

Dear City Councilmembers:

With many questions regarding FEMA reimbursements, Curry and I wanted to share the guidance we have received to clarify the significant challenges the City faces towards receiving any reimbursements for non-congregate shelter.

In the last year, we have worked closely with our federal partners through the challenging FEMA reimbursement process, which was especially arduous under the previous administration. Since last March, the City has advocated for federal government reimbursement for additional shelter resources, but unfortunately, it has been limited as it relates to non-congregate shelter. However, we have been successful in advocating for some limited federal funding that we will be implementing

Below are the key provisions that have impacted the City's ability to fund non-congregate shelter. While we appreciate the work of President Biden's administration, there continues to be no option to receive 100% reimbursement of the operation and services of non-congregate shelters for individuals experiencing homelessness in King County or Washington:

- **FEMA Requires Pre-Approval for Non-Congregate Shelters**: Pre-approval of non-congregate sheltering is required for a county/local government as a sub-recipient. Tracking mechanisms must be in place to provide data and documentation to establish the eligibility of costs for which the Applicant is requesting Public Assistance funding (including the need for non-congregate sheltering of each individual, length of stay, and costs).
- **FEMA Contracting and Procurement Requirements**: Failure to comply with federal contracting and procurement requirements puts local jurisdictions at risk of not receiving reimbursement or not being able to use FEMA grant funds for otherwise eligible costs. This includes conducting an Independent Cost Estimate prior to solicitation, conducting an open and competitive procurement process, a cost analysis to ensure a contractor's reasonable costs, and including the required FEMA contract provisions in the solicitation/procurement document (e.g. the Request for Proposals) and any resulting contracts. The City must also commit to paying contracted costs regardless of level of FEMA reimbursement.
- **FEMA Funds Do Not Cover Human Services**: "Support services such as case management, mental health counseling, and others are not eligible." To reiterate, FEMA is not paying for any services such as case management, drug treatment, mental health and counseling, and others. To operate services at shelters, tiny home villages and permanent supportive housing, the City typically pays \$17,000-\$25,000 per year.
- **FEMA Eligibility is Tied to COVID-19 Target Population for Non-Congregate Shelter**: In most cases across the country, non-congregate shelter has been used as isolation and quarantine facilities. In King County, Public-Health Seattle & King County has operated these facilities. In California, Governor Newsom received very narrow FEMA approval for isolation and quarantine facilities and hoteling individuals experiencing homelessness who are 65+ or have defined pre-existing medical conditions. FEMA [even](#) stated at that time "approval does not currently include the reimbursement of costs for the sheltering of asymptomatic individuals that are not among the populations identified above, but whose living situation may make them unable to adhere to social distancing guidance."
  - "Examples of target populations include those who test positive for COVID-19 who do not require hospitalization but need isolation (including those exiting from hospitals);

those who have been exposed to COVID-19 who do not require hospitalization; and asymptomatic high-risk individuals needing social distancing as a precautionary measure, such as people over 65 or with certain underlying health conditions (respiratory, compromised immunities, chronic disease). Sheltering specific populations in non-congregate shelters 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. The request should specify the populations to be sheltered."

- **[FEMA Requires the City to Transition to Permanent Funding in Project Worksheets](#)**: OEM has to fill out monthly extension reports for non-congregate sheltering that asks what our plan is to transition to permanent funding sources. "For certain types of work that may be eligible for funding under another agency's authorities, FEMA, in coordination with other federal agencies and after close examination of available CARES Act funding, has determined that it will not provide reimbursement through the PA program."
- **FEMA Reimbursement Must Be Approved and Is Not Guaranteed**. Currently, every line item of our budget must be approved by FEMA. The documentation requirements are onerous. As with any activity, lack of support documentation may result in FEMA determining that some or all of the costs are ineligible for reimbursement.
- **[FEMA Assistance Currently Ends in September 2021](#)**: President Biden announced that FEMA will extend disaster assistance until September 2021.

We welcome the City Council's advocacy and action to receive written approval from FEMA to provide 100% reimbursement of the operations and services of non-congregate facilities including hotels for all individuals experiencing homelessness. Erika Lund from OEM, Krista Diaz from FAS, and Julie Dingley from CBO can answer any addition follow-up questions regarding FEMA reimbursements. We have also scheduled a meeting with Central Staff to discuss these issues and other federal funding questions.

Sincerely,  
Curry Mayer & Ben Noble