

## II. Emergency Protective Measures (Category B)

Emergency protective measures conducted before, during, and after an incident are eligible if the measures:

- Eliminate or lessen immediate threats to lives, public health, or safety; OR
- Eliminate or lessen immediate threats of significant additional damage to improved public or private property in a cost-effective manner.<sup>223</sup>

FEMA may require certification by Federal or SLTT government officials that a threat exists, including:

- Identification and evaluation of the threat; and
- Recommendations of the work necessary to cope with the threat.<sup>224</sup>

### Environmental and Historic Preservation Considerations

Although emergency protective measures are usually statutorily excluded from NEPA review, FEMA **must** ensure compliance with other Federal laws, regulations, and EOs prior to funding the work. Accordingly, FEMA **must** ensure that the Applicant's emergency protective measures avoid impacts to such resources as floodplains, wetlands, federally listed threatened and endangered species and their critical habitats, and historic properties. Additional coordination may be necessary for projects such as, but not limited to, new construction related to the temporary relocation of emergency services, mosquito abatement, disposal of contaminated sandbags, or the construction of temporary levees, roadways, or bridges. See more detailed discussion of EHP considerations above in Chapter 7:I.

### **A. Saving Lives and Protecting Public Health and Safety**

Emergency protective measures save lives or protect public health or safety. Eligible emergency protective measures and costs include, but are not limited to:

- Transporting and pre-positioning equipment and other resources for response;
- Flood fighting;
- EOC-related costs;
- Emergency access;
- Supplies and commodities;
- Medical care and transport;
- Evacuation and sheltering, including that provided by another State or Tribal government;
- Childcare;
- Safety inspections;
- Animal carcass removal;<sup>225</sup>

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<sup>223</sup> 44 C.F.R. § 206.225(a)(3).

<sup>224</sup> 44 C.F.R. § 206.225(a)(2).

<sup>225</sup> FEMA may fund the removal of animal carcasses as Category A if the removal is part of the Applicant's overall debris disposal operation as opposed to a separate and distinct operation.

- Demolition of structures<sup>226</sup>;
- Search and rescue to locate survivors, household pets, and service animals requiring assistance;
- Firefighting;
- Security, such as barricades, fencing, or law enforcement;
- Use or lease of temporary generators for facilities that provide essential community services;
- Dissemination of information to the public to provide warnings and guidance about health and safety hazards using various strategies, such as flyers, public service announcements, or newspaper campaigns;
- Searching to locate and recover human remains;
- Storage and interment of unidentified human remains; and
- Mass mortuary services.

The following are eligible under limited circumstances based on specific criteria described in each of the referenced sections:

- Expenses related to operating a facility or providing an emergency service (see [Chapter 7:II.F. Expenses Related Operating a Facility or Providing a Service](#));
- Mosquito abatement (see [Chapter 7:II.Q. Mosquito Abatement](#));
- Temporary relocation of essential services (see [Chapter 7:II.V. Temporary Relocation of Essential Services](#)); and
- Snow-related activities when specifically authorized in the declaration (see [Chapter 7:II.W. Snow-Related Activities](#)).

## **B. Protecting Improved Property**

Eligible emergency protective measures to protect improved property<sup>227</sup> include, but are not limited to:

- Constructing emergency berms or temporary levees to provide protection from floodwaters or landslides;
- Emergency repairs necessary to prevent further damage, such as covering a damaged roof to prevent infiltration of rainwater;
- Buttressing, shoring, or bracing facilities to stabilize them or prevent collapse;
- Emergency slope stabilization;
- Mold remediation;
- Removal and storage of contents from eligible facilities for the purpose of minimizing additional damage;
- Extracting water and clearing mud, silt, or other accumulated debris from eligible facilities if the work is conducted expeditiously for the purpose of addressing an immediate threat (if the work is only necessary to restore the facility, it is Permanent Work, not Emergency Work);

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<sup>226</sup> FEMA usually reimburses demolition of a public structure as part of the Permanent Work project to replace the facility.

<sup>227</sup> 44 C.F.R. § 206.221(d). Improved property means a structure, facility or item of equipment which was built, constructed or manufactured. Land used for agricultural purposes is not improved property.

- Taking actions to save the lives of animals that are eligible for replacement (see [Chapter 8:IX.C.5. Animals](#)).

### **C. Emergency Protective Measures on Private Property**

In limited circumstances, FEMA may determine that emergency protective measures conducted on private property are eligible under the PA Program if:

- The immediate threat is widespread, affecting numerous homes and businesses such that it is a threat to the health and safety of the general public;
- The Applicant has legal authority to perform the work; and
- The Applicant obtained rights-of-entry and agreements to indemnify and hold harmless the Federal government.

Situations where this may occur are generally limited to:

- Demolition of unsafe private structures that endanger the public ([Chapter 7:II.U. Demolition of Private Structures](#));
- Installation of fiber-reinforced sheeting to cover damaged roofs, commonly referred to as Operation Blue Roof (DFA only) ([Chapter 7:II.X.1. Operation Blue Roof](#));
- Provision of emergency access ([Chapter 7:II.J. Emergency Access](#));
- Pumping of flooded basements;
- Pumping of septic tanks or decontamination of wells causing a pollution threat ([Chapter 7:II.K. Hazardous Materials](#));
- Residential electric meter repair ([Chapter 7:II.R. Residential Electrical Meter Repair](#));
- Safety inspections ([Chapter 7:II.S. Safety Inspections](#)); and
- Stabilizing a slope ([Chapter 7:II.X.2. Slope Stabilization](#)).

Upon submittal of its claim, the Applicant must include the following support documentation for the work to be eligible:

- A detailed explanation documenting the Applicant's legal authority and responsibility to enter private property;
- The basis for the determination that a threat exists to the general public; and
- Copies of the rights-of-entry and agreements to indemnify and hold harmless the Federal government.

If the above criteria are not met, the private property owner may be eligible for assistance under FEMA's IA Programs. FEMA PA and IA staff coordinate closely to ensure FEMA does not fund the same work under both programs.

### **D. Emergency Protective Measures Conducted by Private Nonprofit Organizations**

For PNPs, eligible emergency protective measures are generally limited to activities associated with preventing damage to an eligible facility and its contents.

Emergency services are usually the responsibility of SLTT governments. Therefore, PNPs are generally not legally responsible for those services and FEMA does not provide PA funding to PNPs 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. These services include:

- Fire and rescue activities;
- Animal control;
- Emergency ambulance service for evacuation;
- 211 call services, if tracked and related to eligible work; and
- Other similarly urgent governmental services.

PNPs that own or operate a medical or custodial care facility are eligible for direct reimbursement of costs related to patient evacuation. In limited circumstances, FEMA may also reimburse a PNP directly when essential components of a facility are urgently needed to save lives or protect health and safety, such as an emergency room of a PNP hospital or a PNP sewage or water treatment plant.

Additionally, if a PNP volunteer fire department operates based on established agreements with a SLTT government that designates the volunteer fire department as an official recognized entity legally authorized to provide emergency services in areas of coverage specifically designated by the SLTT government, FEMA may reimburse the volunteer fire department directly as an eligible Applicant.

#### **E. Pre-positioning Resources**

Costs related to pre-positioning resources specifically for the declared incident are eligible if the resources are used in the performance of eligible Emergency Work.

Additionally, costs related to pre-positioning resources outside of the declared area are eligible when related to conducting search and rescue, evacuation, sheltering, or providing emergency medical care during the evacuation period (such as ambulances, buses, and staff) provided the resources were ultimately used for the declared area.

#### **F. Expenses Related to Operating a Facility or Providing a Service**

The Applicant may incur increased costs related to operating a facility or providing a service as a result of the incident because of an increased demand for the services the facility provides.

These additional costs are only eligible if:

- The services are specifically related to eligible emergency actions to save lives or protect public health and safety or improved property;
- The costs are for a limited timeframe based on the emergency or exigency of the circumstances; and
- The Applicant tracks and documents the additional costs.

Increased operating costs that may be eligible for a limited time, include but are not limited to, costs for:

- Generators at a hospital or police station;
- Water testing and treatment, including supplies, in the immediate aftermath of the incident to counter a specific threat;
- Fuel for increased use of a pumping station; and
- EOC facility costs (e.g., utilities).

