



FEMA

November 10, 2020

Mr. Michael Sprayberry, Director
North Carolina Emergency Management
4236 Mail Service Center
Raleigh, North Carolina 27699-4236

Reference: North Carolina Statewide Request for Non-Congregate Sheltering
7th Request to Extend Non-Congregate Sheltering Approval of April 6, 2020
FEMA-4487-DR-NC

Dear Mr. Sprayberry:

This is in response to the State of North Carolina's (State) request dated October 27, 2020, requesting that the Federal Emergency Management Agency (FEMA) approve an extension to the deadline for non-congregate sheltering for an additional 30 days as a result of the Coronavirus 19 (COVID-19) public health emergency. Since FEMA's initial approval dated April 6, 2020, the State has housed 4,700 individuals in non-congregate sheltering at an estimated cost of \$14,760,782.00. When first approved for non-congregate sheltering, the state had 285 people infected with COVID-19 and 61 fatalities. As of October 27, 2020, the State has had 261,742 residents infected with COVID-19 and 4,170 fatalities.

In accordance with section 403 and section 502 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, eligible emergency protective measures taken to respond to the referenced 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 Public Assistance (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 State was previously approved for non-congregate sheltering through November 2, 2020. **Based on my review of your request and the information provided, I am revising the period of authorization for non-congregate sheltering until December 2, 2020, for an additional 30 days.** This extension may not extend beyond the State or Local public health order or the Secretary of Health and Human Services Public Health Emergency for COVID-19.

Reimbursement for the sheltering of non-symptomatic individuals that are not among the categories previously approved and are not among the specific populations that are directed by the appropriate public health official are not eligible. Reimbursement for the sheltering of individuals that exceeds 14 calendar days will require justification upon submission of request for reimbursement that identifies that the length of sheltering for individuals is based on health guidance and is limited to what is needed to address the **immediate** threat to public health and

safety. **The intent of non-congregate sheltering is not to substitute as a mechanism of long-term housing.** As a reminder, the CDC guidance recommends a 14-day isolation or quarantining period for those that test positive or have been in contact with a person that tested positive.

This does not constitute an approval for (1) individuals evacuating due to hurricanes, or other disasters, and (2) individuals that have been displaced from hurricanes, or other disasters, while they are working with agencies on a permanent housing option. For your awareness, the current process for non-congregate sheltering for non-COVID-19 events is not authorized to be pre-approved prior to the need for non-congregate sheltering. FEMA has provided guidance on the appropriate process for requesting non-congregate sheltering as a result of evacuations within the ongoing COVID-19 pandemic environment. Please see FEMA's Interim Policy #104-009-18, *FEMA Emergency Non-Congregate Sheltering During the COVID-19 Public Health Emergency (Interim)*. As a reminder, the need to expand the target population as it relates to COVID-19 must be determined by a public health official or in accordance with the direction or guidance of health officials by the appropriate County or local entities.

Below are the State Executive Orders and State Health Department Advisory's and Declarations that FEMA has on file.

- Governor's Executive Order 116 – Dated March 10, 2020 – Declaring a state of emergency to coordinate response and protective actions to prevent the spread of COVID-19
- Governor's Executive Order 117, 118, and 120 – Between March 14 – March 23, 2020 – Closing schools, dine-in services and some businesses in an effort to create additional social distancing.
- Governor's Executive Order 121 – Between March 30 – April 29, 2020 – Directs people to stay at home, except to visit essential businesses, to exercise outdoors or to help a family member; bans gatherings of more than 10 people; and, directs everyone to physically stay at least six feet apart from others.
- Governor's Executive Order 135 – April 23, 2020 – Extending the stay at home order and orders limiting mass gatherings, requiring social distancing, and restricting visitation at long term care facilities.
- State of North Carolina Department of Health and Human Services directive to the state, counties and jurisdictions to take appropriate measures to mitigate and respond to the COVID-19 disease pandemic that is affecting our state, country and the world, including creating plans and operationalizing non-congregate sheltering letters dated October 22, 2020, September 29, 2020, August 26, 2020, July 27, 2020, June 24, 2020, June 2, 2020 and May 29, 2020.

