

Hello! We will begin 5 minutes after the start time to allow time for all participants to join the briefing. Please note, for this webinar, your microphones have been muted.

Please make sure to include all questions in the chat and send to everyone as we have our subject matter experts on standby to answer them.

A copy of this presentation and the recording is uploaded in Florida PA and linked for you in the chat.

We will refer to additional resources throughout this presentation. We have compiled all these links and a helpful list of acronyms for you to reference in the pdf: <u>Hurricane Ian (DR-4673) State Applicant Briefing Additional Resources</u> which is also uploaded to Florida PA and linked for you in the chat. You can also find these links in the presentation itself should you choose to download it

Florida PA

https://floridapa.org/site/palnfo.cfm

Select the Hurricane Ian dropdown menu for all other policies mentioned in this briefing as well as a copy of this applicant briefing and recordings of the presentations.



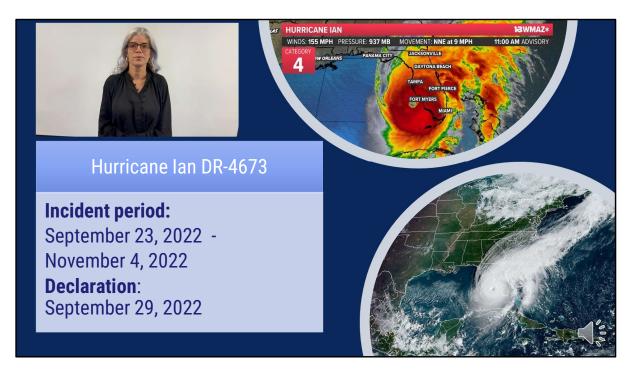
Hello, ladies and gentlemen and welcome to the State of Florida, Division of Emergency Management's Hurricane Ian (DR-4673) Applicant Briefing for our Houses of Worship. We are here today to review FEMA's Public Assistance program's application procedures, administrative requirements, funding, and program eligibility criteria.

My name is Rebecca Hart, and I am the Education and Training Administrator for the Recovery Bureau here at the Florida Division of Emergency Management (FDEM).

We also have subject matter experts in disaster recovery monitoring the chat, so please include all questions there and they will answer them as they come in.

A copy of this presentation and the recording is uploaded in Florida PA and linked for you in the chat.

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First, let's review Hurricane Ian's incident period.

When a Major Disaster Declaration is signed by the president, FEMA specifies an "Incident Period." This establishes the **date range for damage or losses to be eligible for federal disaster assistance**.

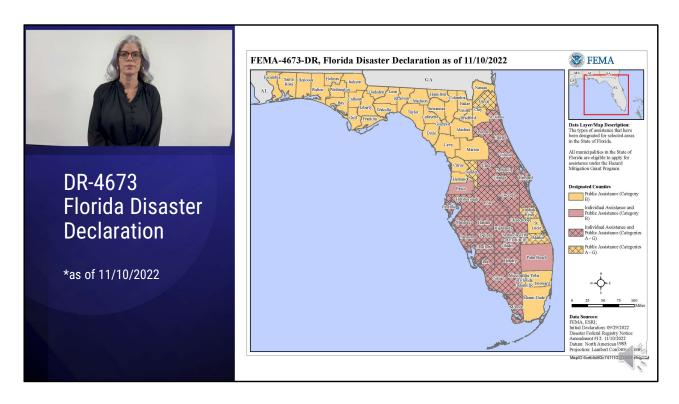
You, as the applicant, are responsible for showing that the work was required in **response to** the declared incident or **to address** damage caused by the declared incident.

For Hurricane Ian, the incident is **September 23, 2022**, until November 4, 2022, and

The Declaration date is September 29, 2022

Image 1: WATCH LIVE: Hurricane Ian Makes Landfall with 150mph winds https://www.13wmaz.com/video/news/watch-live-hurricane-ian-makes-landfall-with-150-mph-winds/93-a72eacfe-fc78-49b9-b34f-0f1644976258

Image 2: Hurricane Ian Landfall https://www.vox.com/science-and-health/23372996/hurricane-ian-tampa-florida-miami-storm-surge-flood



This map shows DR-4673's Florida Disaster Declaration for Hurricane Ian and its FEMA disaster designations as of <u>November 10, 2022.</u>

We will go over the designated areas for each category of work next.

Map image: https://www.fema.gov/disaster/4673/designated-areas



The counties listed on this slide have been declared for Category A (Debris Removal) at 100% Federal Share for the 1st 75 days from the incident start date of September 23.

To be eligible for assistance, damages must have occurred within the declared counties listed here.

Additional designations continue to be made and can be made at a later date if requested by the state and justified by further damage assessments. You can stay up-to-date on if and when your county is declared eligible by checking fema.gov.

Hurricane Ian Declared Counties https://www.fema.gov/disaster/4673/designated-areas



All 67 counties have been declared for Category B emergency protective measures including Direct Federal Assistance at 100% Federal Cost Share for the 1st 75 days from the incident start date of September 23.



The counties listed here have been declared for Category C-G (Permanent Work) at a 75/25 cost share split with a 75% Federal Cost Share, and a 25% non-Federal Share. As a reminder, to be eligible for assistance, damages must have occurred within the declared counties you see listed on the screen.

Additional designations continue to be made and can be made if requested by the state and justified by further damage assessments.

Hurricane Ian Declared Counties https://www.fema.gov/disaster/4673/designated-areas



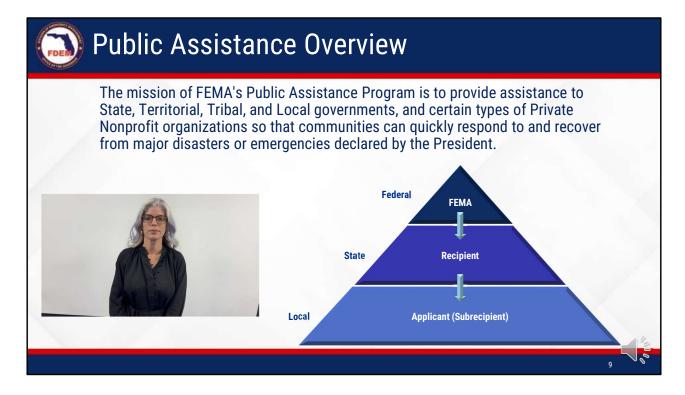
Let's go over some important dates:

Incident start date: This date is the benchmark for "work performance" for the federal cost-share. The federal cost-share of 100% is approved for the first 75 days for emergency work activities for the designated declared counties between September 23-December 7, 2022. This is a recent change from the previous date of November 21, 2022.

