Major Disaster Declaration Fact Sheet

DR-4492 (COVID-19)

The Federal Emergency Management Agency’s Public Assistance (PA) program provides grants to state, local, and federally recognized tribal governments and certain private non-profit entities to assist them with the response to and recovery from disasters. Typically, the program provides assistance for debris removal, emergency protective measures, and permanent repairs to infrastructure. For DR-4492 (COVID-19), Direct Federal Assistance (DFA) and reimbursement for emergency protective measures (EPM) are eligible. The federal share of assistance remains no less than 75 percent of the eligible cost.

Originally the State of South Carolina received an emergency declaration (EM-3470) on March 13, 2020, that covered DFA and EPM. On March 27th, 2020, the State of South Carolina received a major disaster declaration (DR-4492) which covers the same eligible activities previously granted under the emergency declaration. Moving forward, South Carolina will only operate under the major disaster declaration (DR-4492).

Eligible Applicants

- State and local governments
- Federally recognized tribal governments
- Certain private non-profits that own or operate facilities that provide educational, utility, emergency, medical, or a non-critical but essential social service and provides those services to the general public.

Public Assistance Process

- The Request for Public Assistance (RPA) process is open in Grants Portal, and the deadline will be 30 days from the closure of the incident period, which is continuing at this time.
- If an applicant has previously submitted an RPA under EM-3370, it will transfer to the new declaration, DR-4492.
- Applicant briefings will begin soon virtually once the state receives more clarification on eligibility. FEMA intends to implement a Simplified Application process with a fillable application in their Grants Portal system, which will be available to applicants with an approved RPA.
- Exploratory Calls (EC) and Recovery Scoping Meetings (RSM), which are normally part of the PA project development process, will not be implemented in the conventional sense, but the information sharing and collection that usually occurs in these will occur through the Simplified Application process.
- In the PA program, a “project” is a logical grouping of work required as a result of the declared emergency or major disaster. The PA process involves developing a project worksheet that describes/lists the location, scope of work, and costs for the project.
- Projects will still be formulated at a FEMA Consolidated Resource Center (CRC).
- SCEMD PA staff are available to assist applicants throughout the process.

Emergency Declaration for PA: Category B Emergency Protective Measures

- Emergency work:
  - Category B: Emergency protective measures
    - Provides reimbursement for expenses like SEOC activation, personnel overtime in accordance with your agencies' pay policy, emergency supplies, and contractor costs (e.g., decontamination) related to incident preparedness, protective measures, and response, in this case in support of public health response.
  - Direct Federal Assistance (DFA)

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Small Projects

- Projects falling below a certain threshold are considered "small."
- The threshold is adjusted annually for inflation.
- For fiscal year 2020, small projects must be at least $3,300 but less than $131,100.
- For small projects, payment of the federal share of the estimate is made upon approval of the project and notification is required upon completion of the project.

Large Projects

- For fiscal year 2020, a large project is any project more than $131,100.
- Payment for large projects are made on the basis of actual costs determined after the project is completed. Once FEMA obligates funds to the grantee, further management of the project, including disbursement to sub-grantees, is the responsibility of the grantee.
- Sub-grantees must submit a Request for Reimbursement (RFR) through www.screcoverygrants.org. RFR should include documentation of costs related to eligible work. This is after the project is obligated in FEMA’s Grants Portal.

Expedited Category B Projects

- Expedited Category B projects are an option when an applicant demonstrates that it requires an advance of funds as they have exceeded capacity to recover with their own funds.
- With an expedited Category B project, 50% of the requested amount will be obligated and paid to the applicant with limited documentation requirements; however, the project will be reconciled on actual costs incurred after the response to the incident is concluded. In other words, documentation of costs still is required – just later in the process.
- If additional funding is needed to respond the incident, an addition (a new “version”) can be considered.

Project Period of Performance

From date of disaster declaration
- Emergency Work: 6 months
- Based on extenuating circumstances or unusual project requirements, the State can provide extensions:
  - Up to 6 additional months for emergency work (12 months maximum)
- Requests for extensions beyond the State’s authority may be granted by the FEMA Regional Administrator.

Frequently Asked Questions Regarding COVID-19 PA Eligibility

- EPM eligibility
  - Management, control and reduction of immediate threats to public health and safety
    - EOC costs
    - Sanitization of eligible public facilities
    - Emergency medical care
    - Medical sheltering
  - Household pet sheltering and containment actions related to household pets in accordance with CDC guidelines
  - Purchase and distribution of food, water, ice, medicine, and other consumable supplies, to include personal protective equipment and hazardous material suits
  - Movement of supplies and persons
- Security and law enforcement
- Communications of general health and safety information to the public
- Search and rescue to locate and recover members of the population requiring assistance
- State, tribe, territory and/or local government force account (employed personnel) overtime costs

- Foodbank eligibility
  - Are the foodbanks eligible to receive reimbursement if they have to purchase food, water or supplies?
    - No. PNP eligibility has not changed as a result of the COVID-19 declarations. The only time the purchase of food and water would be eligible if the facility was damaged during the declared event resulting in a damage to the inventory.
  - Does it have to be specific entities like the State or county which has legal responsibility for feeding?
    - Yes. The state or county has legal responsibility for sheltering and possibly feeding and therefore could have an agreement for the foodbank to provide food for a shelter, which we have seen with hurricane response, or otherwise as a result of the event. At this point, the state or county would pay the PNP based on their agreement and seek reimbursement from FEMA for Category B costs.
    - In this incident, congregate shelters are not used, so the context of the feeding mission is different and not associated with counties’ legal responsibility (in state law) for providing shelter.
  - If these items are donated, can they be used as a donated resource for the state?
    - If the items are donated to the state directly yes but not to the PNP.
  - Why are foodbanks not eligible for these costs?
    - The key is determining the eligible applicant based on legal responsibility for the function. Eligible costs have not changed as a result of the COVID-19 declaration. For PNP, eligible emergency protective measures are generally limited to activities associated with preventing damage to an eligible facility and its contents. Emergency services are the responsibility of State, tribal, or local governments. Therefore, PNP are generally not legally responsible for those services, and FEMA does not provide PA funding to PNP for the costs associated with providing those services. When a PNP provides emergency services at the request of, and certified by, the legally responsible government entity, FEMA provides PA funding through that government entity as the eligible applicant.
    - In this case, the foodbank distributing food is performing its normal function; although the demand has increased, the costs are considered increased operating expenses. The foodbank is not the eligible applicant because it is not legally responsible. In some cases, a government entity may be legally responsible to provide services and enter into an agreement with a PNP to provide those services (e.g., sheltering, food distribution). In these cases, PA funding is reimbursed to the legally responsible government entity, which pays or has already paid the PNP for the cost of providing those services under the agreement.

Resources:

- FEMA Simplified Application Fact Sheet
- Procurement Under Grants: Under Exigent or Emergency Circumstances
- Coronavirus (COVID-19) Pandemic: Eligible Emergency Protective Measures
- Additional COVID-19 Resources

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