

**NACo and Witt O'Brien's Webinar Q&A | May 4, 2020**

Question	Witt O'Brien's Answer
Is a separate agreement between local government and a homeless shelter needed to justify that the shelter is providing an essential government service if the homeless shelter already receives other types of federal grants due to the essential services they provide?	Agreements are always a good idea. In this case, it will be very important to separate discrete functions paid for by different funding sources.
Would costs a local government provides to local businesses (business interruption) affected by COVID-19 be considered an eligible cost under PA	Business interruption and loss of revenue, including to local businesses are not FEMA eligible. Some of this may be allowed under the CARES Act if properly presented.
The approval letter from FEMA is quite clear on the requirements of those sheltered under the program, 65 years old + and/or considered high-risk due to underlying conditions that make them more vulnerable to the virus. Since medical conditions are part of the requirement for sheltering, do we need to capture the specific health condition that that individual might have. We are concerned about HIPAA, but want to ensure that we are meeting all requirements that FEMA	Definitely a challenge. I would recommend creating a form for documentation that certifies that one or more of the following conditions may apply.
What program funding (FEMA, CARES Act, Non-CARES Act) is prioritized when the same activities are eligible across multiple programs? Will FEMA defer to another federal agencies program funding or will FEMA simply be concerned that there is no duplicative funding?	Federal agencies only want you to make certain to only seek funding from one agency for each expense. There is no priority order and we are spending a lot of time helping local governments put together "best fit" matrices to optimize the decision-making. Bottom line, there is a lot of discretion in deciding which federal funding source to use when there is overlap.
Please discuss the non-FEMA eligibility of costs for "maintaining county jails." What would and would not be eligible?	FEMA does not typically pay for operating costs of any kind. If you have extraordinary costs directly related to COVID-19, such as expanding space, they may pay for this for a limited time.
Our county has used our rec centers as drop sites for the food bank to deliver products for co-ops to come and pick up from a central location. How is the best way for us to capture building usage? Compare with rental rates per room used, any equipment used (carpet tiles, tables, chairs), utilities?	For space being utilized for COVID-19 activities where rental costs are eligible, comparables on similar rental properties in the community is the best method. Same for equipment.

Will FEMA pay straight time for employees transferred to operate the EOC?	Generally not. FEMA only pays straight time for temporary, backfill and contract labor + staff funding by grants or other special funding sources.
Will FEMA cover Congregate Shelters and Costs that were stood up with a Isolation Tent model set up because non-congregate shelters were not available?	Generally sounds eligible. This sounds like what FEMA did at the Javitz Convention Center in NYC. Let's look at the details.
Is labor and/or OT for EOC staff eligible costs, or do they fall under HR policies on salaried staff?	Generally still falls under normal HR policies. There are some exceptions as previously noted.
What if our local government gives out comp time versus overtime. Is the comp time eligible?	Generally this can be worked through with FEMA. Not an uncommon situation.
If a county is purchasing blocks of rooms at local motels for the purpose of sheltering COVID-19 patients but subsequently does not have a need to occupy every room in the block, will FEMA reimburse for the cost of the entire room block?	Generally yes. When I did this after Hurricane Sandy, FEMA did reimburse for unused rooms. Be sure to have documentation for how you determined how many rooms you needed in your inventory and shed unneeded rooms as soon as practicable.
New York State pays for security for our courts. We will need to move grand jury due to the size of the room to do social distancing. Would rent of a room and security(won't be covered by the state) be covered by FEMA? Thanks	Good question. We would have to build an argument with FEMA on how the service being provided is critical to public health and safety. If we can do that, the rental space may be eligible. Security might be, especially if it is contract services or temporary labor for the specific purpose.
How does FEMA funds work with other federal sources of funds? i.e. Can other federal sources, i.e. CARES act, cost share with FEMA?	Great question. Typically very few federal funding sources can be used to match FEMA Public Assistance. The most common is HUD CDBG funds. Basically, FEMA will allow other federal funds as match only if the authorizing legislation specifically allows for it. So far, the CARES Act does not allow any new sources to be used, but FEMA is still evaluating.
What was the CDBG program he was speaking of?	HUD Community Development Block Grant. There are various types: standard, DR, MIT and COV. All have different rules.
Will it cover the purchase of a building to move the retraining program to since we can't use our former school site anymore.	I would recommend caution. Purchasing a building would be very risky under the FEMA program for this purpose.
For Overtime Policy: Will overtime language within a collective bargaining agreement be reconized in lieu of a policy in our policy manual.	If you do not have a OT policy, that is probably a good substitute with some supporting explanation.