Presidential declaration date: September 29 is the benchmark for the submission of Requests for Public Assistance (RPAs). The RPA needs to be submitted by **January 6, 2022**. This is another recent change from the previous date of January 6th, 2022.

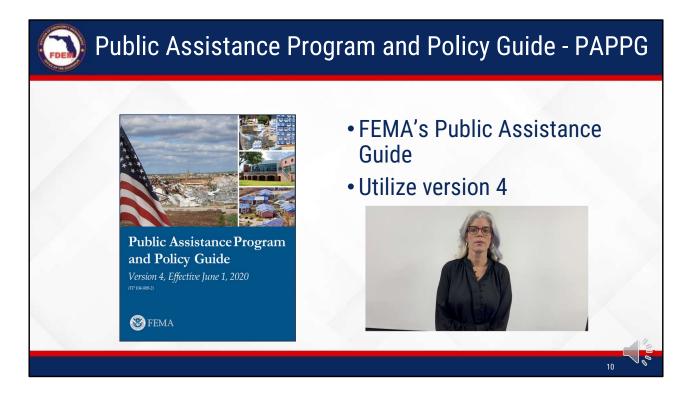
The Incident end date is November 4th, 2022.

44 C.F.R. § 206.32(f); and, PAPPG, v4 (2020). Chapter 1. Pre-Award Activities. IV. Presidential Declaration., B. Incident Period. This period varies in length, depending on the incident.



Public Assistance or PA is FEMA's largest grant program providing funds to assist communities responding to and recovering from major disasters or emergencies declared by the President.

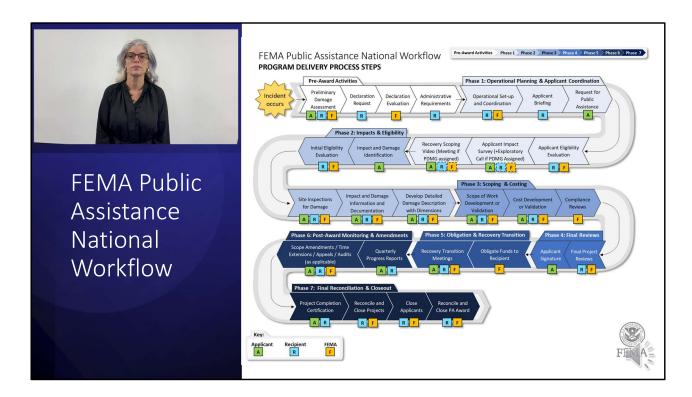
- FEMA manages the program, provides technical assistance, and approves grants.
- State, or Recipient educates applicants, works with FEMA to manage the program, and implements and monitors grants awarded.
- "YOU", the Applicant, or Subrecipient are responsible for identifying the damages, providing documentation, and managing the funded projects.



Throughout the presentation, you will hear us mention the PAPPG or the Public Assistance Program and Policy Guide, version 4. This FEMA document is a reference guide that includes policy and procedures for the PA program.

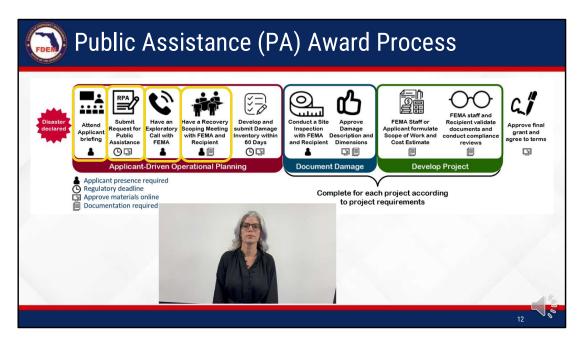
As mentioned previously, the link to this document as well as all other policies mentioned in this briefing is available in the Additional Resources pdf.

Public Assistance Program and Policy Guide, Version 4 https://www.fema.gov/sites/default/files/documents/fema_pappg-v4-updated-links_policy_6-1-2020.pdf



The FEMA Public Assistance National Workflow details the process steps that take place in the FEMA PA Program.

As you look at the slide, you see that You the APPLICANT, the State of Florida the Recipient, and FEMA, ALL have a role in the program delivery process from the start of the Incident *which triggers the Pre-Award Activities* all the way to the last step, Final Reconciliation & Closeout. The purpose of this slide is to show you **everyone's** responsibility as we navigate the FEMA PA program.



This figure focuses on the Applicant's portion of the PA award process.

The Applicant Briefing: this is what you are attending today. (transition)

Next, Submit your **Request for Public Assistance or RPA** by January 6th (transition)

Then, you will have your **Exploratory Call**: The FEMA Program Delivery Manager or PDMG should initiate the call within 7 days of an Applicant's assignment to a PDMG. (transition)

Following that will be your **Recovery Scoping Meeting or RSM**: FEMA will conduct the RSM within 21 days of an Applicant's assignment to a PDMG.



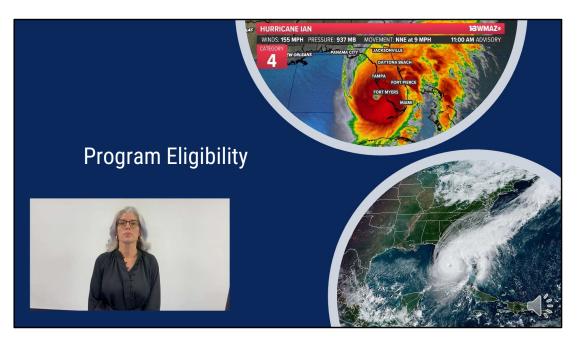
Once your organization receives notice that your RPA was approved, and you have your Exploratory Call, FEMA will contact you to schedule a Recovery Scoping Meeting (RSM). To help prepare for your RSM, you should compile a list of claims (specified by location) to include:

Damage Description(s) including photos of the damages Scope of Work Nature of Work And the Estimated Cost

You may also want to gather
Maintenance Records and your entire Insurance Policy

Please note, You will have 60 days following your RSM to: Make claims and identify damages via your Damage Inventory, and Submit your request for an Expedited Project, if desired.

So, be sure to document the date of your RSM so that you don't miss these important deadlines.



Next, we will discuss program eligibility.



