



FEMA

April 10, 2020

Mr. Mark S. Ghilarducci, Director
California Governor's Office of Emergency Services
3650 Schriever Avenue
Mather, CA 95655

Re: Request for Approval of Emergency Feeding Program
FEMA-4482-DR-CA (COVID-19)

Dear Mr. Ghilarducci:

This is in response to your letter dated April 1, 2020, requesting that FEMA approve Public Assistance (PA) eligibility for costs incurred by the State of California (State), Tribal, and local governments, and agencies thereof, to provide food to individuals requiring these services as a result of the COVID-19 pandemic in order to protect the health and safety of the public. The California Governor's Office of Emergency Services' (Cal OES) April 1 letter, together with supplemental information provided by email, is referred to herein as the "Emergency Feeding" request.

In accordance with section 403 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act), costs incurred for emergency protective measures taken to respond to the referenced Coronavirus Disease 2019 (COVID-19) major disaster, at the direction or guidance of state, local, tribal, and territorial public health officials, may be reimbursed under Category B of FEMA's PA program when necessary to save lives, protect improved property, or public health and safety, and/or lessen or avert the threat of catastrophes.

Based on my review of your request and supporting information provided, I am approving your Emergency Feeding request to provide food, including prepared meals, to individuals that are "at higher risk for serious illness from COVID-19" as defined by the Centers for Disease Control and Prevention.¹ My approval is subject to the conditions and limitations expressly set forth in this letter, statute, regulations and FEMA policy guidance applicable to the eligibility of Category B emergency protective measures, generally, and guidance issued by FEMA specifically applicable to the COVID-19 pandemic, as well as the parameters of your Emergency Feeding request.

FEMA acknowledges that Emergency Feeding will be implemented by the State pursuant to (1) the Governor's Executive Order No. N-25-20 ordering all residents to obey any orders and guidance issued by state and local public health officials, including but not limited to the

¹ <https://www.cdc.gov/coronavirus/2019-ncov/hcp/underlying-conditions.html>.

imposition of social distancing measures, to control the spread of COVID-19, (2) the Governor's Executive Order N-33-20 (a) incorporating the Order of the State Public Health Officer issued on March 19, 2020, that requires all individuals living in the State of California to stay at home or at their place of residence except as needed to maintain continuity of operations of the federal critical infrastructure sectors, and (b) directing the California Governor's Office of Emergency Services to take necessary steps to ensure compliance with the Executive Order, and (3) guidance issued by the California Department of Public Health that includes the need to practice social distancing.²

My approval of PA funding for costs incurred by the State, Tribal, and local governments to implement and administer Emergency Feeding includes services provided only the following populations who are not in emergency non-congregate shelters administered by State, Tribal, or local governments:

- Individuals who are at higher risk for COVID-19, are COVID-19 positive, or have been exposed to COVID-19 (as documented by a State, Tribal, or local public health official, or medical health professional); and
- Individuals who do not have the resources to prepare or obtain meals and who are not receiving assistance from existing programs such as the U.S. Department of Agriculture (USDA) Food and Nutrition Service (FNS) Supplemental Nutrition Assistance Program (SNAP), Meals on Wheels, or other programs.

My approval is limited to costs that are reasonable and necessary for providing the services as described in the Emergency Feeding request.³ In this regard, please note FEMA does not mandate that State, Tribal, or local governments pursue a specific option or options for providing these services, but FEMA will only approve PA funding for reasonable, cost-effective, and practical measures taken to do so. This approval does not constitute a determination that the rates per meal and overall costs provided in the State's request are reasonable. FEMA will work with the State through the development of a project worksheet to validate reasonable cost estimates. In addition, no later than 14 days from your receipt of this letter, please provide me an internal control plan the state will execute that provides reasonable assurance that the state is managing this in accordance with the requirements outlined in this letter and consistent with Federal statutes and regulations.

My approval is limited to costs associated with providing Emergency Feeding services through May 10, 2020, unless the public health needs end sooner. In either case, eligible costs may include reasonable costs necessary to end these services in an orderly manner not to exceed 15 days. The State, on behalf of itself and participating Tribal or local governments, must obtain FEMA's approval for any time extensions. In requesting an extension, the State must include a re-assessment and detailed justification for the continuing COVID-19-related Emergency Feeding services based on direction from a State public health official.

² <https://www.gov.ca.gov/2020/03/16/california-issues-directive-to-fight-covid-19/>.

³ *Public Assistance Program and Policy Guide*, FP 104-009-2, at 21 (April 1, 2018). See also 2 C.F.R. §§ 200.403 and 200.404.

My approval is limited to the reimbursement of eligible costs incurred only by the State, Tribal, or by local governments. If the State, Tribal or a local government opts to provide Emergency Feeding services through a private nonprofit organization or other third-party provider, those agreements must be in writing and include terms sufficiently specific to enable FEMA to evaluate eligibility of services and costs claimed pursuant to these agreements.

Additionally,

- The State, Tribal, and local governments must follow their own procurement procedures as well as the Federal requirements for procurement, including FEMA's Procurement Under Grants Conducted Under Exigent or Emergency Circumstances guidance, and include a termination for convenience clause.
- FEMA will not approve PA funding that duplicates funding provided by another federal agency, including the U.S. Department of Health and Human Services, U.S. Department of Housing and Urban Development, and U.S. Department of Agriculture, or provided under FEMA's Emergency Food and Shelter Program.

Subject to applicable privacy laws, the State, Tribal, and local governments will need to provide sufficient data and documentation to establish the eligibility of Emergency Feeding costs for which PA funding is being sought, including the number of individuals served, length of time the services are needed and provided, costs per individual for service delivery, and "overhead" costs such as transportation. As with any activity, lack of support documentation may result in FEMA determining that some or all the State, Tribal, or a local government claimed costs are ineligible.

If you have any additional questions regarding this matter, please contact Robert Pesapane, Recovery Division Director, at (510) 627-7250.

Sincerely,



Robert J. Fenton
Regional Administrator
FEMA Region IX

cc: Robert M. Pesapane, Regional Recovery Division Director, FEMA Region IX
James Cho, Regional Response Division Director, FEMA Region IX
J.P. Henderson, Regional Counsel, FEMA Region IX