If HR doesn't allow for salaried personnel to be paid overtime, can the time spent on OT be considered in this instance?	In short, FEMA does not pay for straight time or OT for salaried employees because they assume that this is covered in your normal budget. There are exceptions for temporary, backfill and contract labor as well as for staff that is funded from special revenue sources who are now working on FEMA eligible COVID-19 activities.
I've asked previously for how FEMA defines technical assistance as an eligible emergency protective measures but have not received a response as of yet. Please advise. Thanks!	It depends upon the type of technical assistance. Can you give me an example of what you are thinking about.
If a county purchases PPE and is requested by another County, is that allowable or are purchases required to be used/'stay' within the county?	It depends upon what kind of mutual aid or other agreements are in place. The PPE does not necessarily have to stay in the county but FEMA will want to know which county paid for it and that the agreements allow for this type of intergovernmental assistance.
Retraining. Sorry	Job retraining for displaced workers is not FEMA eligible, but is eligible under other CARES Act programs.
what is a "limited period of time"	Just so I give an accurate response, please specify which point you are referring to.
Would you clarify HR policies and salaried. was the suggestion that HR policies could now be changed for salaried employees working overtime and then be reimbursed for covid work??	New HR policies will have to be very carefully crafted. FEMA will not accept a new policy if they sense that the sole purpose is to get FEMA funding. There may be some opportunities for modifying policies with sound justification.
Is CARES reimbursement done through the FEMA grants portal? then percolated down through the State PA program? Any links to understand CARES funding would also be very useful	No, CARES Act does not come through the FEMA portal. We will provide our analysis of the CARES Act and other resources.
If EOC staff were budgeted in another position prior to the emergency, but then had to be reassigned to the EOC are their labor costs covered?	Not necessarily. It has more to do with the funding source and how the staff member is classified in your HR system as opposed to the type of work they are doing. We may be able to convince FEMA to accept some other exceptions, but it will take a closer look at the details.
Where are some of these expenditures articulated? We have a FEMA expenditure workbook provided by our state recovery branch, but I am unsure where to draw up narratives re: some of the purchases. Cheers.	Parts of the CARES Act can certainly be used for police costs; however, FEMA eligible activities may also be able to be funded under the Public Assistance program.
What about increased costs for jails? If you have increased costs due to having to open more dorms in order to keep inmates safe with social distancing, is this not covered?	Some of these costs may well be FEMA eligible or can be covered through DOJ or other CARES Act funding. We would have to take a close look at the actual costs and see how much we could qualify for FEMA.

The cost of setting up a revenue cycle for an ACF that is not connected to any existing facility or provider is prohibitive for diminimus reimbursement.	Sorry, what is your question. Please clarify.
Please provide an example of eligible teleworking costs. For example, if purchased laptops for non-essential staff .to telework	The example you use is probably a good example of what is not likely to be eligible under FEMA but may under other CARES Act programs. FEMA only pays costs associated with doing eligible emergency work.
How do counties with less than 500,000 population file under CARES Act?  Are we an applicant under our state's CARES Actor another way? Thank you.	There are no requirements from Treasury. Each state can make up its own rules for sharing or not sharing. The clear intent of Congress was for sharing but it is not a formal requirement.
Will there be guidance for Stafford Act requirement to bill insurance for Medical services? Is there guidance from Sec Treas specific to this?	There is no specific guidance yet; however, duplication of benefits regulations always apply, i.e., if insurance is available it has to be used. There is a lot of nuance to the insurance piece that we can discuss.
For purposes of the prohibition against duplicate expenses, does availability of CRF funds render requests for FEMA reimbursement "duplicative" if CRF funds are not actually used for that particular expense?	There is only a duplication of benefits if you bill two federal funding programs for the same expense. Just because programs have overlapping allowances does not create a duplication.
Under Treasury FAQ addition on 5/1, is all public safety salary and wage eligible for reimbursement without documenting hours dedicated to COVID-related activity?	This is not entirely clear, but I would strongly recommend keeping detailed documentation while memories are fresh.
Since this an ongoing situation, is the best approach to access FEMA funds to submit documentation monthly, or on some periodic basis, for actual expenses, or are they working off of estimates for now with final "true up" after the fact?	This largely depends upon your cash flow requirements. If you need the \$s upfront than go with estimates and drawdown up to 50% as permitted by FEMA policy. If not, reimbursement periodically or at the end is ok. All methods end up in the same place. FEMA pays actual costs, so it all gets reconciled in the end.
If a County has a capital project where bids reflect additional costs because of the need to use different staging or social distancing during construction can the County recover the additional costs? and is so what program would apply?	This may be possible under FEMA Public Assistance if the projects are COVID-19 related, e.g., building temporary hospital space. Probably not for other construction.
The costs would be primarily labor costs for additional CO's and/or overtime.	This may well be eligible if we can convince FEMA that the basic service is necessary.

<p>We've submitted our FEMA reimbursement, but was wondering how long it would take to receive the actual funding? Thanks!</p>	<p>Unfortunately, it may take several weeks depending upon how clean your submittal is and how busy FEMA is. Be sure to take advantage of expedited processes to get advances on projects of up to 50% based upon estimates.</p>
<p>Our state's counties are experiencing increased mental health crisis and care costs related to the pandemic. Is there a specific funding source that covers those costs?</p>	<p>Yes, NY and some other states actually have access to the FEMA Crisis Counseling program. If not, there are options for covering some of these costs through other CARES Act programs.</p>
<p>Maybe my question wasn't understood? Will FEMA reimburse local jurisdictions for costs associated with targeting populations like persons of color with food and health care support, understanding that those populations have been deemed more at risk?</p>	<p>Yes, FEMA will cover some of these costs depending upon how the programs are implemented.</p>
<p>My County submitted a PA RPA on March 30th. It has been in Pending Status for 35 Days. Did I do something wrong?</p>	<p>You did not necessarily to anything wrong, but that is a long time to wait. Have you checked in with you State Emergency Management organization. There may be a backlog, but that is awfully long to wait.</p>