Houses of Worship are considered Private Nonprofit organizations, and this is the eligibility pyramid specific to our Private Nonprofits: On the bottom tier you see: Applicant, Facility, and Services. Then you have Work and finally, Cost. To be eligible, a house of worship must own or operate a facility that provides an eligible service.

You MUST have all 3 tiers of this pyramid to be eligible for reimbursement.

For example, [transition 1] an eligible applicant [transition 2] that performed eligible work [transition 3] but did not have an eligible facility would be considered [transition 4] **in**eligible for reimbursement. That facility may be eligible under a different applicant, but this information must be submitted correctly [transition 5] during the RPA enrollment period, or by **January** 6. [transition 5]

[transition 6] This is why it is of utmost importance to know who holds the legal responsibility of your facility.



Eligible applicants include:

State
Local governments
State Agencies
Certain Private Nonprofit Organizations, including Houses of Worship; and
Other State Political sub-divisions



Houses of Worship Eligibility

To be an eligible HOW Applicant, you must show:

- A ruling letter from the U.S. Internal Revenue Service that was in effect as of the declaration date and granted tax exemption under sections 501(c), (d), or (e) of the Internal Revenue Code; OR
- Documentation from the State substantiating it is a nonrevenue producing, nonprofit entity organized or doing business under State law.



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To be an eligible Applicant as a house of worship, you must show that you have:

- an IRS letter stating tax-exempt status under section 501 (c), (d), or (e)
- or evidence that the organization is a non-revenue producing nonprofit under state law And you must demonstrate that you own or operate a facility that provides an eligible service

Now, if your organization is not required to obtain 501(c)(3) status or tax-exempt status under applicable State law, you must provide articles of association, bylaws, or other documents indicating that it is an organized entity, and a certification that it is compliant with Internal Revenue Code section 501(c)(3) and State law requirements.



To be eligible, facilities must:

- Be damaged as a result of Hurricane Ian
- Be located within the Presidentially Declared Area
- · Be the Legal Responsibility of an eligible Applicant
- Not be under the Authority of another Federal Agency





In order to determine if a house of worship is an eligible applicant, we need to determine whether the house of worship owns or operates an eligible facility.

To be eligible, facilities <u>must</u>

Be damaged as a result of Hurricane Ian
Be located within the Presidentially Declared Area
Be the Legal Responsibility of an eligible Applicant

AND cannot be under the Authority of another Federal Agency such as,

Army Corps of Engineers or the Federal Highway Administration



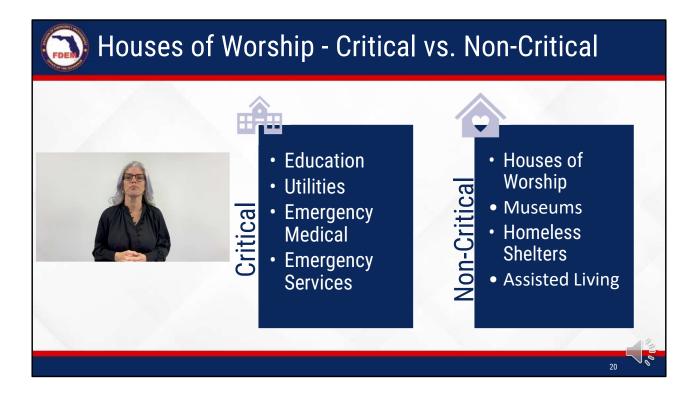
Some documents that support legal responsibility can include, but are not limited to: Deeds;

Titles;

Lease agreements; and

Contracts

Please note, you must submit documentation demonstrating your legal responsibility of the facility in your Request for Public Assistance.

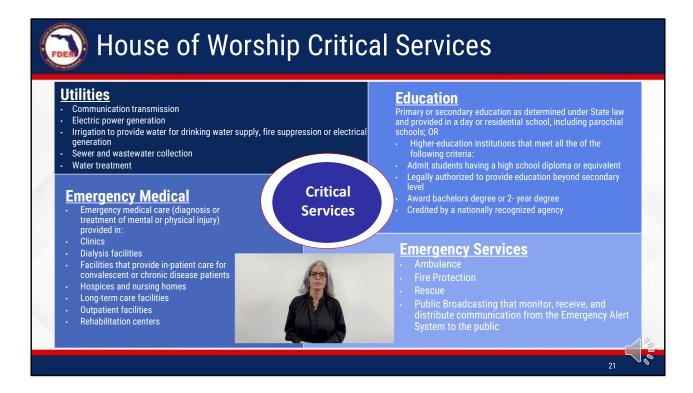


For houses of worship, an eligible facility is one that provides an eligible service. Now, an eligible service may be a critical service or, a facility that provides a noncritical, but essential social service AND provides those services to the general public.

A **Critical Facility** is one that provides eligible critical services such as education, utilities, emergency, or medical services. Private Nonprofits and religious organizations that provide a critical service can apply directly for Public Assistance. In some instances, a house of worship may be considered a critical service. For example, a house of worship that operates an accredited school in more than 50 percent of the building may qualify for a FEMA grant. However, this only applies to facilities providing the critical services.

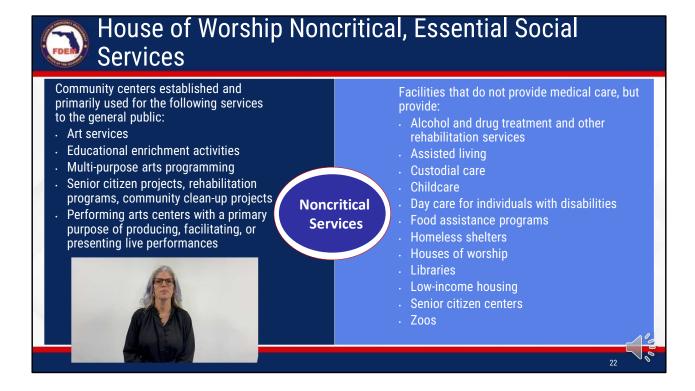
Some houses of worship are considered **noncritical**, **but essential social services**, a category which includes community centers, daycare and food programs.

