

COVID-19 Public Assistance Frequently Asked Questions:

Eligibility:

1. What types of entities are eligible?

Answer: Governmental entities and certain Private Non-Profit entities.

2. Are Private Non-Profits Eligible?

Answer: Yes, if they have an IRS letter under IRC 501(c), (d) or (e) and can document that they are organized or doing business under New York State law as a non-revenue producing, nonprofit entity.

3. Are OPWDD nonprofit agencies eligible?

Answer: See Question 2 above.

- 3a. Which expenses are eligible?

Answer: Only those that re directly related to protecting the public health and safety from the COVID-19 event, meet the requirements of the pyramid of eligibility (See question 9) and that you have a legal responsibility to perform.

4. Are any for-profit agencies eligible?

Answer: No. For-profit entities are not eligible applicants under FEMA's Public Assistance Program.

- 4a. What if they were asked to perform new functions (such a childcare, warehousing, distribution) as a result of COVID-19?

Answer: They should contract with the governmental agency asking them to perform those functions and bill that agency for those services.

5. What types of education institutions (if any) are eligible?

Answer: Primary or secondary education as determined under State law and provided in a day or residential school, including parochial schools, OR higher-education institutions that meet all the following criteria:

- *Admit students or persons having a high school diploma or equivalent;*
- *Are legally authorized to provide education beyond a secondary level;*
- *Award a bachelor's degree or a 2-year degree that is acceptable as full credit toward a bachelor's degree or provides at least a 1-year training program to prepare students for gainful employment in a recognized occupation; and o Are accredited by a nationally recognized agency or association (as determined by the Secretary of Education).*
- *Educational facilities that meet the above criteria are eligible without regard to their religious character or use for religious instruction*

6. Are any costs associated with remote working capabilities, distance learning, or essential face-to-face services becoming remote (Zoom, WebEx, Telehealth, Chromebooks, etc.) eligible for reimbursement?

Answer: Under current FEMA policy, no. FEMA's Interim Policy issued September 1, 2020 states that these costs are considered increased operating expenses and not eligible under the FEMA PA Program.

7. Are Administration Costs or Management Costs reimbursable?

Answer: Yes, both direct and indirect administrative costs are eligible for reimbursement under a Category Z Management Costs Project. Management costs are defined as those costs necessary for an applicant to administratively process their projects. These can include costs such as attending applicant briefings, gathering documentation to support a project, employee time to submit a project in the Grants Portal, and consultant costs should an applicant hire one to assist with processing their projects etc.

- 7a. Are costs added to contract, monitor, document, and account for projects and costs eligible for reimbursement?

Answer: Contracting for and monitoring contracts would be a project cost, not a management cost. Documenting and accounting costs for the project would be management costs. DHSES staff will assist you in grouping your costs into logical projects.

8. Are legal fees covered?

Answer: No.

9. Is PPE reimbursable?

Answer: Yes.

- 9a. Under which situations, entities, and types of employees (first responders, volunteers, food services, PNPs, etc.)?

*Answer: If you are using PPE to protect the public from spread of the virus, it is an eligible cost. But cost is only one tier in the pyramid of eligibility, which requires **all** of the following: 1) an eligible applicant; 2) an eligible facility (for PNPs), 3) eligible emergency work (which is the legal responsibility of the applicant) and 4) eligible cost (reasonable and necessary to protect public health and safety from the COVID-19 virus).*

10. Are lost revenues eligible for reimbursement?

Answer: No.

11. For which entities and which services (hospitals not being able to perform elective procedures, for example)?

Answer: None. No lost revenue, no lost income, no lost donations, etc. are eligible costs under FEMA's Public Assistance Program.

12. Is overtime pay reimbursable?

Answer: Overtime for the applicant's employees that are engaged in eligible Covid-19 Emergency Protective Measures are eligible reimbursement per FEMA policy.

12a. Increased regular rates?

Answer: No. The applicant must provide copies of their labor contracts or employee personnel policies in effect at the time of the event and FEMA will not reimburse for costs that are not covered by those policies/contracts.

12.b Are hours worked from home reimbursable?

Answer: Generally, no. However, if the applicant can demonstrate that the work performed is eligible Emergency Protective Measures and is necessary and reasonable, it could be eligible. In addition, management costs can cover work performed remotely if it meets the criteria for those costs.