Increased operating costs that are ineligible, even for a limited time, include but are not limited to, costs for:

- Patient care, except as noted in [Chapter 7:II.N. Medical Care](#);
- Administrative activities;
- Provision of food, except as noted in [Chapter 7:II.L. Supplies and Commodities](#); and [M. Meals](#);
- Costs related to staff that were retained to work additional hours, but did not perform eligible Emergency Work (e.g., staff working additional shifts due to other staff's inability to get to work);
- Obtaining electrical power from an alternate source;
- Obtaining water from an alternate source;
- School make-up days, including contracted costs for bus service for make-up days;
- Provision of school bus service including fuel or mileage for transporting students from alternate locations or to alternate schools or temporary facilities; and
- Modification or construction of a new landfill to add landfill capacity.

For PNPs, operating costs are generally ineligible even if the services are emergency services, unless the PNP performs an emergency service at the request of and certified by the legally responsible government entity. In such case, FEMA provides PA funding through that government entity as the eligible Applicant.

#### **G. Emergency Public Transportation and Communication (DFA only)**

A SLTT government may provide emergency communication services and public transportation when existing systems are damaged to the extent vital functions of community life or incident response are disrupted. The costs of these services are ineligible for reimbursement.<sup>228</sup> However, FEMA may provide short-term DFA for these services.<sup>229</sup>

#### **H. Flood Fighting**

Flood fighting activities may include, but are not limited to, sandbagging, dewatering behind a levee by breaching or pumping, or increasing the height of a levee. These activities are eligible if necessary to reduce an immediate threat to life, public health and safety, or improved property. These activities are eligible even if they are associated with a facility that is eligible for the USACE RIP, as USACE cannot reimburse the Applicant for flood fighting. However, they are ineligible if associated with flood control works under the specific authority of NRCS.

The repair of deliberate breaches made by the Applicant to accomplish dewatering is eligible as part of the Emergency Work Project.

Dewatering agricultural and natural areas behind levees and other water control structures is ineligible.

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<sup>228</sup> Transportation costs for the purpose of evacuation are eligible for reimbursement as described in [Chapter 7:II.O. Evacuation and Sheltering](#).

<sup>229</sup> Stafford Act §§ 418 and 419, 42 U.S.C. §§ 5185 and 5186; 44 C.F.R. §§ 206.225(c) and (d).

## I. Emergency Operations Centers

The Applicant may use its EOC to direct and coordinate resources and response activities for a period of time. Response activities conducted at EOCs are eligible provided they are associated with eligible work. Costs associated with operating the EOC are also eligible, including, but not limited to:

- Increased utility costs;
- Costs to lease a facility;
- Supply costs; and
- Meal costs, as described in [Chapter 7:II.M. Meals](#).

## J. Emergency Access

There are times when the incident causes damage or debris blockage to access routes to an essential community service, or to a community with survivors. If the extent of damage or blockage makes these areas inaccessible, work related to providing access is eligible. This includes clearing debris from or conducting emergency repairs to an access facility, such as a road or bridge. Eligible work is limited to that necessary for the access to remain passable. Any debris removal or additional debris clearance is Category A and funded based on the criteria in [Chapter 7:I. Debris Removal \(Category A\)](#).



### Debris Clearance versus Debris Removal

Debris Clearance is the clearance of debris to allow passage only. It does not include hauling or disposing of the debris. Debris clearance is often referred to as “cut and toss” or “push”.

Debris Removal includes hauling and disposing of debris at a temporary or final disposal site.

Private roads are those that are not owned or operated by or otherwise the legal responsibility of a local, county, Tribal, Territorial, State, or Federal entity. Clearance of debris from private roads—including orphan roads, roads in gated communities, homeowners’ association roads, etc. is in the public interest if the debris impairs emergency access by local emergency responders, ambulances, fire, and police. For example, downed trees may be cut and moved off the roadway. Eligible work is limited to that necessary for roads to remain passable but might include removal and disposal during the initial pass as necessary to ensure emergency access. The Applicant is not required to submit documentation demonstrating that debris clearance is in the public interest.

The Applicant must complete all necessary legal processes or obtains rights-of-entry and agreements to indemnify and hold harmless the Federal Government.

Emergency repairs to privately-owned roads, including those within gated communities, are eligible only when all of the following conditions are met:

- There is no other access point;
- Repair of the damage economically eliminates the need for temporary housing; and
- The Applicant completes all legal processes and obtains rights-of-entry and agreements to indemnify and hold harmless the Federal Government.

Upon submittal of its claim, the Applicant must include documentation supporting that it met the conditions above in order for the work to be eligible.

## **K. Hazardous Materials**

Removal and disposal of pollutants and hazardous substances are eligible. Eligible activities include:

- Separation of hazardous materials from other debris;
- Specialized procedures for handling and disposing of hazardous materials;
- Control or stabilization of the hazardous material;
- Pumping water contaminated with the hazardous material; and
- Clean-up and disposal of the hazardous material.

Testing for contaminants in water, air, or soil necessary to ensure elimination of the immediate threat is eligible in accordance with [Chapter 7:II.F. Expenses Related to Operating a Facility or Providing a Service](#). However, testing for the purpose of long-term cleanup actions is ineligible.

The Applicant must comply with Federal and SLTT government environmental requirements for handling hazardous materials. Before handling or disposing of hazardous materials, the Applicant should contact the appropriate Federal or SLTT agency to obtain required permits, notify proper agencies of hazardous materials storage, and to coordinate the creation of any required facility specific Emergency Response Plans for spills, safety and proper handling. Additionally, appropriate certified hazardous waste specialists should handle, capture, recycle, reuse, or dispose of hazardous materials. When providing PA funding for work involving the handling of hazardous materials, FEMA must ensure compliance with the Resource Conservation and Recovery Act (RCRA).

Additionally, the Comprehensive Environmental Response Compensation and Liability Act (CERCLA) authorizes the Federal Government to respond directly to releases or threatened releases of hazardous substances that may endanger public health or the environment. Under CERCLA and the Clean Water Act (CWA), EPA<sup>230</sup> and the USCG have the authority to respond to actual or potential discharges of oil, hazardous substances, pollutants, and contaminants that may present an imminent and substantial danger to public health or welfare. EPA has responsibility for responses in the inland zone<sup>231</sup> and the USCG has responsibility for responses in the coastal zone.<sup>232</sup> Response actions may include containment, stabilization, decontamination, collection (e.g., orphan tanks, drums), and disposal.

## **L. Supplies and Commodities**

The purchase of supplies and commodities required for emergency protective measures is eligible.

Costs related to the Applicant purchasing supplies or using its own stock to perform Emergency Work are eligible and reimbursed in accordance with [Chapter 6:III.5. Supplies](#). Examples

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<sup>230</sup> See Recovery Policy 9523.8, *Mission Assignments for ESF#10*, for discussion on U.S. Environmental Protection Agency (EPA) and U.S. Coast Guard (USCG) authority with respect to removal of hazardous waste: [www.fema.gov/sites/default/files/2020-07/fema\\_ESF\\_10\\_Oil-Hazardous-Materials.pdf](http://www.fema.gov/sites/default/files/2020-07/fema_ESF_10_Oil-Hazardous-Materials.pdf).

<sup>231</sup> The inland zone is the environment inland of the coastal zone, excluding the Great Lakes and specified ports and harbors on inland rivers. Precise boundaries are identified in Federal regional contingency plans.

<sup>232</sup> The coastal zone includes coastal waters (including the lands therein and thereunder) and the adjacent shorelands (including the waters therein and thereunder), strongly influenced by each other and in proximity to the shorelines of coastal States, including islands, transitional and intertidal areas, salt marshes, wetlands, and beaches.

include, but are not limited to, safety equipment, personal protective equipment, radios, power tools, sand, and tarps.

Purchasing and packaging life-saving and life-sustaining commodities and providing them to the impacted community are eligible. Examples of such commodities include, but are not limited to, food, water, ice, personal hygiene items, cots, blankets, tarps, plastic sheeting for roof damage, and generators, as well as food and water for household pets and service animals. The cost of delivering these same commodities to unsheltered residents in communities where conditions constitute a level of severity such that these items are not easily accessible for purchase is also eligible. This includes food and water for household pets whose owners are in shelters.



The cost of leasing distribution and storage space for the commodities is also eligible.

#### **M. Meals**

Applicants often provide meals for emergency workers. Provision of meals, including beverages and meal supplies, for employees and volunteers engaged in eligible Emergency Work, including those at EOCs, is eligible provided the individuals are not receiving per diem and one of the following circumstances apply:

- Meals are required based on a labor policy or written agreement that meets the requirements of [Chapter 6. Cost Eligibility](#);
- Conditions constitute a level of severity that requires employees to work abnormal, extended work hours without a reasonable amount of time to provide for their own meals; or
- Food or water is not reasonably available for employees to purchase.