FDEM Fact Sheet FEMA PA: HOW Organizations 10.17.22



As previously stated, a critical facility is one that provides eligible critical services such as education, utilities, emergency, or medical;

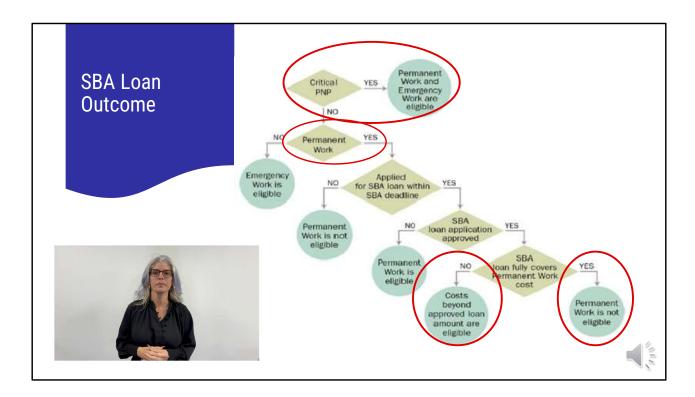
Please review the examples on this screen to see if your facility falls under one of these categories that would indicate that you provide a critical service.



To help you determine if you provide a noncritical service, please review the examples listed on this screen. Please note, houses of worship typically fall under noncritical essential social services unless you provide one of the services we discussed in the last slide.

With exception of custodial care facilities and museums, administrative and support facilities essential to the provision of **non**critical services are ineligible facilities.

For a full list of critical and noncritical services, please refer to the PAPPGv4.



Now on to a question that many houses of worship may have... When do they need to apply for an SBA Loan.

If your facility provides critical services, you are eligible for FEMA PA for both emergency work and permanent work and do **not** need to apply for an SBA loan.

If your facility provides noncritical services, you are eligible for emergency work under FEMA PA. Now, if your facility provides noncritical services [transition 1] and you are seeking FEMA assistance for **permanent** repairs, [transition 2] you must **first** apply to the U.S. Small Business Administration (SBA) for a loan.

Now depending on the SBA loan application there are two possible outcomes:

[transition 3] If the SBA loan fully covers the permanent work cost, then you will not be eligible for FEMA PA. [transition 4]

[transition 5] If it does not fully cover the permanent work cost, then those costs beyond the approved loan are eligible for FEMA PA. [transition 6]

Houses of Worship should visit SBA.gov for a list of approved counties eligible for SBA disaster loans and their deadlines. This link will be provided to you now in the chat.

As a reminder, [transition 7] houses of worship who provide critical services do **not** need to apply for an SBA loan.

U.S. Small Business Administration

https://www.sba.gov/funding-programs/disaster-assistance/hurricane-ian



Just to recap for non-critical facilities:

1st determine if your non-critical facility is in a FEMA declared county.

2nd if you are claiming costs associated with emergency and/or permanent work, register for an account at FEMA Grants Portal. If you are claiming **permanent** work costs, also apply for an SBA loan at the same time.

3rd once your account at FEMA Grants Portal is approved, submit your RPA by January 6th. Do not wait for your SBA determination letter to submit your RPA. If the Small Business Administration approves your loan for permanent work, then accept it. But, if the application is denied by SBA, or if the loan is insufficient, then continue with the Grants Portal process.

Lastly, you must provide FEMA with your SBA denial letter if you are claiming public assistance for permanent work costs. So be sure to keep it in your records.

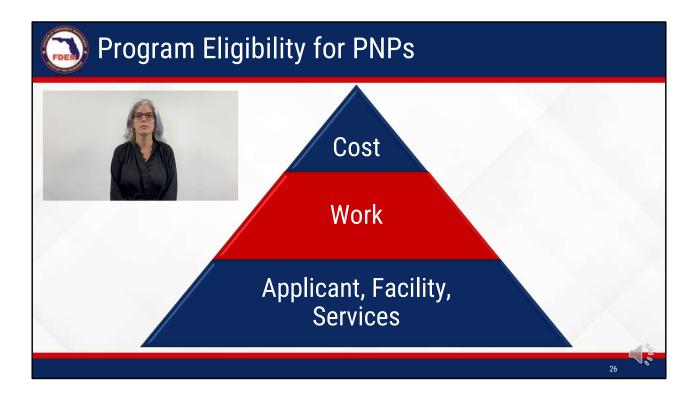
We will go over the steps to request an account in Grants Portal and submit your RPA near the end of this briefing.



Multiple Services: in cases where the facility provides multiple services, FEMA reviews additional items to determine the primary service that facility provides.

Multiple Facilities: If a house of worship operates multiple facilities, or a single facility composed of more than one building, FEMA must evaluate each building independently, even if all are located on the same grounds.

Mixed Use Facilities and Mixed-Use Space: Houses of Worship facilities that provide both eligible and ineligible services are considered mixed-used facilities. Eligibility of mixed-use facilities is dependent on the primary use of the facility, which is determined by the amount of physical space dedicated to eligible and ineligible services. For houses of worship mixed-use facilities to be eligible, more than 50 percent of the facility had to be in **active** use for an eligible purpose **at the time of the incident**. Which, remember, is from September 23rd to November 4th, 2022.

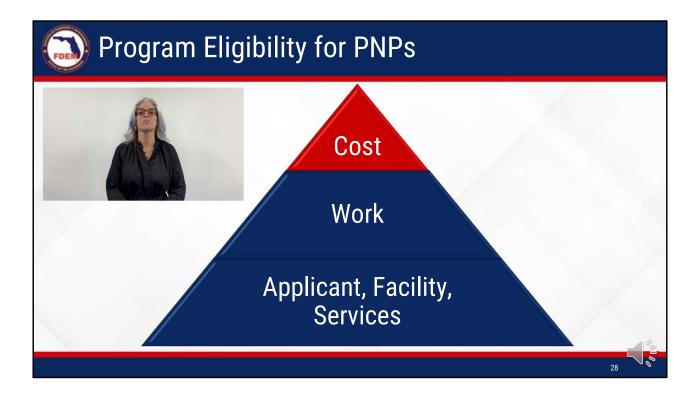


Next, determine if you have performed eligible work.



