



Homeland Security and Emergency Services

ANDREW M. CUOMO
Governor

PATRICK A. MURPHY
Commissioner

April 6, 2020

Mr. Thomas Von Essen
Regional Administrator
Federal Emergency Management Agency – Region II
One World Trade Center, 52nd Floor
New York, New York 10007

RE: Reimbursement for Non-Congregate Sheltering
Disaster: DR-4480

Mr. Von Essen,

Please accept this request for authorization, pursuant to the guidelines provided in FEMA's Public Assistance: Non-Congregate Sheltering Delegation of Authority, for the State of New York and any eligible applicant to use non-congregate sheltering within the State. Further, New York asks for relief from the administrative burden of requiring individual plans, with analysis and justification, for the thousands of eligible applicants seeking to provide non-congregate sheltering. Since the federal government did not authorize Temporary Sheltering Assistance (TSA), New York is seeking authority to define the non-sheltering program to meet its needs, to include the at-risk populations listed below at hotels and motels for the next 30 days. New York strongly believes the use of this protective measure is critical to reducing the spread of COVID-19.

DHSES, in consultation with the Emergency Support Function 6, which is comprised of state agencies and non-governmental organizations responsible for mass care, emergency assistance, and housing and human services, has identified the following at-risk populations where the use of non-congregate sheltering will have the greatest impact on preventing and mitigating the spread of COVID-19:

- Individuals that have tested positive for COVID-19 and require isolation but not hospitalization and do not have an appropriate home setting or have a medically vulnerable individual in the home setting where they would otherwise be isolated;
- Healthcare and first responders interacting with presumptive or confirmed positive COVID-19 patients in an occupational setting, to include testing sites; and
- Individuals that are or were supported by a congregate care shelter facility to include but not limited to homeless persons, domestic violence and elder abuse survivors.



ANDREW M. CUOMO
Governor

PATRICK A. MURPHY
Commissioner

This program will cover nearly 11 million residents not under the purview of New York City's approved non-congregate sheltering plan. Given the uncertainty of the virus, no analysis can accurately predict the usage of non-congregate sheltering across the State over the next 30 days. Even with precautions and social distancing measures taking place across New York, it only takes one asymptomatic individual in a location with a vulnerable population to create a significant outbreak. To that end, New York continues to test more individuals daily than any other state to identify individuals and populations at risk. The number of patients being hospitalized and needing intensive care beds is growing exponentially. This requires putting more healthcare workers on the frontlines. At-risk populations and their families must be protected, and this requested authorization will prevent further spread to others.

After consideration of all non-congregate sheltering options, New York determined that hotels provide applicants the most effective and efficient approach to providing non-congregate sheltering for the at-risk population identified above. New York requests that hotels be approved as the default venue for the non-congregate sheltering plan across the State, which is consistent with FEMA's use of hotels for TSA. Given the unpredictable nature of this public health event, applicants will need to quickly deploy a non-congregate sheltering plan. Hotels throughout New York currently have high availability and vacancy rates as the number of COVID-19 cases continues to grow. Hotels can provide furnished private spaces and bathrooms, as well as phone and Wi-Fi access allowing people to stay connected with treatment providers, family and friends. Most hotels have a loading dock or similar area for supply deliveries and often have the processes and equipment in place to provide needed wraparound services. In addition, hotel facilities provide full accessibility, security and individual access to HVAC control and some may provide refrigerators, which could be used for medication storage. Most importantly, hotel rooms are available at a fixed and known cost.