FEMA only reimburses the cost of meals that are brought to the work location and purchased in a cost-effective and reasonable manner, such as bulk meals. FEMA does not reimburse costs related to group outings at restaurants or individual meals.<sup>233</sup>

#### **N. Medical Care**

When the emergency medical delivery system within a declared area is destroyed, severely compromised or overwhelmed, FEMA may fund extraordinary costs associated with operating emergency rooms and with providing temporary facilities for emergency medical care of survivors. Costs associated with emergency medical care should be customary for the emergency medical services provided. Costs are eligible for up to 30 days from the declaration date unless extended by FEMA.

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<sup>233</sup> FEMA reimburses meal costs as part of a contract in accordance with the contract terms provided it meets the requirements in [Chapter 4:VIII. Procurement and Contracting Requirements](#).



Eligible medical care includes, but is not limited to:

- Triage and medically necessary tests and diagnosis;
- Treatment, stabilization, and monitoring;
- First-aid assessment and provision of first aid;
- A one-time 30-day supply of prescriptions for acute conditions or to replace maintenance prescriptions;
- Vaccinations for survivors and emergency workers to prevent outbreaks of infectious and communicable diseases;
- Durable medical equipment;
- Consumable medical supplies;
- Temporary facilities, such as tents or portable buildings for treatment of survivors;
- Leased or purchased equipment for use in temporary medical care facilities;
- Security for temporary medical care facilities; and
- Use of ambulances for distributing immunizations and setting up mobile medical units.



### Terminology

**Durable medical equipment** is reusable medical equipment necessary for the treatment of an illness or injury or to prevent a patient's further deterioration. The equipment includes, but is not limited to:

- Oxygen equipment
- Wheelchairs
- Walkers
- Hospital beds
- Crutches
- Other medical equipment

**Consumable medical supplies** are medical supplies that are ingested, injected, or applied or are for one-time use only, including, but not limited to:

- Medical supplies
- Medications
- Diapers
- Adult incontinence briefs
- Bandages

Long-term medical treatment is ineligible. FEMA determines the reasonableness of these costs based on Medicare's cost-to-charge ratio (a ratio established by Medicare to estimate a medical service provider's actual costs in relation to its charges).

FEMA does not provide PA funding for these costs if underwritten by private insurance, Medicare, Medicaid, or a pre-existing private payment agreement.<sup>234</sup> The Applicant must take reasonable steps to provide documentation on a patient-by-patient basis verifying that insurance coverage or any other source funding including private insurance, Medicaid, or Medicare, has been pursued and does not exist for the costs associated with emergency medical care and emergency medical evacuations.

Ineligible costs include:

- Medical care costs incurred once a survivor is admitted to a medical facility on an inpatient basis;
- Costs associated with follow-on treatment of survivors beyond 30 days of the declaration; and
- Administrative costs associated with the treatment of survivors.

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<sup>234</sup> Stafford Act § 312, 42 U.S.C. § 5155.

## O. Evacuation and Sheltering

Evacuation and sheltering of survivors are eligible activities. This includes household pets and service and assistance animals, but not exhibition or livestock animals.

### 1. Evacuation

Transportation to evacuate (and subsequently return) survivors, household pets, service animals, assistance animals, luggage, and durable medical equipment is eligible. This includes emergency medical transportation. The mode of transportation should be customary and appropriate for the work required.

Eligible activities include, but are not limited to:

- Transferring patients from inoperable, compromised, or overwhelmed eligible medical or custodial care facilities to another medical facility or to a shelter;
- Transferring patients back to original medical or custodial care facility, when appropriate;
- Transporting survivors, including shelterees, who require emergency medical care to and from the nearest existing or temporary medical care facility equipped to adequately treat the medical emergency. Transport may include emergency air, sea, or ground ambulance services if necessary;
- Use of equipment such as buses, trucks, or other vehicles (including accessible vehicles) to provide one-time transportation to evacuate survivors and their household pets and service and assistance animals to emergency shelters from pre-established pick-up locations. This includes standby time for drivers and contracted equipment while waiting to transport survivors;
- Paratransit transportation services, such as vans, minibuses, and buses, (including accessible vehicles) to transport senior citizens, individuals with disabilities (including mobility disabilities) or access and functional needs, individuals in nursing homes and assisted-living facilities, and homebound individuals impacted by the incident;
- Tracking of evacuees, household pets, service animals, luggage, and durable medical equipment. This includes the use of animal microchips for the purpose of tracking evacuated animals;
- Food and water provided during transport;
- Emergency medical care provided during transport, including emergency medical personnel and supply costs;
- Stabilization of individuals injured during evacuation; and



#### Terminology

**Household pets** are domesticated animals that:

- Are traditionally kept in the home for pleasure rather than for commercial purposes
- Can travel in commercial carriers
- Can be housed in temporary facilities

Examples are dogs, cats, birds, rabbits, rodents, and turtles.

Household pets do not include reptiles (except turtles), amphibians, fish, insects, arachnids, farm animals (including horses), or animals kept for racing purposes.

**Service animals** are dogs that are individually trained to do work or perform tasks for people with disabilities or access and functional needs.

**Assistance animals** are animals that work, provide assistance, or perform tasks for the benefit of a person with a disability, or provide emotional support that alleviates identified symptoms or effects of a person's disability.

Although dogs are the most common type of assistance animal, other animals can also be assistance animals.

- Costs incurred in advance of an incident necessary to prepare for evacuations in threatened areas. Costs may include mobilization of ambulances and other transport equipment. Contracts for staging ambulance services must be part of the State, Territorial, Tribal, or regional evacuation plan. Costs of staging ambulances are eligible even if the incident does not impact the area normally served by those ambulances. PA funding for activating, staging, and using ambulance services ends when any of the following occurs:



- FEMA, and the State, Territorial, or Tribal government, determines that the incident did not impact the area where it staged ambulances;
- Evacuation and return of medical patients and individuals with disabilities or access and functional needs is complete; or
- The immediate threat caused by the incident has been eliminated and the demand for services has returned to normal operation levels.

FEMA does not provide PA funding for ambulance services that are covered by private insurance, Medicare, Medicaid, or a pre-existing private payment agreement.<sup>235</sup>

## 2. Sheltering

FEMA provides PA funding to SLTT government Applicants for costs related to emergency sheltering for survivors. Typically, such sheltering occurs in facilities with large open spaces, such as schools, churches, community centers, armories, or other similar facilities. FEMA refers to these shelters as congregate shelters.

Eligible costs related to sheltering include, but are not limited to, the items listed below, as necessary based on the type of shelter and the specific needs of the shelterees. If any of the items listed are donated, including labor, the Applicant may offset the non-Federal share of its eligible Emergency Work Projects in accordance with [Chapter 6:XIV. Donated Resources](#). Sheltering and caring for household pets is only eligible while the pet owner is in an emergency shelter.

### (a) Shelter Facility Costs

Eligible shelter facility costs include, but are not limited to:

- Facility lease or rent, including space for food preparation;
- Utilities such as power, water, and telephone;
- Minor facility modifications if necessary to make the facility habitable, compliant with the Americans with Disabilities Act (ADA), functional as a childcare facility, or functional as an animal shelter;
- Restoration to return the facility to its condition prior to use;
- Generator costs; and
- Secure storage space for medical supplies.

If an eligible SLTT government Applicant owns or leases the shelter facility, and a volunteer agency operates the shelter, the facility costs described above are eligible. However, the labor

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<sup>235</sup> Ibid.

costs for the volunteer agency's workers are ineligible (except as a donated resource in accordance with the criteria in [Chapter 6:XIV. Donated Resources](#)).

*(b) Shelter Staff Costs*

Eligible shelter staff costs include, but are not limited to:

- Medical staff;
- Personal assistance service staff;
- Veterinary and animal care staff;
- Public Information Officer;
- Social workers;
- Food service workers;
- Custodial and facilities staff; and
- National Guard personnel (See [Chapter 6:XI. National Guard](#)).

