

March 25, 2020

## FEMA Public Assistance Application Information

As part of the declaration of the COVID-19 pandemic as a national emergency, public assistance (PA) funding is available from the Federal Emergency Management Agency (FEMA) to eligible State, Territorial, Tribal, local government entities and certain private non-profit (PNP) organizations. To assist hospitals and health systems better understand the process for applying for PA funding, the AHA worked with Jones Day to provide additional details as discussed below.

The President issued a national emergency declaration for the coronavirus pandemic on March 13, opening the opportunity for assistance through FEMA programs. As of March 20, all 50 states, the District of Columbia, five territories and one tribe were working directly with FEMA under the Nationwide Emergency Declaration for COVID-19.

### FEMA Public Assistance Program

FEMA's PA program supports communities' recovering from disasters by providing them with grant assistance for debris removal, life-saving emergency protective measures, and restoring public infrastructure. Local governments, states, tribes, territories and certain private nonprofit organizations are eligible to apply for PA funding. Public Assistance is FEMA's largest grant program.

### Emergency Protective Measures

FEMA has announced that [certain emergency protective measures](#) taken to respond to the COVID-19 emergency may be eligible for reimbursement under Category B of the PA program. FEMA will assist with such emergency protective measures at a 75% federal cost share (with Applicants covering the other 25%).

If not eligible for reimbursement through Health and Human Services (HHS) or Centers for Disease Control and Prevention (CDC), FEMA may provide PA for the following emergency protective measures:

- Management, control and reduction of immediate threats to public health and safety:
  - Emergency Operation Center costs
  - Training specific to the declared event
  - Disinfection of eligible public facilities
- Emergency medical care:
  - Non-deferrable medical treatment of infected persons in a shelter or temporary medical facility
  - Related medical facility services and supplies

- Temporary medical facilities and/or enhanced medical/hospital capacity (for treatment when existing facilities are reasonably forecasted to become overloaded in the near term and cannot accommodate the patient load or to quarantine potentially infected persons)
- Use of specialized medical equipment
- Medical waste disposal
- Emergency medical transport
- Medical sheltering (e.g., when existing facilities are reasonably forecasted to become overloaded in the near future and cannot accommodate needs)
  - Under President Trump’s national emergency declaration, FEMA’s Regional Administrators have been delegated authority to approve requests for [non-congregate sheltering](#) for the duration of the Secretary of HHS’ declaration of a Public Health Emergency for COVID-19.

### PA Program Eligibility

States, tribal governments, local governments, and certain PNPs with an IRS effective ruling letter granting tax exemption under section 501(c), (d), or (e), including hospitals and related facilities, clinics, long-term care facilities, and outpatient facilities.

### PA Program Application Process

As of March 23, FEMA is implementing a simplified online PA program application process for Recipients and Applicants requesting reimbursement related to COVID-19 federal emergency and major disaster declarations. Recipients are states, tribes, or territories that receive and administer PA awards. Applicants are state, local, tribal and territorial governments, or eligible private nonprofits, submitting a request for assistance under a recipient’s federal award.

The simplified PA application process is new and intended to address the magnitude of the COVID-19 pandemic and allow local officials to receive eligible funding more quickly. As such, certain steps in the typical PA program application process have been removed.

The simplified PA application process is reflected in the chart below:



1. Declaration: State, tribal, or local government (Recipient) requests and receives Presidential emergency or major disaster declaration;
  - a. The President has issued declarations for all 50 states and D.C.
2. Applicant Briefing: Recipient and FEMA will provide virtual briefings for potential PA Applicants to inform them of available assistance and how to apply;
  - a. Typically, Recipient(s) must inform potential applications of date, time, and location of briefing;

- i. Information released thus far indicates that FEMA and Recipient may provide coordinated, nation-wide briefings;
    - b. Briefing must provide information on, among other items, application procedures, project funding, general eligibility criteria, documentation requirements;
    - c. Applicants can learn the applicable Recipient information from Grants Manager / Grants Portal Hotline (866) 337-8448
3. PA Grants Portal: Applicants will eventually submit a Request for Public Assistance (RPA) form online at the PA Grants Portal, available at [www.grantee.fema.gov](http://www.grantee.fema.gov).
  - a. Recipients must set up accounts on PA Grants Portal for themselves and Applicants. Applicants should contact the appropriate Recipient to obtain PA Grants Portal log-in information;
  - b. Application support and tutorials are available on the resource tab of the portal.
4. Online Form: FEMA is developing an online form for Applicants to complete
  - a. Applicants will be asked to provide information on work activities, primary contact information, addresses, limited supporting documentation, and a cost estimate;
    - i. Typically, Applicants would submit RPA form, [FEMA Form 90-49](#), to the Recipient (state, tribe, or territory), which would collect and submit RPAs to FEMA. It does not appear that the simplified PA application process will use the RPA FEMA Form 90-49.
  - b. FEMA has published video tutorials with instructions for submitting RPAs online: <https://www.youtube.com/watch?v=Uq9rc5h5gkU>
  - c. On March 21, FEMA extended the 30-day deadline for submitting RPAs to remain open for the duration of the Public Health Emergency declared by HHS, unless the FEMA Assistant Administrator, Recovery Directorate, decides an earlier deadline is appropriate (in which case, FEMA will provide 30-day advance notification).
  - d. FEMA will accept RPAs for 30 days after the end of the HHS Public Emergency declaration.
5. Other Typical PA Program Meeting Eliminated: The simplified PA program application process eliminates many of the steps typically involved in a PA application, such as recovery scoping meetings site inspections, and reduced documentation requirements.
6. FEMA-State/Tribal/Territorial Agreements: Prior to funding, Recipients must sign FEMA-State/Tribal/Territorial Agreements, submit signed Federal Grant Applications (SF-424), and update Recipient Public Assistance Administrative Plans.

Eligible Costs for PA Grant. Costs must be directly tied to the performance of eligible work, documented, and reasonable in nature and amount. Examples of eligible costs include:

- For emergency work:
  - Overtime labor for budgeted employees and straight-time and overtime labor for unbudgeted employees;

- Backfill employee labor, Call-back pay, Night-time pay, Weekend differential pay, Stand-by time;
- Necessary equipment;
- Necessary supplies and materials.

Recordkeeping. PA Applicants should maintain all cost documentation.