



FEMA

May 14, 2020

Mr. Ryan Buras
Governor's Authorized Representative
California Office of Emergency Services
3650 Schriever Avenue
Mather, California 95655

Re: Time Extension for Reimbursement of Purchase and distribution of Food, FEMA-4482-DR-CA (COVID-19)

Dear Mr. Buras:

This is in response to your letter dated May 12, 2020, requesting, on behalf of the State of California and its local governments, that FEMA approve Public Assistance (PA) funding for costs associated with the emergency purchase and distribution of food in response to the impacts on food security of COVID-19 (Emergency FPD). Specifically, your request addresses the impacts of COVID-19 on food banks/pantries administered by the State and local governments (directly or indirectly, through private nonprofit organizations).

Based on my review of your request, which includes information documenting the need to continue the purchase and distribution of food in response to COVID-19 and confirmation by the State Public Health Officer on April 30, 2020, of a continuing public health emergency, I am approving your request to extend the period of time for FEMA reimbursement of costs for Emergency FPD. I note that your request is for a 90-day time extension. However, FEMA's authority for COVID-19 emergency feeding programs is limited to 30-day intervals. Therefore, my approval is limited to the reimbursement of eligible Emergency FPD costs through June 10, 2020. The California Governor's Office of Emergency Services (Cal OES), on behalf of the State of California and local governments, must obtain FEMA's approval for any additional time extensions, which will be limited to 30 days.

My approval is subject to the limitations, terms and conditions set forth below.

The eligibility of costs claimed for Emergency FPD costs will be determined pursuant to FEMA Policy FP 104-010-03, *Coronavirus (COVID-19) Pandemic: Purchase and Distribution of Food Eligible for Public Assistance* (Apr. 11, 2020) (FEMA FPD Policy). In particular, per Section B.3 of the FEMA FPD Policy, to be eligible, claimed Emergency FPD costs must be necessary

and reasonable to respond to the COVID-19 Public Health Emergency.¹ Therefore, FEMA will reimburse eligible Emergency FPD costs only to the extent that the costs exceed the average costs incurred for the purchase and distribution of food by subrecipients (directly or indirectly, through private nonprofit organizations) in January and February 2020. This differential in costs may be established by the number of households served, operating costs not covered by donations and grants, or other reasonably reliable information/data.

Extension requests must include:

- A detailed justification for the continuing COVID-19-related need for Emergency FPD on a locality-by-locality basis, as well as for food banks directly administered/managed by the State. FEMA will not approve any additional requests for approval of Emergency FPD costs incurred by local governments based on State-wide information/data.
- If a county (or a city/town within a county) that is in Stage 3 of the State's "Pandemic/Resilience Roadmap," extension requests must specifically describe how one (or more) of the three indicators in Section B.2.c of the FEMA FPD Policy continues to affect that local jurisdiction.
- Documentation evidencing efforts to obtain other federal resources, either directly from the federal government or through the State, that are available to address COVID-related food insecurity, such as the multiple Congressional Supplemental Funding Bills known collectively as the "CARES Act," FEMA's Emergency Food and Shelter Program (EFSP), the USDA's Coronavirus Food Assistance Program (CFAP), and/or any other programs.
- Documentation demonstrating collaboration efforts as outlined below, and steps taken to identify and prioritize the most vulnerable populations.
- A winding-down or transition plan to meet the nutritional needs of impacted local populations when PA funding is no longer authorized for the emergency purchase and distribution of food.

Additionally, I expect that the State and local jurisdictions requesting FEMA assistance for Emergency FPD to:

- Collaborate with government stakeholders to understand what they are doing to address COVID-related food insecurity. These stakeholders include the Department of Health and Human Services' Administration for Community Living (ACL), State Units on Aging, Area Agencies on Aging (AAA), regional and local Housing and Urban

¹ See 44 C.F.R. § 206.223(a)(1); 2 C.F.R. § 200.403.

Development Public Housing Authority (HUD/PHA), and the USDA Food and Nutrition Service.

- Collaborate with non-governmental organizations including volunteer organizations, senior centers and adult day care, and service/volunteer organizations, including Meals on Wheels, the Salvation Army, the American Red Cross, faith-based communities, and other organizations to identify what resources might be applied or redirected to close gaps.
- Prioritize the most vulnerable populations, then register those needing assistance into these more traditional nutrition assistance programs, thereby, further stabilizing the situation. In this regard, please refer to the FEMA/HHS Community Mitigation Task Force, Sustaining Nutritional Needs for At-Risk Individuals at <https://www.phe.gov/emergency/events/COVID19/atrisk/Documents/sustianing-nutritional-needs-atrisk-individuals.pdf> and Information on Federal Programs to Sustain Nutrition for At-Risk Individuals at <https://www.phe.gov/emergency/events/COVID19/Documents/Nutrition-ProgramChecklist.pdf>

Finally, I would like to again reinforce the importance of the State of California and local governments (including, private nonprofit organizations doing so on behalf of the State or local governments) maintaining effective tracking mechanisms to provide sufficient data and documentation to establish the eligibility of Emergency FPD costs for which they intend to request PA funding. As with any activity, lack of sufficient support documentation may result in FEMA determining that some or all of the costs claimed by the State and/or local governments are ineligible.

If you have any 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 Troy, COVID-19 Event Recovery Deputy FCO, FEMA Region IX
Robert Pesapane, Regional Recovery Division Director, FEMA Region IX
J.P. Henderson, Regional Counsel, FEMA Region IX