*(c) Shelter Supplies and Commodities*

Eligible shelter supplies and commodities include, but are not limited to:

- Hot and cold meals, snacks, beverages, and related supplies for survivors;
- Cooking and serving supplies;
- Food, water, and bowls for household pets and service and assistance animals;
- Durable medical equipment;
- Consumable medical supplies;
- Medication for animal decontamination and parasite control;
- Infant formula, baby food, and diapers;
- Refrigerators, microwaves, and crock pots;
- Cots, cribs, linens, blankets, pillows, tables, and chairs;
- Crates, cages, leashes, and animal transport carriers;
- Personal hygiene kits with items such as shampoo, soap, toothpaste, a toothbrush, towels, and washcloths;
- Animal cleaning tables and supplies;
- Televisions or radios – one per 50 shelterees;
- Basic cable service;
- Computers – one per 25 shelterees;
- Internet service, including Wi-Fi;
- Washers and dryers – one of each per 50 shelterees; and
- Toys and books.

*(d) Shelter Services*

Shelter services are only eligible for the time the facility is actively used to shelter survivors. Eligible shelter services include, but are not limited to:

- Shelter management;
- Supervision of paid and volunteer staff;
- Cleaning the shelter, linens, and animal crates;
- Shelter safety and security;

- Use of equipment, such as ambulances, buses, trucks, or other vehicles, to provide sheltering support;
- Phone banks for survivors;
- Care for survivors with disabilities or access and functional needs, including the provision of the following personal assistance services:
  - Grooming, eating, walking, bathing, toileting, dressing, and undressing;
  - Transferring (e.g., movement between a cot and wheelchair or wheelchair to restroom facilities);
  - Maintaining health and safety;
  - Assistance with self-administering medications; and
  - Communicating or accessing programs and services;
- Emergency medical and veterinary services for sheltered survivors, household pets, and service and assistance animals, including:
  - Emergency and immediate life stabilizing care, including necessary prescriptions (not to exceed 30-day supply);
  - Triage, medically necessary tests, diagnosis, treatment, stabilization, and monitoring;
  - First-aid assessment;
  - Provision of first aid and health information;
  - Care for evacuees with chronic conditions;
  - Administering vaccinations to shelterees and workers for transmissible or contagious diseases, including, but not limited to, tetanus and hepatitis;
  - Administering vaccinations to household pets, and service and assistance animals, for transmissible or contagious diseases, including, but not limited to, Bordetella (kennel cough). The vaccinations need to be effective while the animal is in the shelter;
  - Medical waste disposal;
  - Mental-health care;
  - Outpatient costs for sheltered survivors requiring emergency life-sustaining treatment not available at the shelter for the period of time that a survivor is housed in the shelter. Eligible outpatient services are limited to:
    - Physician services in a hospital outpatient department, urgent care center, or physician's office;
    - Related outpatient hospital services and supplies, including X-rays, laboratory and pathology services, and machine diagnostic tests; and
    - Local professional transport services to and from the nearest hospital equipped to adequately treat the emergency.
- Sheltering self-evacuees (self-evacuee transportation costs are ineligible); and
- Costs paid to the American Red Cross (ARC) or other Non-governmental Organizations (NGO) to operate shelters under a written agreement (costs that ARC or other NGOs incur under their own organizational mission – i.e., independent of any Federal or SLTT request – are ineligible for reimbursement).

(e) *Non-congregate Sheltering*

Generally, FEMA does not provide PA funding for emergency sheltering in non-congregate environments, which are locations where each individual or household has living space that offers some level of privacy (e.g., hotels, motels, casinos, dormitories, retreat camps, etc.). In limited circumstances, such as when congregate shelters are not available or sufficient, FEMA may reimburse costs related to emergency sheltering provided in non-congregate environments. FEMA’s Assistant Administrator for Recovery has the authority to approve this policy exception. The Applicant must submit a request for PA funding for costs related to emergency, non-congregate sheltering and obtain FEMA approval prior to sheltering survivors in non-congregate facilities. At a minimum, the Applicant should include the following information in its request:

- Justification for the necessity of non-congregate sheltering;
- Whether the State, Territorial, or Tribal government has requested Transitional Sheltering Assistance;
- The type of non-congregate sheltering available and which type the Applicant intends to utilize;
- An analysis of the available options with the associated costs of each option; and
- The timeframe requested (i.e., date of activation and length of time).<sup>236</sup>



**Transitional Sheltering Assistance Program**

FEMA’s Transitional Sheltering Assistance (TSA) is a type of short-term non-congregate sheltering assistance provided as Direct Federal Assistance. The intent of TSA is to provide temporary sheltering for survivors transitioning from emergency shelters to temporary or permanent housing solutions. Additional information is available in FEMA’s Individual Assistance Program and Policy Guide at [www.fema.gov/assistance/individual/program-policy-guide](http://www.fema.gov/assistance/individual/program-policy-guide).

FEMA limits any approval to that which is reasonable and necessary to address the needs of the incident (usually no more than 30 days). FEMA determines the eligible costs based on the contractual agreement, including reimbursement for repairing damage if it is the Applicant’s legal responsibility based on the agreement. The Applicant must obtain FEMA approval for any time extensions, which should include a detailed justification for the continued need and a revised analysis of options, including the costs for each option.

If FEMA approves the request, the Recipient must provide sufficient data and documentation to establish eligibility (including the need for non-congregate sheltering resulting from the disaster, reasonableness, and costs). Sufficient documentation includes:

- The number of non-congregate shelterees:
  - By age groups 0-2, 3-6, 7-12, 13-17, 18-21, 22-65, and 66+;
  - With disabilities or access and functional needs;
  - Registered for assistance from FEMA’s IA Programs; and
  - Referred to State, Territorial, Tribal, or non-governmental organization programs for assistance;
- Number of household pets, and assistance and service animals sheltered, and the type of shelter provided (e.g., stand alone, co-located, or co-habitational);
- Length of stay per “household unit”; and

<sup>236</sup> 44 C.F.R. §§ 206.225(a)(2) and 206.202(c) and (d).

- Number of meals and other services provided.

As with any activity, lack of full documentation may result in FEMA determining that some or all of the costs are ineligible.

### 3. Childcare Services

FEMA reimburses SLTT governments for the cost of providing licensed childcare services to support sheltered populations. This includes the cost of the labor, facility, supplies, and commodities. Additionally, FEMA may provide PA funding for the cost of childcare services that the eligible Applicant provides to other survivors, and beyond the period of emergency sheltering, with certification that temporary childcare is necessary to meet immediate threats to life, public health and safety, or property.

Childcare includes services such as:

- Day care for children; and
- Before- and after-school care.

The Applicant may provide these services within a shelter facility or in a separate facility, as appropriate. FEMA PA and IA staff coordinate to ensure no duplication with IHP assistance.

### 4. Host-State or Host-Tribe Evacuation and Sheltering

If the impacted State or Tribe (Impact-State or Impact-Tribe)<sup>237</sup> has evacuation and sheltering needs beyond its ability to address within its jurisdictional area, it may request assistance either from another State or Tribal government (Host-State or Host-Tribe)<sup>238</sup> through mutual aid agreements such as EMAC, or from FEMA.

If the Impact-State/Tribe requests assistance directly from another State or Tribal government, FEMA reimburses costs based on the mutual aid agreement as described in [Chapter 6:IX. Mutual Aid](#). FEMA may also provide PA funding to the Host-State/Tribe directly, even if the Impact-State/Tribe already requested assistance directly from that Host-State/Tribe, provided that:

- The Impact-State/Tribe requested the assistance;
- The Host-State/Tribe agrees to accept evacuees based on need—without restriction;
- An authorized official from the Host-State/Tribe transmits a written agreement to FEMA; and



<sup>237</sup> Impact-State or Impact-Tribe means the State or Tribal Government for which the President declared an Emergency or Major Disaster and requested FEMA assistance because of a need to evacuate and/or shelter affected individuals outside the State.

<sup>238</sup> Host-State or Host-Tribe means a State or Tribal Government that by agreement with FEMA provides sheltering or evacuation support to evacuees from an Impact-State or Impact-Tribe.