The work must meet the following criteria to be eligible for public assistance funding: The work must:

- •Be a direct result of Hurricane Ian
- ·Be located within the designated disaster area,
- •Be the legal responsibility of an eligible Applicant
- •AND not the responsibility of another federal agency



Last step is to determine if costs are eligible



To be eligible for reimbursement, the cost must be reasonable and necessary to accomplish eligible work

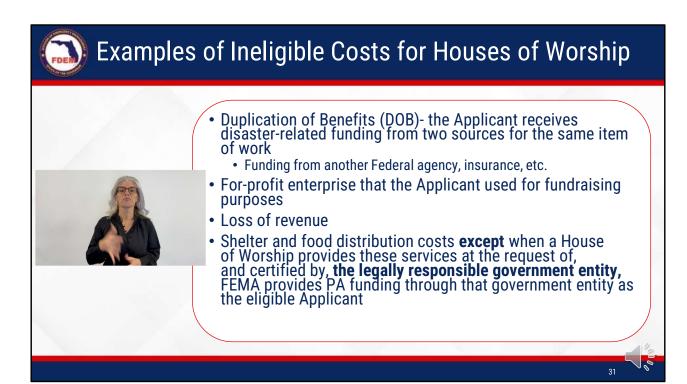
The cost must be:

- -Authorized and not prohibited under Federal, State, Territorial, Tribal, or local government laws or regulations.
- -And the cost must be consistent with the Applicant's internal policies, regulations, and procedures that apply uniformly to both Federal awards and other activities of the Applicant.



Eligible costs may include funding to carry out permanent repairs and the replacement of damaged structures, likewise assistance may be available to replace damaged contents that are necessary to the operations of the facility.

Emergency protective measures to prevent further damage to the facility may also be eligible. Such as mold remediation and temporary roof repair to your facility.



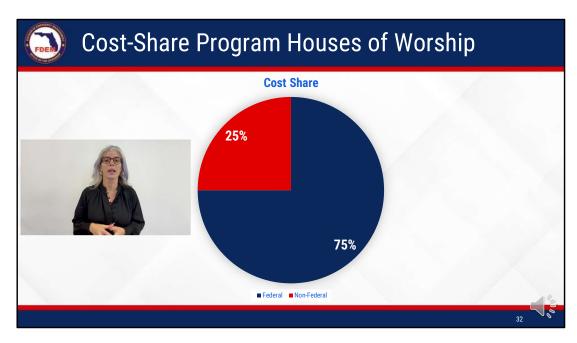
Now we will go over a few examples of ineligible costs for houses of worship.

• Ding! Ding! Ding! Duplication of Benefits, meaning the Applicant receives disaster-related funding from two sources for the same item of work. For example, funding from another Federal agency or insurance for the same item of work for which the applicant is requesting FEMA funding.

Additional examples of ineligible costs include

- Claiming a for-profit enterprise that the Applicant used for fundraising purposes such as a clothing store operated by the house of worship
- Loss of revenue such as cancelling a fundraising event due to an entity using a venue for incident-related activities, such as sheltering
- Shelter and food distribution costs are usually deemed ineligible except when a House
 of Worship provides these services at the request of, and certified by, the legally responsible
 government entity. When this occurs, FEMA provides PA funding through that government
 entity as the eligible Applicant
 - We will review how to obtain delegated legal responsibility and set up those mass care agreements with local governments later in this briefing.

Duplication of Benefits (DOB) definition https://emilms.fema.gov/is_1024/groups/57.html https://emilms.fema.gov/is_1024/groups/fema.gov/is_1024/groups/fema.gov/is_1024/groups/fema.gov/is_1024/groups/fema.gov/is_1024/groups/fema.gov/is_1024/groups/fema.gov/is_1024/groups/fema.gov/is_1024/groups/fema.gov/is_1



The assistance FEMA provides through its PA Program is subject to a cost share. The Federal cost-share program is no less than 75 percent Federal and 25 percent non-federal.

Meaning, the House of Worship is responsible for the remaining 25% Please note, if you cannot provide the 25% cost share, you could jeopardize your ability to receive full PA funding.

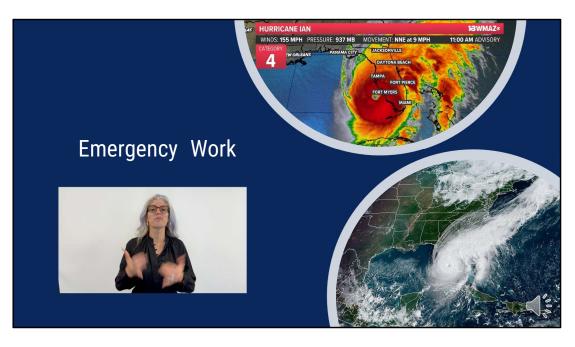


Eligible work is broken into the following public assistance categories:

- Cat. A (Debris Removal) & Cat. B (Emergency Protective Measures) are both considered Emergency Work.
- The deadline to complete Emergency Work is 6-months from the declaration date
- Within its discretion, the State, as the Recipient, has the authority to grant a time extension of up to 6 months, and then FEMA may grant additional time extensions
- Cat. C G are considered Permanent Work.
- The deadline to complete Permanent Work is 18-months from the declaration date
- Within its discretion, the State, as the Recipient, may grant a time extension for up to 30-months for Permanent work on a project-by-project basis 44 C.F.R. §206.204

During Hurricane Ian, most of you may have experienced Emergency Work, such as Emergency Protective Measures. However, many of you may have experienced damages that may be eligible for Permanent Work assistance. You can stay up-to-date on if and when your county is declared eligible by checking fema.gov.

PAPPG, v4. Chapter 7. Emergency Work Eligibility, II. Emergency Protective Measures, V. 7. PAPPG, v4. Chapter 11. Post Award Monitoring, V. Work Completion Dates.



Now let's review emergency work.

Emergency Work - Force Account Labor			
	Emergency Work Labor Eligibility		
	Budgeted Employees	Overtime	Straight- Time
	Permanent employee	$\overline{\checkmark}$	
	Seasonal employee working during normal season of employment	$\overline{\checkmark}$	
	Unbudgeted Employees	Overtime	Straight- Time
	Essential employee called back from administrative leave	$\overline{\checkmark}$	
	Permanent employee funded from external source	$\overline{\checkmark}$	$\overline{\checkmark}$
	Temporary employee hired to perform eligible work	$\overline{\checkmark}$	$\overline{\checkmark}$
	Seasonal employee working outside normal season of employment		✓ N
			35

A few items to note for Emergency Work and Force Account Labor, which by the way means: labor performed by non-contracted forces. For Emergency Work, budgeted employees straight time is not eligible **only** their overtime, and for **un**budgeted employees you can claim **both** straight time and overtime.