New York and its eligible applicants will only execute a non-congregate sheltering plan if warranted by the COVID-19 emergency and only for the time the State Health Commissioner deems it reasonable and necessary. Applicants will follow FEMA's Procurement Under Grants Conducted Under Exigent or Emergency Circumstances guidance and include a termination for convenience clause in their contracts. Applicants will be advised that funding for their non-congregate sheltering needs of the Public Health Emergency cannot be duplicated by another federal agency, including the U.S Department of Health and Human Services or Center for Disease Control and Prevention. Finally, applicants will be advised that all applicable environmental and historical preservation laws, regulations and executive orders that apply must be followed as a condition of the FEMA assistance. As part of a request for funding, the applicant will provide FEMA an analysis and justification for the non-congregate option chosen, if hotels are not available in their specific area. While this request is limited to 30 days, consistent with PAPPG guidance, the need for non-congregate sheltering may extend beyond 30 days. We will continue to



**Homeland Security
and Emergency Services**

ANDREW M. CUOMO
Governor

PATRICK A. MURPHY
Commissioner

communicate with your office regarding the evolving situation and circumstances, which may warrant extension of the authorization sought herein.

Enclosed with this request is the official order, issued by Howard A. Zucker M.D., J.D. Commissioner of Health for New York State directing the implementation of non-congregate sheltering consistent with this request.

Sincerely,

A handwritten signature in blue ink, appearing to read "Anne Bink", with a long horizontal flourish extending to the right.

Anne Bink
Deputy Commissioner for Disaster Recovery Programs
Alternate Governor's Authorized Representative

Enclosure

STATE OF NEW YORK
STATE DEPARTMENT OF HEALTH

In the Matter of

The Provision of Non-congregate Shelters

Pursuant to PHL § 206 and 10 NYCRR Part 2.

**NON-CONGREGATE
SHELTER
ORDER**

WHEREAS, 2019-Novel Coronavirus (COVID-19) is an infection associated with fever and signs and symptoms of pneumonia or other respiratory illness, appears to be transmitted from person-to-person predominantly through droplet transmission and, if spread in the population, could have significant public health consequences; and

WHEREAS, on January 30, 2020 the World Health Organization designated the COVID-19 outbreak as a Public Health Emergency of International Concern, advising that further cases may appear in any country; and

WHEREAS, on January 31, 2020, Health and Human Services Secretary Alex M. Azar II declared a public health emergency for the entire United States to aid the nation's healthcare community in responding to COVID-19; and

WHEREAS, 10 NYCRR Part 2 establishes requirements related to the isolation of cases and suspected cases of communicable disease, and for the quarantine of persons reasonably determined to have been exposed to a communicable disease; and

WHEREAS, on March 7, 2020, Governor Andrew M. Cuomo, issued an Executive Order declaring a State disaster emergency and that COVID-19 poses a threat to the health and welfare of New York State

residents and visitors, with subsequent Executive Orders being issued since aimed to further limit the spread of COVID-19 and/or mitigate the impact thereof; and

WHEREAS, on March 13, 2020, President Donald J. Trump declared a national emergency pursuant to Section 501(b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act; and

WHEREAS, the spread of COVID-19 in New York State constitutes a significant public health threat, with widespread transmission in several areas of the State, accounting for 43% of COVID-19 cases nationwide, making New York State the most impacted State in the nation; and

WHEREAS, the federal Centers for Disease Control (CDC) and New York State Department of Health (NYSDOH) have issued guidance for risk assessment and public health management of persons with potential or diagnosed COVID-19;

NOW, THEREFORE, by virtue of the authority vested in me by section 206 of the Public Health Law of the State of New York and 10 NYCRR Part 2, I do hereby:

FIND that non-congregate sheltering is needed for individuals that have tested positive for COVID-19 and require isolation but not hospitalization and who do not have an appropriate home setting, or have a medically vulnerable individual in the home setting where they would otherwise be isolated; healthcare and first responders interacting with presumptive or confirmed positive COVID-19 patients in an occupational setting, to include testing sites; and individuals that are or were supported by a congregate care shelter facility, to include but not limited to, homeless persons, domestic violence and elder abuse survivors;

DETERMINE that immediately available non-congregate sheltering, such as a hotel or motel, is necessary to minimize the spread of COVID-19 and protect the populations disproportionately impacted by this disease; and

ORDER the use of non-congregate shelter isolation and quarantine measures are reasonable, necessary, and appropriate and may be implemented by state and local agencies, local officials or healthcare private-not-for-profit organizations to minimize the spread of COVID-19; and