12c. If permanent staff are quarantined due to COVID-related concerns, are salary and fringe costs reimbursable as the absence of that staff is directly related to COVID?

Answer: Salary costs for quarantined employees are not eligible. However, if the applicant hires a temporary employee to work on eligible covid-19 work, that temporary employee's time, both regular and overtime, is eligible while performing eligible Covid-19 work.

13. Is Hazard Pay Reimbursable?

Answer: Only if triggered by the applicant's pre-disaster personnel policy and only for overtime while performing eligible emergency protective measures.

13a. Does FEMA have a definition for Hazard Pay?

Answer: No.

13b. What qualifies a PNP to receive Hazard Pay Reimbursement?

Answer: See answer to Question 13 above.

14. Is childcare for essential workers reimbursable?

Answer: Under current FEMA policy, no.

15. Are cleaning services reimbursable?

Answer: An eligible applicant may seek reimbursement for reasonable and necessary costs for disinfecting its common areas to prevent spread of the virus. For example, a hospital may incur costs for more frequent disinfecting of areas where staff, patients and/or members of the public potentially exposed to the virus are meeting for purposes of diagnosis and treatment. This would include not only testing and treatment rooms, but also laboratories, waiting rooms, lobbies, cafeterias, hallways, elevators, stairwells and rest rooms, etc.

15a. For which entities? (School? Homeless shelter? Library? Museum? Church/Synagogue? Municipal building closed to the public?)

Answer: With regard to disinfecting a building that has been closed to the public for an extended period of time, be prepared to demonstrate the need for disinfection – what is the threat to public health and safety?

- 16.** Are costs associated with surge plans mandated by the state (increased bed capacities, etc.) for NYS hospitals eligible?

Answer: Many may be, but not all will be. For example, costs such as staffing, beds, PPE, testing and diagnosis equipment and supplies used to provide emergency medical care to COVID-19 patients are eligible up until the point that the patients are admitted for to the facility on an in-patient basis. Costs associated with follow-on treatment of COVID-19 patients beyond the duration of the Public Health Emergency (as determined by HHS) are not. Applicants should document and track all of their costs. When you are developing your project in Grants Portal, DHSES staff will be available to assist you in determining which costs may be eligible and which costs are clearly ineligible under FEMA policy.

- 17.** Are donated medical supplies covered?

Answer: For supplies that have been donated, there is no cost to the applicant to reimburse, but they may be eligible to offset the Applicant's local share of their approved projects. Please visit our website to learn more about donated resources:

<http://www.dhSES.ny.gov/recovery/public/active-declarations.cfm>

- 18.** Are ambulance services eligible?

Answer: Possibly, depending on specific circumstances.

- 18a.** Are costs associated with their expansion (volunteers, additional vehicles) covered?

Answer: Possibly, depending on specific circumstances. We recommend you capture those costs and work with your DHSES/FEMA assigned persons to formulate your projects and submit potential eligible costs.

Application Process

- 19.** What is the recommended timeline for applying?

Answer: Immediately.

- 19a.** What is the timeline for receiving the funding?

Answer: Depends on the nature of your claim and the quality of your supporting documentation

- 20.** If the full scope of a project is not known at this time, can projects be revised after submission?

Answer: Large projects are routinely amended and are called versions. Small projects are not and should have a very clearly defined and limited scope of work and a solid cost estimate.

- 21.** What are the required documents?

Answer: Applicants must complete a Request for Public Assistance (RPA) package.

21a. Will applicants have to complete a Preliminary Damage Assessment (PDA)?

Answer: No.

22. What is considered a “project”?

Answer: Totally dependent upon what actions you undertook and what costs you incurred.

22a. How do you determine the scope of a project?

Answer: Scope of work is what you have done or intend to do, how you intend to do it (force account or contract) and the cost for that work.

22b. Is there a limit to the number of projects?

Answer: No, but most applicants will have only one Category B (Emergency Protective Measures) project and one Category Z (Management Costs) project.

23. What is the maximum amount one can request?

Answer: There is no maximum.

23a. What is the minimum amount to be expended in order to qualify for submission?

Answer: You must have at least \$3,300 in eligible expenses for a project to be approved.

24. Can two independent but related organizations apply together?

Answer: An applicant must have a legal responsibility to perform the work and incur the cost in order to seek reimbursement.

24a. Can you apply on behalf of a subrecipient?

Answer: No. Each subrecipient must submit a request for Public Assistance in order to participate in the program.