When you submit your documentation for force account labor, please ensure you include the following:

The employees'

- Name
- Their Job Title and Function
- What type of Employee they are: if they're full-time, temporary, Exempt, or Non-exempt
- The days and hours they worked and for this, please include the time they clocked in and out
- Their Pay rates with fringe benefits
- A description of work performed which includes their location, and you can provide in this in daily logs, activity reports, or other methods.
- · Timesheets, and your
- Pay Policy

Please note, we're reviewing labor costs now. But equipment, materials, and supplies can also be found eligible as long as they are documented properly.

HOWs



Now, let's go over Category A- Debris Removal:

Debris removal work eliminates an immediate threat to lives, public health and safety. It promotes the economic recovery of the affected area to benefit the community at large.

Debris includes, but is not limited to

vegetative debris, construction and demolition debris, and vehicle and vessel wreckage.

Clearance, removal, and disposal, will be considered if the removal is in the public interest, meaning it's not merely benefiting an individual or a limited group of individuals.

On September 6, 2022, in FEMA's Memo *Simplifying Public Assistance Part 2* new FEMA debris guidance was released that changed the measurement requirements

However, applicants must ensure they adhere to the contract terms in place with **pre**-existing and **standby** debris vendor contracts.

A link to this document is included in the Additional Resources pdf. PAPPGv4v4, Chapter 7. Emergency Work Eligibility, I. Debris Removal



Alternative Procedures for Debris Removal

Applicants may elect to participate in the Alternative Procedures for debris removal and receive reimbursement for straight-time for the Applicant's budgeted employees that conduct debris removal activities.

The Applicant opts-in by including straighttime in their debris removal (Category A) project claims.

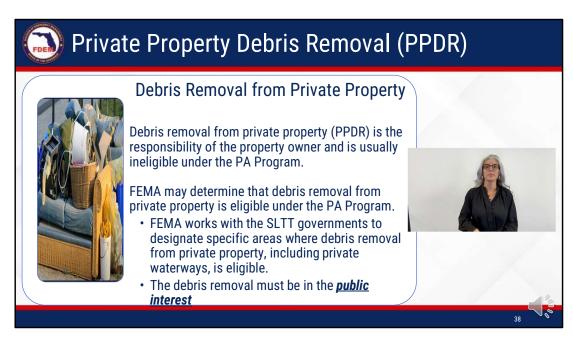




Now, let's go over some alternative procedures for Debris Removal:

Applicants may elect to participate in the Alternative Procedures for debris removal and receive reimbursement for **straight-time** for the Applicant's **budgeted** employees that conduct debris removal activities. The Applicant opts-in simply by including straight-time in their debris removal (Category A) project claims.

Work with your FEMA PDMG to include straight time of your budgeted employees who conduct debris removal activities in your CAT A projects.



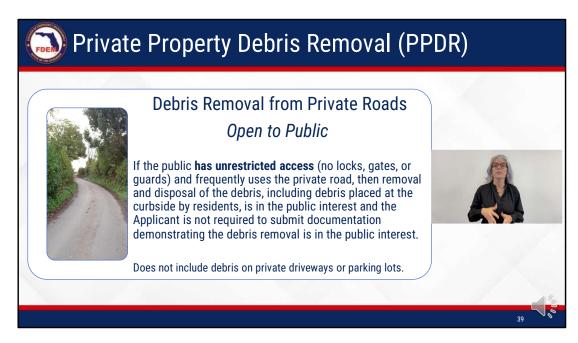
Debris removal from private property (PPDR) is the responsibility of the property owner and is usually ineligible under the PA Program.

However, in limited circumstances, based on the severity of the impact of an incident and whether debris on private property is so widespread that it threatens public health and safety or the economic recovery of the community, FEMA may determine that debris removal from private property is eligible under the PA Program.

In such cases, FEMA works with the State, Local, Territorial, and Tribal governments (SLTT) to designate specific areas where debris removal from private property, including private waterways, is eligible.

There is an approval process for PPDR. You can reference the PAPPG version 4 for more information

FEMA (2020). Public Assistance Program and Policy Guide V4 G.



Next, let's take a look at private roads.

Private roads are those that are not owned, operated or maintained by SLTT governments. These private roads can include orphan roads, roads in gated communities, and homeowners' association roads.

FEMA categorizes private roads into one of two categories, those that are open to the public, and those that are rarely used or have limited public access.

For private roads to be considered open to the public, the public must have unrestricted access (meaning no locks, gates, or guards on the road) and the public must frequently use the private road.

If that is the case, then removal and disposal of the debris, including debris placed at the curbside by residents, is in the public interest and the Applicant is not required to submit documentation demonstrating the debris removal is in the public interest.

Please note, this does not include debris on private driveways or parking lots.

FEMA (2020). Public Assistance Program and Policy Guide V4 Chapter 7

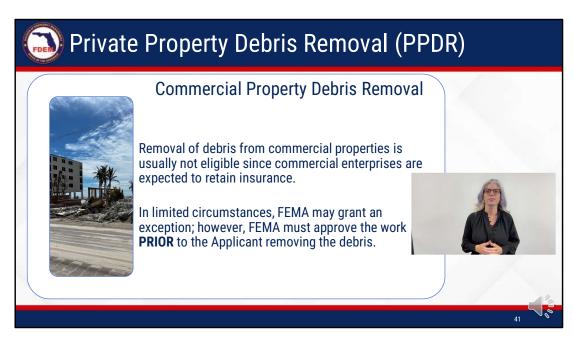


Now, let's review private roads that are rarely used or have limited public access If the public **does not** have **un**restricted access (meaning roads with locks, gates, or guards on them) [transition], or the road is rarely used by the public, then removal and disposal of the debris, including debris placed at the curbside by residents, is typically not eligible for reimbursement. However, to be considered eligible for reimbursement the Applicant is required to submit documentation demonstrating **all** of the following:

That the debris removal:

- •1. Is in the public interest
- •2. Is related to health or economic impacts
- •3. Is the legal responsibility of the Applicant
- •4. That the applicant has permission or Right of entry (Because this road is privately owned, the Applicant must show proof that they received permission to remove the debris), and
- •5. Indemnification Proof that the owner of the private road will not file a lawsuit against the Applicant for removing the debris on their road.