- The Governor or Tribal Chief Executive of the Host-State/Tribe signs the FEMA/Host-State or FEMA/Host-Tribe Agreement pursuant to the terms and conditions in 44 C.F.R. § 206.44, FEMA-State Agreements, to establish the Host-State/Tribe as the Recipient.<sup>239</sup>

If the Impact-State/Tribe requests assistance from FEMA, FEMA determines whether potential Host-States/Tribes have sufficient capability to meet some or all of the sheltering and evacuation needs of the Impact-State/Tribe. If FEMA determines a Host-State/Tribe has sufficient capability and the Host-State/Tribe meets the three conditions described above, FEMA provides PA funding to the Host-State/Tribe directly.<sup>240</sup>

When FEMA provides PA funding directly to the Host-State/Tribe, FEMA reimburses 100 percent of the Host-State/Tribe's eligible costs, including straight-time and benefits of the Host-State/Tribe's permanent employees<sup>241</sup> so that it does not have any out-of-pocket costs. In these cases, the Impact-State/Tribe is responsible for the non-Federal cost share and must subsequently reimburse FEMA for the non-Federal cost share of the eligible costs incurred by the Host-State/Tribe. The non-Federal cost share is based on the Category B cost-share amount designated in the declaration. The Impact-State/Tribe cannot offset its non-federal cost share with the Host-State/Tribe's volunteer labor.

In addition to the other eligible evacuation and sheltering costs described in this chapter, FEMA also reimburses the Host-State/Tribe for the following:

- Straight-time and benefits of entities' employees that provide assistance under a mutual aid agreement or a contract with the Host-State/Tribe such as a local government or PNP;
- Costs to provide the requested shelter capacity, even if the shelter was underused or not used at all;
- Costs related to arrest and incarceration of evacuees who commit unlawful acts in the Host-State/Tribe congregate shelter, including costs incurred by on-duty law enforcement officers in order to detain, take into custody, or make an arrest (costs of chemical tests, processing, charging, booking, and holding such persons are ineligible costs). Costs to transport a detainee back to the shelter is eligible if the individual was not charged;
- When patients in hospitals in the Impact-State/Tribe are evacuated, transported, and admitted into hospitals in the Host-State/Tribe through mission assignment with HHS, and the patients are treated and discharged but require follow-on care while awaiting transport, and shelters are not available, the costs that the Host-State/Tribe's hospital incurs for hotel rooms during patients' follow-on care until the patients can be transported back to the Impact-State/Tribe, provided that Medicare, Medicaid, or private insurance does not cover these costs;
- Bus or shuttle transport to pick up evacuees at the airport, train station, or bus terminal when the expected plane, train, or bus is re-routed, canceled, or rescheduled;
- Ambulance costs for hospital-to-hospital transfers, provided it is a transfer within the Host-State/Tribe;
- When the Impact-State/Tribe determines that it is safe for re-entry, it coordinates with the Host-State/Tribe and FEMA to return evacuees, household pets, and service and

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<sup>239</sup> 44 C.F.R. § 206.202(f)(1)(i).

<sup>240</sup> 44 C.F.R. § 206.208(c)(3).

<sup>241</sup> 44 C.F.R. § 206.202(f)(1)(ii).



assistance animals to the Impact-State/Tribe by air, rail, or bus. Return transportation costs are eligible along with food, water, and security during transport;

- Return transportation costs for family members of the Impact-State/Tribe evacuee who was admitted to a hospital after the congregate shelters close;
- When evacuees are discharged from a hospital after all congregate shelters have closed and transportation cannot be arranged for departure on the same day discharged, FEMA reimburses up to 5 nights of hotel lodging while awaiting return transport; and
- FEMA reimburses a State agency from the Impact-State/Tribe for transportation costs and related expenses to transport deceased evacuees and accompanying family members to the Impact-State/Tribe. The cost of the State/Tribe-mandated embalming or cremation of the body prior to return are also eligible.

The Host-State/Tribe must determine whether any ambulance or medical service costs are covered by a patient's private insurance, Medicare, Medicaid, or a pre-existing private payment agreement as FEMA deducts this amount from the Host-State/Tribe's eligible cost.

Fees that the Host-State/Tribe waives for the use of State parks by self-evacuees with recreational vehicles (RVs) are ineligible. Additionally, purchase and distribution of gas cards, bus passes, cash vouchers, debit cards, food vouchers, or direct payments to evacuees are ineligible.

#### **P. Infectious Disease Incident**

The HHS Centers for Disease Control and Prevention (CDC) has primary authority to enable support and assistance to SLTT governments in response to an infectious disease incident. FEMA may provide assistance for the rescue, evacuation, and movement of persons; movement of supplies; and care, shelter, and other essential needs of affected human populations. Any assistance provided by FEMA in response to an infectious disease incident is done in coordination with the CDC. The Office of Response and Recovery Fact Sheet FP 104-009-001, *Infectious Disease Event*, provides additional details.<sup>242</sup>

#### **Q. Mosquito Abatement**

Mosquito abatement measures may be eligible when a SLTT government public health official validates in writing that a mosquito population poses a specific health threat as discussed further in [Appendix G: Mosquito Abatement](#). FEMA consults with the CDC to determine the eligibility of mosquito abatement activities. FEMA only provides PA funding for the increased cost of mosquito abatement. This is the amount that exceeds the average amount based on the last 3 years of expenses for the same period.

#### **R. Residential Electrical Meter Repair**

In rare cases, to reduce the number of survivors needing shelter, FEMA may provide limited PA funding to a SLTT government to repair residential electrical meters. To receive PA funding, the SLTT government must:

- Issue a finding of an immediate threat to safety due to loss of power caused by damaged meters or weather heads;

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<sup>242</sup> [www.fema.gov/sites/default/files/2020-10/fema\\_infectious-disease-fact-sheet\\_orr\\_05-13-2016.pdf](http://www.fema.gov/sites/default/files/2020-10/fema_infectious-disease-fact-sheet_orr_05-13-2016.pdf).

- Request participation in this program; and
- Receive FEMA approval for each identified property.

Only residential properties are eligible for this program. Commercial properties, including apartment complexes, are ineligible.

If approved, the applicable SLTT government must:

- Obtain a signed right-of-entry from each residential property owner;
- Take reasonable measures to document any known insurance proceeds;
- Contract with licensed electricians to perform electrical meter repair;
- Coordinate the work with the property owner, the power company, and the contracted electricians; and
- Be responsible for payment of the non-Federal share.

Eligible work is limited to that associated with repairing damage to items otherwise installed and maintained by a homeowner's electrician, including the weather head, service cable, and meter socket.

FEMA generally provides PA funding up to \$800 per meter per residential dwelling. This amount includes equipment, materials, labor, and inspection fees to restore the meter to current local codes. It is also inclusive of limited debris clearance when necessary to access the damaged meter or weather head. Removal and disposal of the debris is ineligible. Eligible work is limited to that completed within 30 days from the declaration date unless extended by FEMA.

FEMA does not provide PA funding for repair costs if it is not safe to restore power to the residence or if other impacts would restrict the dwelling from being habitable even after power restoration.

FEMA PA and IA staff coordinate closely to ensure FEMA does not fund the same work under both programs.

## **S. Safety Inspections**

Post-incident safety inspections for public and private facilities are eligible, as well as posting appropriate placards (e.g., "red-tagging" a building that is unsafe).

The specific purpose of the inspection must be to determine whether the facility is safe for entry, occupancy, and lawful use. The Applicant must clearly substantiate that the purpose of the inspection was for safety and not to assess damage. Building inspections are ineligible if the purpose of the inspection is to:

- Determine whether the building is Substantially Damaged for the purpose of compliance with the community's floodplain management ordinance;
- Determine whether the building needs to be elevated or relocated, in accordance with the community's floodplain management ordinance; or
- Ensure that repairs are completed in accordance with the community's building code or standard.

## **T. Animal Carcasses**

Removal and disposal of animal carcasses, including interim processing,<sup>243</sup> is eligible. If the removal and disposal is conducted as part of the overall debris removal operations, the work may be funded as Category A.

FEMA may require certification from the SLTT government health department, HHS, or the U.S. Department of Agriculture (USDA) that a threat to public health and safety exists.

When few in number, smaller animal carcasses (e.g., rodents, skunks, or possums) do not usually pose an immediate threat to public health or safety. Removal and disposal of these carcasses is ineligible.

FEMA does not provide PA funding when another Federal agency has authority to provide assistance for carcass removal and disposal. NRCS has authority to remove animal carcasses and to provide technical assistance to the Applicant under its EWP program. The USDA's Farm Service Agency may provide assistance for farmland debris cleanup. The EPA and USCG have authority to provide technical assistance and to remove animal carcasses contaminated with oil, hazardous substances, pollutants, or contaminants.<sup>244</sup>

## **U. Demolition of Private Structures**

Emergency demolition of structures located on private property may be eligible when partial or complete collapse is imminent, and that collapse poses an immediate threat to the general public.

In some instances, restricting public access to an unsafe structure and the surrounding area, such as securing the area with a fence, is sufficient to alleviate the immediate threat and is more cost-effective than demolition. In these cases, demolition is ineligible.

