate sheltering of each individual, length of stay, and costs). As with any activity, lack of sufficient supporting documentation may result in FEMA determining that some or all of the costs are ineligible.

Lastly, while this approval applies to all non-congregate sheltering in the State of New Jersey, each Applicant must submit its own request for funding for non-congregate sheltering, including an estimate of the number of individuals that will require sheltering and explanation of how that number was derived.

Should you have any questions or require further assistance, please contact Ms. Claude Hyacinthe, Recovery Division Director at claude.hyacinthe@fema.dhs.gov.

Sincerely,



Thomas Von Essen
Regional Administrator
FEMA Region II