FEMA (2020). Public Assistance Program and Policy Guide V4 Chapter 7

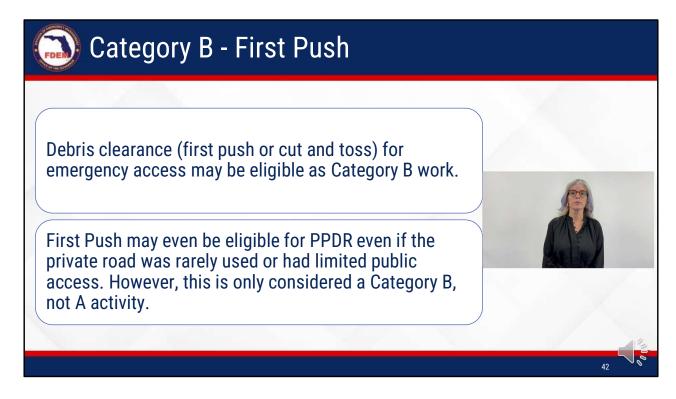


Now, let's look at Commercial Property Debris Removal

The most important item I want you to remember here is that Commercial Property debris removal requires FEMA's Pre-approval.

Removal of debris from commercial properties, such as industrial parks, golf courses, cemeteries, apartments, condominiums, and trailer parks is usually not eligible because commercial enterprises are expected to retain insurance that covers debris removal. In very limited, extraordinary circumstances, FEMA may grant an exception.

However, FEMA must approve the work **prior** to the Applicant removing the debris.

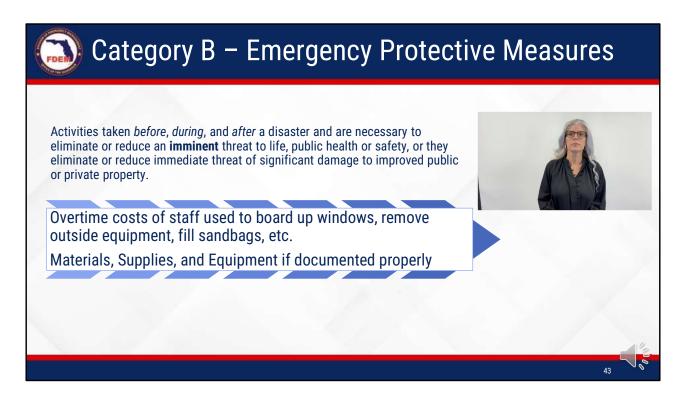


Some of you may have heard about first push and are wondering where that fits in.

Debris clearance (also known as first push or cut and toss) for emergency access may be eligible as Category B work if it meets the criteria in PAPPGv4.

First Push **may even** be eligible for PPDR even if the private road was rarely used or had limited public access. However, this is only considered a Category B, not A activity.

PAPPGv4, Chapter 7. Emergency Work Eligibility, II. Emergency Protective Measures.



Now, let's review what all 67 counties were declared for, Category B, Emergency Protective Measures

Emergency Protective Measures are activities taken **before**, **during**, **and after** a disaster and are necessary to **eliminate or reduce an imminent threat to life**, **public health or safety**, or they eliminate or reduce immediate threat of significant damage to improved public or private property.

In addition to the examples listed on this slide, you may also be required to submit the following:

- •A narrative and methodology regarding how personnel costs were calculated
- •And a statement including:
- •1. that only Over Time and or reassigned (unbudgeted) labor costs are included
- •2. that no administrative leave hours were incorporated in documented costs, and
- •3. that staging was not utilized and is not incorporated in documented costs

HOWs



Can help Offset the non-Federal share

- Applicant uses the resources in the performance of eligible work; and
- The Applicant or volunteer organization tracks the resources (materials, equipment, etc.) and work performed, including description, specific locations, and hours.
- If the donation is specific to permanent work on an eligible facility, then offset to permanent work may be done under some circumstances.

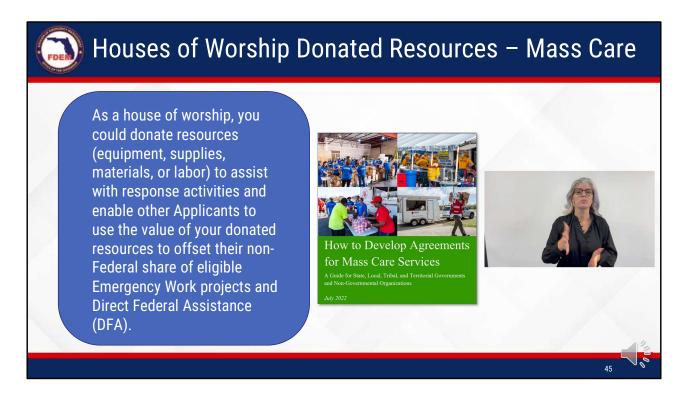




Now, let's review donated resources

- Applicants may use the value of donated resources such as equipment, supplies, materials, or labor to offset the non-Federal share of their eligible projects. Remember, Houses of Worship that's the 25% you'll be responsible for. All donated resources being claimed must be documented. Make sure you show who, what, when, where, why, and how the donated resources activity occurred. For example, for your volunteers make sure you include their:
 - Name
 - The days and hours they worked and for this, please include the time they clocked in and out, and
 - A description of work performed which includes their location. You can provide this in daily logs, activity reports, or other methods.
- FEMA considers unpaid individuals who volunteer their labor to an Applicant to be a third party even if they are officially members or employees of the Applicant's organization
- FEMA prepares the donated resources project separate from the Emergency Work projects for the Applicant's incurred costs. FEMA does not obligate the donated resources project until after it obligates all the Applicant's Emergency Work projects.
- Please remember, if the donated resources are not sufficiently documented, they will not be considered eligible to offset the non-federal cost share.

https://www.fema.gov/fact-sheet/donated-resources-can-help-offset-public-assistance-project-costs, Donated Resources Can Help Offset Public Assistance Project Costs. February 9, 2022.



As you may have heard, Public Assistance has specific eligibility requirements for Houses of Worship. Houses of Worship that are **not** eligible for PA reimbursement can still develop a Memorandum of Agreement or Understanding (MOA/MOU) with a government entity if they do not expect reimbursement **directly** as an eligible Applicant for the same work or costs through the PA program. For example, *according to FEMA* governments, *not houses of worship*, **governments** are responsible for the delivery of mass care services and emergency assistance that save and sustain lives within their jurisdictions.

