October 16, 2023

Ms. Nancy Ward
Director
Governor’s Authorized Representative
California Office of Emergency Services
3650 Schriever Avenue
Mather, California 95655


Dear Director Ward:

This letter provides clarification to questions received from the California Governor’s Office of Emergency Services (Cal OES) regarding the eligibility of emergency Non-Congregate Sheltering (NCS) during the COVID-19 Pandemic, specifically the eligibility of “high-risk” individuals requiring social distancing and FEMA’s methodology for evaluating the length of stay for eligible populations in emergency NCS.

Under the COVID-19 major declaration, FEMA will consider emergency NCS for health and medical-related needs, such as isolation and quarantine resulting from the public health emergency. FEMA will reimburse emergency NCS costs incurred for:

1. Individuals who test positive for COVID-19 that do not require hospitalization, but need isolation (including those exiting from hospitals);
2. 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; and
3. Individuals who are “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.

For the third category of eligible individuals, FEMA interprets the term high-risk based on the list of medical conditions identified in the Centers for Disease Control and Prevention’s (CDC’s) guidance. An individual confirmed to be at high-risk based on the CDC list of medical conditions may be eligible for emergency NCS if needed as a social distancing measure. Providing confirmation of a positive COVID test is not a requirement for the third category; however, eligible applicants will need to demonstrate that the individuals sheltered are high-risk.

Regarding the length of stay for eligible populations in emergency NCS, FEMA recognizes the unprecedented scale and scope of the COVID-19 response. Widespread community transmission overwhelmed healthcare systems across the nation, and in the absence of available testing supplies, sheltering was a key strategy for limiting the loss of life and protecting public safety. Vaccines were not readily available to all members of the public until the Governor rescinded the Statewide Stay at

1 https://www.cdc.gov/coronavirus/2019-ncov/need-extra-precautions/people-with-medical-conditions.html#MedicalConditionsAdults
Recognizing the scarcity of testing and vaccine availability prior to rescission of the Governor’s State at Home Order, FEMA will not limit the eligibility of length of stays in emergency NCS prior to June 11, 2021.

FEMA also recognizes new COVID-19 variants resulted in spikes of COVID-19 community transmission following the Governor’s rescission of the Statewide Stay at Home Order. Some local public health orders required sheltering for a longer period following June 11, 2021, to protect individuals from exposure to COVID-19.

Between March 2020 and June 2021, California took effective action to reduce the spread and mitigate the impacts of COVID-19, successfully curbing the spread of the virus and dramatically lowering disease prevalence and death. As of June 11, 2021, over 70 percent of Californians 18 and older received at least one vaccine dose, raising the overall level of immunity in the state. Because of the significant efforts made by the State of California to reduce transmission of COVID-19, after June 11, 2021, FEMA Region 9 has aligned its implementation of emergency NCS with federal public health authorities and their official recommendations regarding isolation and quarantine periods.

Consequently, between June 11, 2021 – May 11, 2023, eligible costs for emergency NCS may be incurred for a period up to 20 days in accordance with the CDC’s recommended isolation and quarantine period, which is the lengthiest period the CDC recommended for isolation and quarantine. Based on Cal OES’ extension requests in 2020, the average length of emergency NCS was 11 days for first responders and 37 days for high-risk individuals. Additionally, Cal OES submitted monthly emergency NCS data reports between December 2020 – May 2023 that showed an average of 14 days for emergency NCS stays.

Except where specifically stated otherwise in this letter, the reimbursement of costs for eligible emergency NCS remains subject to the same requirements set forth in the California NCS Approval Letters and the NCS Transition Plan to other Federal Funding letter, dated October 18, 2021. Sheltering specific populations in emergency NCS should be determined by a public health official’s direction or in accordance with the direction or guidance of health officials by the appropriate state or local entities. As mentioned in the October 18, 2021 letter, reimbursement of costs for emergency NCS does not include assistance for individuals experiencing homelessness unless they qualify under one of the three eligible population categories. Finally, contracts for emergency NCS must comply with federal procurement requirements at 2 CFR Part 200, including reasonable costs and incorporation of a termination for convenience clause. I have attached an emergency NCS project eligibility review list that my staff will use to review emergency NCS project submissions from applicants.

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5 Initial letter approving PA funding for eligible NCS costs incurred by the State of California dated March 27, 2020, initial letter approving PA funding for eligible costs incurred by local NCS providers dated April 2, 2020, and most recent letters approving NCS extensions dated July 1, 2020, July 30, 2020, August 29, 2020, October 1, 2020, October 30, 2020, and November 30, 2020
Thank you for emphasizing to local providers the importance of maintaining effective tracking mechanisms to provide sufficient data and documentation to establish the eligibility of emergency NCS costs (including wrap-around services directly necessary for the safe and secure operations of emergency NCS facilities) for which they intend to request Public Assistance funding. As with any activity, lack of sufficient supporting documentation may result in FEMA determining that some or all of the costs claimed are ineligible.

Thank you for your continued partnership as we address questions related to COVID-19 eligible activities during an unprecedented time. If you have additional questions regarding this matter, please do not hesitate to contact me.

Sincerely,

Robert J. Fenton
Regional Administrator
FEMA Region 9

Attachment 1: Emergency NCS Project Eligibility Review List
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<table>
<thead>
<tr>
<th>Legal responsibility</th>
<th>To be eligible, work must be the legal responsibility of an eligible applicant. Measures to protect life, public health, and safety are generally the responsibility of state, local, tribal, and territorial governments.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Directed and Documented by Public Health Official</td>
<td>NCS must be at the direction of and documented through an official order signed by a state, local, tribal, or territorial public health official.</td>
</tr>
</tbody>
</table>
| Intake process at each NCS site (data collection of questionnaires and/or surveys)  | Individuals should be pre-screened or referred to by an authorized local public health representative. Applicants should follow the detailed protocols issued by the Department of Public Health and site administrators to ensure that only individuals who meet FEMA eligible criteria are sheltered. Data collected should include:  
  - Documentation showing a recent positive test,  
  - Self-certification form or,  
  - Medical referrals                                                                 |
| Duration of the Sheltering Activities                                               | Number of individuals sheltered  
  Operational period                                                                 |
| Wraparound services                                                                 | Costs associated with the provision of support services, such as case management, mental health counseling and similar services are not eligible for reimbursement. |
| Cost reasonableness                                                                 | Costs claimed by State, Local, Tribal and Territorial governments must be reasonable pursuant to federal regulations and federal cost principles. 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. |
| Unoccupied rooms                                                                    | Generally, unoccupied rooms are ineligible. Exceptions might be made for reasonable pre-positioning of resources or other circumstances made on a case-by-case basis. |
| Termination for Convenience Clauses                                                | 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. |