



FEMA

April 3, 2020

David R. Padfield
Director, Pennsylvania Emergency Management Agency
1310 Elmerton Avenue
Harrisburg, PA 17110

RE: FEMA-3441-EM-PA – Request for Approval for Non-Congregate Sheltering for
Quarantine and Isolation of Certain Individuals in the Commonwealth of Pennsylvania

Dear Mr. Padfield:

This is in response to your letter dated March 30, 2020, requesting that FEMA approve Public Assistance (PA) funding for costs for the Commonwealth of Pennsylvania to use suitable college, university, hotel and motel facilities to expand non-congregate sheltering capacity for individuals during the COVID-19 response. Specifically, you are seeking to secure space for the limited purpose of addressing the needs of health care workers or first responders that require quarantine, community members who are homeless, members of residential treatment programs, or otherwise currently working in, exposed to or living in congregate settings, except for incarcerated individuals (collectively referred to as "unsheltered residents").

In accordance with section 502 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) emergency, 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.

The Pennsylvania Secretary of Health issued an order stating that “to protect the public from the spread of Coronavirus (COVID-19), it is necessary that non-congregate sheltering be implemented for healthcare workers or first responders who require quarantine, as well as community members who are experiencing homelessness, residents of residential treatment centers, or other individuals currently working in, exposed to or living in congregate settings who require quarantine, ... except for incarcerated individuals (collectively "unsheltered residents").”¹

Based on my review of your request and information provided, I am partially approving your request for the use of emergency, non-congregate sheltering based on the current spread rates

¹ See Order of the Secretary of the Pennsylvania Department of Health for Non-Congregate Shelters (April 2, 2020).

being published by the Centers for Disease Control and in alignment with best practices to contain the spread of the disease. Among other things, the CDC guidance instructs "local partners to plan for where individuals and families with suspected or confirmed COVID-19 experiencing unsheltered homelessness can safely stay." "These should include places where people who are confirmed to be positive and those awaiting test results can be isolated."

Your request for non-congregate sheltering of "community members who are homeless, members of residential treatment programs, or otherwise currently working in, exposed to or living in congregate settings" is limited to the criteria outlined below.

My approval of your request is subject to and conditioned by the following:

- Specific to homeless populations, FEMA approves non-congregate sheltering for individuals that meet one or more of the following criteria:
 - Test positive for COVID-19 who do not require hospitalization but need isolation (including those exiting from hospitals).
 - Have been exposed to COVID-19 who do not require hospitalization but whom warrant quarantine.
 - Persons needing social distancing as a precautionary measure, as determined by public health officials, particularly for high-risk groups such as people over 65 or with certain underlying health conditions (respiratory, compromised immunities, chronic disease).
- For first responders and health care workers, FEMA approves non-congregate sheltering for individuals who are at reasonable risk, as determined by public health officials, of exposure to COVID-19 and cannot return to their usual residence due to risk of infecting other household members.
- FEMA will not reimburse for the sheltering of asymptomatic individuals that are not among the foregoing categories but whose living situation makes them unable to adhere to social distancing guidance.
- My approval includes the reimbursement of costs incurred for wrap-around services directly necessary for the safe and secure operation of non-congregate sheltering facilities. However, 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.²

² See FEMA FREQUENTLY ASKED QU es (COVID-19) Pandemic: Non-Congregate Sheltering (March 21, 2020).

- My approval is limited to emergency, non-congregate sheltering costs that are reasonable and necessary to address the public health needs resulting from FEMA-3441-EM-PA and 4506-DR-PA.³
- My approval is limited to costs associated with sheltering individuals through May 3, 2020, unless the public health needs should sooner terminate. The Commonwealth must obtain FEMA's approval for any time extensions, which should include a detailed justification for the continuing need for emergency non-congregate sheltering.⁴

Additionally,

- The Commonwealth 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.⁵
- FEMA will not approve PA 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.
- The Commonwealth must comply with, and enable FEMA to comply with, applicable environmental and historic preservation laws, regulations, and executive orders or funding may be jeopardized.⁶

The Commonwealth will need to maintain tracking mechanisms to provide sufficient data and documentation to establish the eligibility of costs for which it is requesting PA funding (including the need for non-congregate sheltering of each individual, length of stay, and costs). The Commonwealth should track populations of homeless, health care workers and first responders separately as future appropriations may duplicate funding by another federal agency. As with any activity, lack of sufficient supporting documentation may result in FEMA determining that some or all of the costs are ineligible.

If you have any questions regarding this approval, please contact me or call Michael Senycz, Recovery Division Director, at (215) 931-5632.

Sincerely,

MaryAnn Tierney
Regional Administrator

³ Public Assistance Program and Policy Guide, FP 104-009-2, at 68 (April 1, 2018) (PAPPG). See also 2 C.F.R. § 200.403.

⁴ PAPPG, at 68.

⁵ *Id.*, at 68-69

⁶ *Id.*, at 43-44.