If a structure is condemned prior to the incident, emergency protective measures related to that structure are ineligible.

FEMA reviews the Applicant's demolition process for compliance with all applicable EHP laws, regulations, and EOs.

### **1. Conditions for Eligibility**

For demolition to be eligible, the Applicant must:

- Certify that the structures are unsafe and pose an immediate threat to lives or public health and safety;
- Provide documentation to confirm its legal authority and responsibility to enter private property and demolish privately-owned unsafe structures. This includes:
  - Citation of the law, ordinance, code, or emergency powers for which it is exercising its legal authority to demolish privately-owned unsafe structures. The authority cited must be applicable to the structural condition representing the immediate threat and not merely the Applicant's uniform level of services.

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<sup>243</sup> Interim processing may include burning, incinerating, rendering, mounding, composting, or other pre-processing activities.

<sup>244</sup> See Recovery Policy 9523.8, *Mission Assignments for ESF#10*, for discussion on EPA and USCG authority with respect to removal of hazardous waste: [www.fema.gov/sites/default/files/2020-07/fema\\_ESF\\_10\\_Oil-Hazardous-Materials.pdf](http://www.fema.gov/sites/default/files/2020-07/fema_ESF_10_Oil-Hazardous-Materials.pdf).

- Confirmation that a legally authorized official of the Applicant has ordered the exercise of public emergency powers or other appropriate authority to enter onto private property in the designated area in order to demolish privately-owned unsafe structures and remove the resulting debris; and
- Indemnify the Federal Government and its employees, agents, and contractors from any claims arising from the demolition of privately-owned unsafe structures and removal of the resulting debris.

Before FEMA will provide PA funding, the Applicant must provide confirmation that it satisfied all legal processes and obtained permission requirements from the property owners (rights-of-entry) and agreements to indemnify and hold harmless the Federal Government. Additionally, the Applicant must provide documentation to support that it obtained all necessary permits and complied with EHP requirements.

## **2. Commercially Owned Structures**

Demolition of structures owned by commercial enterprises, including businesses, apartments, condominiums, and mobile homes in commercial trailer parks, are generally ineligible as it is expected that the commercial enterprises retain insurance that cover the cost of demolition. In very limited, extraordinary circumstances, FEMA may provide an exception. In such cases, the Applicant must meet the requirements of [Chapter 7:I.G. Debris Removal from Private Property](#).

## **3. Eligible Work**

If FEMA approves the demolition of private structures, eligible work associated with the demolition includes, but is not limited to:

- Capping wells;
- Pumping and capping septic tanks;
- Filling open below-grade structures, such as basements and swimming pools;
- Testing for hazardous materials;
- Securing utilities;
- Obtaining permits and licenses; and
- Performing title searches.

Fees for permits, licenses, and titles issued directly by the Applicant are ineligible unless the Applicant demonstrates that the fees are above and beyond its normal administrative costs. Overtime labor directly related to issuing these permits, licenses, and titles for facilities that are eligible for demolition is eligible.

The following work is also eligible and may be funded as Category A if the removal and disposal is conducted as part of the overall debris removal operations:

- Removing demolition debris, including personal effects; and
- Removing hazardous materials, such as asbestos and household hazardous waste.

The Applicant should work with the property owner to pursue and recover insurance proceeds and credit FEMA the Federal share of any insurance proceeds recovered. In some circumstances, the property owner may be eligible for IA funding. FEMA PA and IA staff coordinate closely to ensure FEMA does not fund the same work under both programs.

#### **4. Ineligible Work**

Ineligible work associated with the demolition of private structures includes, but is not limited to:

- Removal or covering of concrete pads and driveways except for structures in a FEMA-funded buyout program; and
- Removal of slabs or foundations that do not present a health or safety hazard, except for structures in a FEMA-funded buyout program through the HMGP (the removal of Substantially Damaged structures and associated facilities acquired through HMGP may be eligible as Category A, Debris Removal).

#### **V. Temporary Relocation of Essential Services**

If the Applicant provides essential community services at a facility that is unsafe, inaccessible, or destroyed as a result of the incident, temporary relocation of these services to another facility is eligible.<sup>245</sup> Essential community services are those services of a governmental nature that are necessary to save lives, protect property and the public, and preserve the proper function and health of the community at large. These services differ from the list of eligible PNP essential social services. FEMA evaluates the criticality of the service and safety of the facility to determine the need for temporary relocation. FEMA does not incorporate funds from temporary facilities into fixed cost projects.

##### **1. Eligible for Temporary Relocation:**

Essential community services provided by an eligible Applicant are eligible to be relocated. The following services are considered essential community services (these differ from the list of PNP essential social services):

- Education;
- Election and polling;
- Emergency, including police, fire, and rescue;
- Homeless and domestic violence shelters;
- Emergency medical care;
- Prison;
- Utility; and
- Other facilities that provide public health and safety services of a governmental nature.

Services provided in administrative and support facilities essential to the provision of the essential community service are also eligible for relocation. These include administration buildings, student housing, hospital and prison laundry and cooking facilities, parking, and storage if items are needed on-site. Athletic fields and student unions are not considered essential administrative or support services and are ineligible.

If the Applicant provides the service at a leased, private facility prior to the incident, the service is still eligible to be relocated.

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<sup>245</sup> Stafford Act § 403(a)(3)(D), 42 U.S.C. § 5170b.

## **2. Ineligible for Temporary Relocation**

Facilities that do not provide essential community services are ineligible for temporary relocation. These include facilities and services such as museums, zoos, community centers, shelter workshops, performing arts centers, recreation and parking, athletic stadiums, houses of worship, housing and residential services, custodial care, assisted living, senior citizen centers, alcohol and drug rehabilitation, childcare, libraries, research and warehouse facilities, burial, vocational, academic, athletic, political training, and student union buildings.

## **3. Determining Eligibility of Temporary Relocation**

FEMA determines the eligibility of relocating services to another facility based on the safety of the damaged facility as follows:

- If the facility can be made usable with the performance of emergency protective measures or minor repairs, a temporary facility may not be eligible.
- If the damage is to the extent that it cannot be occupied safely, and restoration cannot be completed without suspending operations of the facility for an unacceptable period of time, then a temporary facility may be eligible.
- If the facility is not damaged but lacks a critical utility or operational item, such as potable water, electricity, or road access, and a temporary facility will restore services to the community before the restoration of the disrupted critical utility or operational item at the current site, then a temporary facility may be eligible.

The capacity of the temporary facility must not exceed the pre-disaster capacity of the facility that housed the displaced services. The Applicant must use the temporary facility to provide the eligible service to the same extent and manner as was provided prior to the incident.

Relocation to a site that requires ground disturbance or alteration of an existing property requires EHP review before the Applicant implements the action.

FEMA does not require the Applicant to obtain and maintain insurance for temporary facilities.

If the Applicant has a facility that does not meet eligibility requirements for temporary relocation and the facility's damage is to such an extent that the contents are at risk, FEMA may provide PA funding for temporary space to store the contents as an emergency protective measure if the space is:

- Limited to an area necessary to house the contents;
- Used solely for storage; and
- Not intended for public access, alternate office space, exhibits, or other purposes.

FEMA is not responsible for damage that may occur to contents in temporary storage.

## **4. Lease, Purchase, or Construct**

When deciding whether to rent or purchase space and equipment, the Applicant should choose the most economical option that meets its needs. The Applicant must provide FEMA with a cost analysis,<sup>246</sup> which should include at least three options with cost estimates based on the timeline to restore the original facility. Cost estimates for leasing a facility must account for the entire timeline of the project. FEMA generally reimburses the least costly option of leasing,

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<sup>246</sup> 2 C.F.R. § 200.318(d).

purchasing, or constructing a temporary facility. However, FEMA also considers whether the least costly option is practical when determining eligibility (e.g., if the least costly option for a temporary school is to lease a building in another county, and the next least costly option is to install modular buildings on the current campus, FEMA may reimburse the cost of the modular buildings).

If the Applicant relocates a service from a facility it owns, the lease costs of a temporary facility are eligible if leasing is the least costly option. If the Applicant was leasing the damaged facility and had to temporarily relocate to another leased facility, the increase in rent is eligible.

Purchasing or constructing a temporary facility is eligible if FEMA confirms that it is the least costly option. With exception of modular or manufactured units, the Applicant must obtain FEMA approval prior to purchasing or constructing the facility.