My approval is subject to and conditioned by all the terms outlined in FEMA's previous approval letters, as well as those outlined in this letter. As a reminder approval for emergency non-congregate sheltering is:

- Limited to costs that are reasonable and necessary for providing emergency non-congregate sheltering to eligible individuals (as identified in the request). In this regard,

please note that FEMA does not mandate that the State pursue a specific option or options for temporary facilities to be used for emergency non-congregate sheltering, but FEMA will only approve PA funding for cost-effective and practical options justified by assessments and public health projections. **Costs incurred to date should be reviewed closely as this approval does not constitute approval of all costs incurred as costs are limited to being reasonable and necessary.**

- Limited to costs reasonably associated with sheltering individuals for a 30-day duration from the date of our approval, unless the public health needs should sooner terminate. The Subrecipient must obtain FEMA's approval for any time extensions, which should include a re-assessment of the continuing need for emergency non-congregate sheltering from a State or local public health official, as well as a detailed justification for the continuing need for emergency non-congregate sheltering.
- Limited to costs associated with the provision and operation of facilities for emergency non-congregate sheltering and does not include the approval of costs for the conversion of a proposed or any other facility.
- Subject to, and limited by, emergency non-congregate sheltering guidance issued by FEMA, including in the form of Fact Sheets. See in particular FEMA's Frequently Asked Questions, *Coronavirus (COVID-19) Pandemic: Non-Congregate Sheltering* (March 21, 2020).
- The length of non-congregate sheltering depends on the needs in each area and will be in accordance with the guidance and direction from appropriate health officials. Sheltering eligibility for sheltering activities may not extend beyond the state or local public health order or the HHS Public Health Emergency for COVID-19.
- Length of sheltering for individuals is based on health guidance and should be limited to what is needed to address the immediate threat to public health and safety. The mission will depend on the level of community transmission in each area. **It is recommended that the facility layout considerations identified by the Center for Disease Control be reviewed as part of the State analysis when reviewing additional cost-effective reasonable measures to provide social distancing for the homeless population. This information as well as other helpful information regarding facility procedure considerations and checklist for homeless service providers during community re-opening can be found at <https://www.cdc.gov/coronavirus/2019-ncov/community/homeless-shelters/plan-prepare-respond.html>.**

In addition, any future extension requests from the State must include, at a minimum: 1) the number of individuals being sheltered by each local provider; 2) average length of stay; 3) underlying need/condition requiring emergency non-congregate sheltering (for instance, total number of persons who fit into one of the three categories approved for non-congregate sheltering during those timeframes); 4) types of wrap-around services being provided; and 5) average cost per individual. In addition, in preparation for a potential transition of non-

congregate sheltering of homeless individuals to Housing and Urban Development, please provide the information separately for that population. Please ensure that you do not provide patient names or medical records and that any Personally Identifiable Information is removed or redacted from documentation provided to FEMA with the associated reimbursement through grants portal. **Please see the attached guidance document, *Federal Funding Priority Order for Non-Congregate Shelter During COVID-19* (June 23, 2020). The State has confirmed the they are a HUD Recipient. They have begun working through submission of the state application for ESG-CV and CDBG-CV. The State continues to work towards the transition and is working on building a to effectively transition to HUD funding. Please ensure any future extensions continue to address the status and/or steps being taken to continue to finalize the transition to HUD funding.**

To be reimbursed for contract costs, the State must comply with the Federal procurement standards found at 2 C.F.R. §§ 200.317 – 200.326. FEMA's *Procurement Under Grants Conducted Under Exigent or Emergency Circumstances Fact Sheet* (March 16, 2020) provides additional guidance, and the State should 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. **Contract provisions requiring payment for unutilized sheltering and services are discouraged due to the possibility that the costs incurred may be considered unreasonable and, therefore, not eligible for PA reimbursement.**

FEMA may provide funding for eligible costs for the establishment of non-congregate sheltering as outlined above in 30-day increments or less if a re-assessment determines there is no longer a public health need, but not to exceed the duration of the Order of the State Public Health Officer. **The State must provide a re-assessment from the State Public Health Officer at each 30-day interval that includes certification that a threat to lives, public health, or safety exists, and that measures to eliminate or lessen that threat are required. The reassessment must be submitted prior to the 30-day extension expiration date**

FEMA will not approve PA funding that duplicates funding by another Federal agency, including the HHS or Centers for Disease Control and Prevention.

The State must comply with, and enable FEMA to comply with, applicable environmental and historic preservation laws, regulations, and executive orders or funding may be jeopardized.

The State will need to continue 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, costs and length of stay to include when they are no longer determined to be infected and therefore do not require quarantine). As with any activity, lack of sufficient support documentation may result in FEMA determining that some or all the costs are ineligible.

In conjunction with this approval for Non-Congregate Sheltering, the following information for each operational site shall be reported to the Region IV Regional Response Coordination Center (RRCC) by COB each Monday for the duration of the sheltering operations.

- Location Name
- Location Address
- Building Type (Hotel/Motel, Dormitory, etc.)
- Maximum Capacity
- Current Number of Individuals Sheltered (as of midnight the previous day)

Reporting of the above information shall be emailed to the below email addresses:

R04-RRCC-ICMG@fema.dhs.gov

R04-RRCC-SITL@fema.dhs.gov

R4-Recovery-COVID-19@fema.dhs.gov

If you have any questions or require more information, please contact Mr. Terry L. Quarles, CEM, Director, Recovery Division, at (770) 220-5300.

Sincerely,



Gracia B. Szczech
Regional Administrator

Enclosure