## **5. Safe Rooms for Temporary School Facilities**

Funding for accessible safe rooms as part of a temporary school facility may be eligible if the damaged school contained a safe room or other space that served as a storm shelter and there are no other cost-effective, reasonable alternatives available to address the safety needs of the students and faculty. If approved, the safe room capacity is based on student population and the number of faculty who are expected to use the temporary school facility. The capacity of the safe room cannot exceed the pre-disaster capacity of the safe room in the damaged school. The safe room should be available no later than the opening day of classes at the temporary facility.

If the Applicant wishes to seek funding for a safe room as part of a temporary school facility, it must obtain prior approval from FEMA. The request needs to include:

- A description of the safe room or safe space that was used as a storm shelter prior to the incident;
- The population of students and faculty that need access to the safe room;
- Verification that no other cost-effective reasonable alternatives are within proximity that can be used as a safe space for the school population; and
- An indication that the Applicant will have the safe room installed and operational when school resumes and students occupy the temporary classroom space.

Safe rooms provided as part of a temporary school facility must comply with the requirements of *Safe Rooms for Tornadoes and Hurricanes, Guidance for Community and Residential Safe Rooms* (FEMA P-361).<sup>247</sup>

The timeframe for providing PA funding for the temporary safe room space coincides with the approved timeframe for providing PA funding for the temporary school facility.

## **6. Temporary Relocation Costs**

Eligible work or costs associated with the provision of temporary facilities include, but are not limited to:

- Rental or purchase of equipment necessary to continue the services in the temporary facility;
- Reasonable alterations of the temporary facility, if required to make the space functional based on the pre-disaster use of the damaged facility;

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<sup>247</sup> [www.fema.gov/sites/default/files/2020-07/safe-rooms-tornadoes-hurricanes.pdf](http://www.fema.gov/sites/default/files/2020-07/safe-rooms-tornadoes-hurricanes.pdf).

- Restoration of the temporary facility to its pre-disaster condition when no longer needed
- Moving expenses to and from the temporary facility;
- Minimal life-safety or other building upgrades required by an applicable code or standard in effect at the time the temporary facility is purchased or leased; and
- Public outreach and messaging costs necessary to inform the public that the service will temporarily be provided at a different location.

FEMA does not provide PA funding for utility, maintenance, or operating costs in a temporary facility, even if these costs increase.

## 7. Time Limitations

The regulatory time limitation for temporary facilities (Emergency Work) is 6 months from the declaration date.<sup>248</sup>

Depending on the extent of damage to the facility, the Applicant may be unable to restore the facility to its pre-disaster design and function within 6 months. Normally, the Recipient has the authority to extend the deadline for Emergency Work for up to 6 additional months.<sup>249</sup> However, for temporary facilities, only FEMA has authority to approve any time extensions to the project deadline.

FEMA considers the timeframe necessary to restore the damaged facility when evaluating time extensions for temporary facilities. If the Applicant requests funding for a temporary facility and knows at that time that the restoration of the original facility will exceed 6 months, FEMA may approve additional time and funding up to 12 months. If the Applicant needs additional time beyond this 12-month deadline, it must submit a written time extension request that includes the status of work and a timeline for completion.

FEMA only approves additional time if the Applicant begins construction on the damaged facility within 12 months of the declaration date, unless circumstances beyond the control of the Applicant prevented the start of construction within this 12-month timeframe.

### (a) *Improved Project*

If FEMA approves an Improved Project for a facility for which it also approved temporary relocation of the services to a temporary facility, the temporary facility is only eligible for PA funding for the estimated amount of time necessary to restore the facility to its pre-disaster design and function. If the actual time to restore the facility with the improvements extends beyond this timeframe and causes the Applicant to continue its use of the temporary facility, FEMA does not reimburse any cost associated with that continued use. However, FEMA may reimburse costs associated with relocating its services back into the facility as part of the approved temporary facility project.

### (b) *Alternate Project*

If FEMA approves an Alternate Project for a facility for which it also approved temporary relocation of the services to a temporary facility, FEMA does not reimburse any temporary facility costs incurred after the date the Applicant requests that Alternate Project.

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<sup>248</sup> 44 C.F.R. § 206.204(c)(1).

<sup>249</sup> 44 C.F.R. § 206.204(c)(2)(ii).



(c) *Alternative Procedures Project*

If FEMA approves an Alternative Procedures Project for a facility for which it also approved temporary relocation of the services to a temporary facility, continued PA funding for the temporary facility is dependent upon the SOW of the Alternative Procedures Project.

## **8. Disposition Requirements**

If the Applicant purchased or constructed a temporary facility, it must return to FEMA the Federal share of the equity in the facility. The Applicant must report the equity to FEMA when the approved deadline has expired or when the facility is no longer needed for the authorized purpose, whichever occurs first.

If FEMA only funded a portion of the cost of the facility, the Applicant must return to FEMA the Federal share of FEMA's proportionate equity in the facility. The amount due FEMA is computed by applying FEMA's percentage of participation in the cost of the purchase or construction to the fair market value or sale proceeds, taking into consideration reasonable out-of-pocket costs related to the sale.

The Applicant may either retain the facility or sell it. If the Applicant disposes of real property (land or structures) acquired with PA funding and acquires replacement real property using funds from the same PA project, it may use the net proceeds of the sale to offset the cost of the replacement property.

## **W. Snow-Related Activities**

When the President declares an incident as a Snowstorm or specifically authorizes snow assistance in a declaration for a Severe Winter Storm, FEMA provides PA funding for impacts related to snow, but the assistance is limited.<sup>250</sup> See [Appendix H: Snow Assistance](#), for detailed information.

### **1. Limited Time Period**

Snow-related activities are eligible for a continuous 48-hour period to address the most critical emergency needs.<sup>251</sup> Each Applicant designates the beginning of its 48-hour period. However, a State or Territorial agency that conducts snow-related activities in multiple locations throughout the State or Territory, such as a Department of Transportation, may use different 48-hour periods for different locations.

Once FEMA approves a project for the Applicant's designated 48-hour period, the Applicant cannot change its selected period.

If the Applicant awards a contract for periods greater than the 48-hour period, PA funding is limited to the costs incurred during the 48-hour period.

The FEMA Assistant Administrator of the Recovery Directorate may extend the eligible period by 24 hours in counties, parishes, or Tribal government areas where the snowfall exceeds the historical record snowfall by at least 50 percent.

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<sup>250</sup> 44 C.F.R. § 206.227.

<sup>251</sup> 44 C.F.R. § 206.227.

## 2. Eligible Work

Eligible work includes:

- Snow-related activities (for limited time as discussed above):
  - Snow removal;
  - Snow dumps;
  - De-icing;
  - Salting; and
  - Sanding of roads and other eligible facilities.
- Other emergency protective measures (not restricted to the limited time) including, but not limited to, search and rescue and sheltering.

Limited snow-related activities necessary to carry out emergency protective measures, such as clearing snow in the *immediate* area of a downed power line, are eligible outside of the limited time period and in counties declared but not designated for snow assistance.

For Severe Winter Storm Declarations that do not specifically authorize snow assistance, FEMA only provides PA funding for limited snow-related activities that are necessary to perform otherwise eligible work. For example, snow removal necessary to repair downed power lines is eligible, while normal snow removal from roads (including salting and sanding) is ineligible.

## X. Emergency Repair or Stabilization

Emergency repair or stabilization of an eligible facility is eligible as Emergency Work if it eliminates or lessens an immediate threat.<sup>252</sup> Work performed under an exigent circumstance that restores the pre-disaster design and function of the facility in accordance with codes and standards is Permanent Work,<sup>253</sup> not Emergency Work.

Emergency repair of a facility is ineligible if another Federal agency has the specific authority to provide assistance for the facility (even if the repair is temporary),<sup>254</sup> such as for:

- Federal-Aid highways – Federal Highway Administration (FHWA); or
- Flood control works – USACE and NRCS.

For Tribal governments specifically, although the Bureau of Indian Affairs' (BIA) or FHWA may have authority to provide temporary emergency repairs of Tribal roads, such roads may be eligible for PA funding provided the Tribal Government does not receive funding from BIA or FHWA for the work.

### 1. Operation Blue Roof (DFA Only)

Operation Blue Roof provides homeowners with plastic sheeting to cover damaged roofs until arrangements can be made for permanent repairs. The purpose of Operation Blue Roof is to protect property, reduce temporary housing costs, and allows residents to remain in their homes while recovering from the incident. Therefore, only dwellings that can be safely occupied after

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<sup>252</sup> 44 C.F.R. § 206.201(b).

<sup>253</sup> 44 C.F.R. § 206.201(j).

<sup>254</sup> 44 C.F.R. § 206.226(a).

blue roof installation are eligible. The costs of these services are ineligible for reimbursement. However, FEMA may provide DFA for these services.<sup>255</sup>

## **2. Slope Stabilization**

If a landslide or other slope instability is triggered by the incident and poses an immediate threat to life, public health and safety, or improved public or private property, emergency protective measures to stabilize the slope may be eligible.

FEMA only provides PA funding for the least costly option necessary to alleviate the threat. FEMA limits eligible stabilization measures to the area of the immediate threat, not the entire slope. Work must be reasonable relative to the size and scope of the area of instability.

FEMA may authorize funding for post-disaster inspections and limited geotechnical investigations to determine if the instability creates an unsafe condition that poses an immediate threat.

Eligible emergency protective measures include, but are not limited to:

- Emergency drainage measures;
- Emergency ground protection to better stabilize the mass (rip rap, sheeting);
- Partial excavation at the head of a sliding mass to reduce its driving force;
- Backfilling or buttressing at the toe of a sliding mass using measures such as gabions, rock toes, cribwalls, binwalls, and soldier pile walls; and
- Installation of barriers to redirect debris flow.

## **3. Mold Remediation**

The incident may cause facilities to be inundated or exposed to wet and humid weather conditions for extended periods of time. These conditions may cause growth and spreading of mold in structures and on contents, causing threats to public health and increasing the repair cost.

The following remediation activities may be eligible as emergency protective measures:

- Wet vacuuming, damp wiping, or vacuuming with High-Efficiency Particulate Air (HEPA) equipment of the interior space;
- Removal of contaminated gypsum board, plaster (or similar wall finishes), carpet or floor finishes, and ceilings or permanent light fixtures; and
- Cleaning of contaminated heating and ventilation (including ductwork), plumbing, and air conditioning systems or other mechanical equipment.

Pre-remediation mold sampling is only eligible when the sampling reveals the presence of mold. Post-remediation sampling is eligible to confirm that remediation is complete.

The Applicant may use a variety of mold cleanup methods to remediate mold damage based on the extent of damage and type of damaged material. [Appendix I: Mold Remediation](#), provides information for consideration when developing a SOW for mold remediation. The Applicant must follow applicable SLTT government guidelines for mold sampling and remediation.

FEMA only provides PA funding for mold sampling performed by an indoor environmental professional, such as a Certified Industrial Hygienist, Certified Indoor Environmental

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<sup>255</sup> See [www.usace.army.mil/Media/Fact-Sheets/Fact-Sheet-Article-View/Article/475463/temporary-roofing/](http://www.usace.army.mil/Media/Fact-Sheets/Fact-Sheet-Article-View/Article/475463/temporary-roofing/) for additional information.

Consultant, or Certified Microbial Consultant. The indoor environmental professional should not be employed by the remediation company to avoid a conflict of interest. FEMA considers technical evaluations performed by licensed professionals when determining the eligibility of mold remediation.

For mold remediation to be eligible, mold must not be a result of poor facility maintenance or failure to take protective measures to prevent the spread of mold in a reasonable time after the incident. If the Applicant can document and justify why it did not take measures to prevent further contamination, or why measures taken were insufficient to prevent further damage, mold remediation may be eligible.

Examples of extenuating circumstances include:

- Disruption of power;
- Facility is underwater;
- Facility is inaccessible;
- Heating, ventilation, and air conditioning (HVAC) equipment is damaged; and
- Insufficient resources to remediate the entire facility.

FEMA evaluates whether the facility had pre-existing water infiltration conditions when determining whether mold remediation is eligible. For this evaluation, FEMA considers whether there is evidence of:

- Improperly sealed windows or exterior vents;
- Standing water against an exterior wall;
- Poorly maintained drains or gutters with rust or vegetative growth;
- Absence of rain gutters; and
- Leaking ceiling tiles.

#### **4. Emergency Berms on Beaches**

If a natural or engineered beach has eroded to a point where flooding from a 5-year storm<sup>256</sup> could damage improved property, cost-effective emergency protective measures on the beach that protect the improved property against damage from that 5-year storm are eligible.

Eligible measures typically include the construction of emergency sand berms to protect against additional damage from a 5-year storm. Emergency sand berms are not intended to permanently restore the beach; they are intended only to provide protection from immediate threats. The Applicant may construct emergency berms with sand recovered from the beach or with imported sand. If the Applicant constructs the berms with imported sand, FEMA will only provide PA funding if the sand is from a source that meets applicable environmental regulations and one of the following circumstances exists:

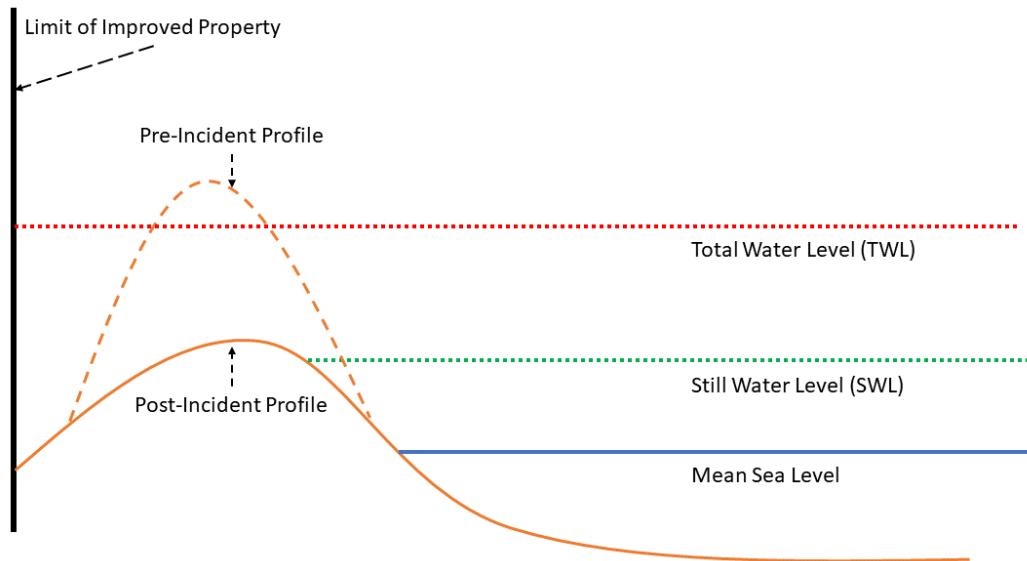
- Recoverable quantities are insufficient; or
- SLTT government regulations prohibit placement of the recovered sand.

To show that a 5-year storm could damage improved property, the Applicant must demonstrate that the stillwater level plus wave runup elevation as determined by computer modeling for a 5-year storm exceeds the post-incident elevation of the primary dune.

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<sup>256</sup> 44 C.F.R. § 206.221(c). For flood incidents specifically, an immediate threat is a threat from a 5-year flood (a flood that has a 20 percent chance of occurring in any given year).

The 5-year Stillwater Level (SWL) is equal to the average water surface elevation of the rise in seawater level (surge) resulting from a 5-year storm, plus wave setup and the astronomical tide. The 5-year Total Water Level (TWL) is equal to the elevation of the wave runup predicted for a 5-year storm plus the SWL. Locations where the elevation of the post-incident profile is less than the TWL are eligible for placement of an emergency berm. See Figure 12 below.



**Figure 12. Determining Eligibility of Emergency Berms on Beaches**

Based on the average expected erosion for a 5-year storm, FEMA only provides PA funding for emergency berms constructed with up to 6 cubic yards per linear foot of sand above the 5-year stillwater level or the berm’s pre-incident profile, whichever is less. In some cases, placing sand below the 5-year stillwater level may be necessary to provide a base for berm. The placement of that sand is also eligible as part of the emergency protective measure.

Placement of dune grass on an emergency dune or berm is only eligible if it is required by permit and is an established, enforced, uniform practice that applies to the construction of all emergency berms within the Applicant’s jurisdiction, regardless of the circumstance. The Applicant must include the grass placement cost in the dune or berm construction cost when evaluating cost-effectiveness. Any maintenance of the dune grass after the initial installation is ineligible.

### III. Damage Caused During Performance of Emergency Work

The Applicant may damage improved property, supplies, or equipment during the performance of eligible emergency response activities or debris removal operations.