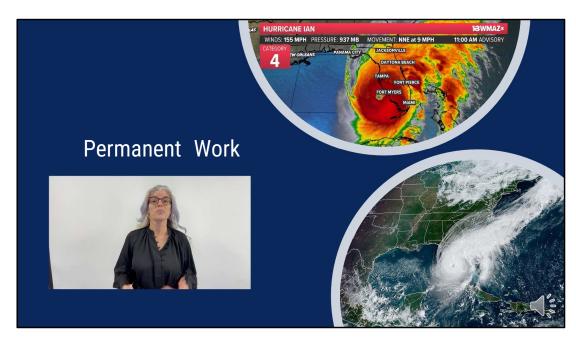
As a House of Worship, you could donate resources including equipment, supplies, materials, or labor, to assist with response activities and enable other Applicants to use the value of your donated resources to offset their non-Federal share of eligible Emergency Work projects and Direct Federal Assistance (DFA). [44 C.F.R. 206.208; 2 C.F.R. 200.434]

This document, *How to Develop Agreements for Mass Care Services*, emphasizes the importance of MOAs/MOUs for work which may be considered for reimbursement for certain Houses of Worship through governments and/or the FEMA Public Assistance program.

A link to this document is included in the Additional Resources pdf.

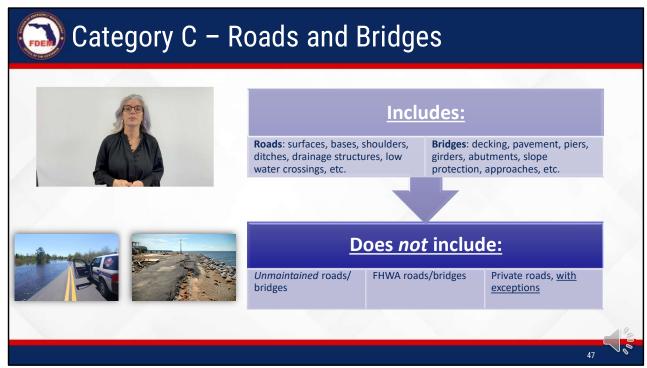
https://nationalmasscarestrategy.org/wp-

<u>content/uploads/2022/08/DvlpngMssCareAgrmntsGuide_20220727_508.pdf</u>. How to Develop Agreements for Mass Care Services: A Guide for State, Local, Tribal, and Territorial Governments and Non-Governmental Organizations/ July 2022.



Let's move on to permanent work, Categories C-G.

HOWs



Category C- Roads and Bridges

This includes repairs of roads, bridges, and associated features such as bases, shoulders, and ditches.

YOU the Applicant must,

- •Ensure that the road was maintained prior to the disaster ONLY repairs of damages caused by the disaster are eligible. So, be prepared to submit those maintenance records.
- •For Bridges also be sure to have the most recent safety inspections on hand or available.

Some ineligible examples of Category C projects include **Unmaintained** roads or bridges Federal Highway Administration roads And Private roads with some exceptions.

PAPPGv4, Chapter 8. Permanent Work Eligibility, IX. Eligibility Considerations by Facility, A. Roads and Bridges

PAPPGv4, TERMS and DEFINITIONS

HOWs



Category D- Water Control Facilities

This includes repairs of irrigation systems, drainage channels and pumping facilities to include levees.

This does not include water control facilities under the control of another Federal agency with very few exceptions,

So please, check with your water management district if you are unsure of the legal responsibility of your Water Control Facility.



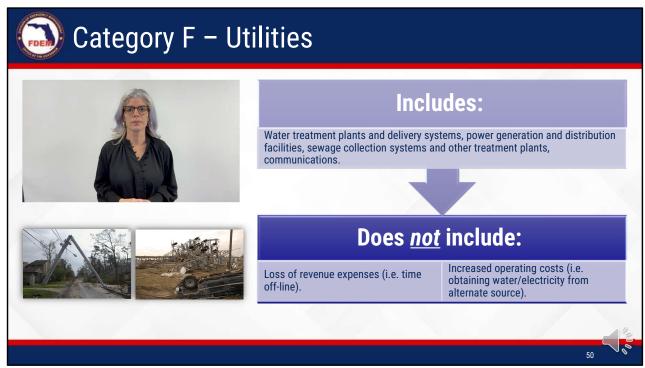
Category E- Buildings and equipment

This category may apply to Houses of Worship the most, and includes repairs or replacement of buildings, including their contents and systems, or their heavy equipment.

Work required to restore damaged buildings will be considered along with upgrades required by Building Codes and Standards. This includes all structural and non-structural components, including mechanical, electrical, and plumbing systems, as well as, Contents, Furnishings, and Equipment within the building.

But, this does not include damages already covered by insurance, because that would be a duplication of benefits.

HOWs



Category F- Utilities

This includes repairs of water treatment and delivery systems; power generation facilities and distribution lines; and sewage collection and treatment facilities.

Please note, FEMA will not provide reimbursement for increased operating expenses or revenue lost if a utility is shut down.

HOWs

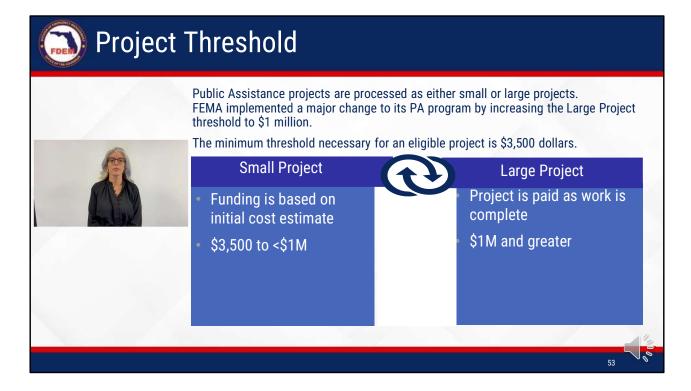


- •Finally, Category G, Parks and Recreation, Other
- Category G projects include the repair and restoration of
 parks, playground equipment, beaches, ball fields, public cemeteries and other facilities that do not otherwise fit in categories C-F.
- •This does not include unimproved natural features, or the replacement of trees, shrubs, or ground cover **unless** they are used for slope stabilization or to minimize erosion, and it does not include PNP-owned recreational facilities **unless** the facility is providing eligible essential social services.

PAPPG, V4. APPENDIX B: PRIVATE NONPROFIT FACILITY ELIGIBLE EXAMPLES PAPPG, v4. Chapter 8. IX. Eligibility Considerations by Facility. E. Parks, Recreational, Other (Category G)



Next let's go over project costs such the PA Project Threshold, management costs, and a quick overview of Expedited Projects.



Public Assistance projects are processed as either small or large projects.

On August 3, 2022, FEMA implemented a major change to its Public Assistance program by increasing the Large Project threshold to \$1 million.

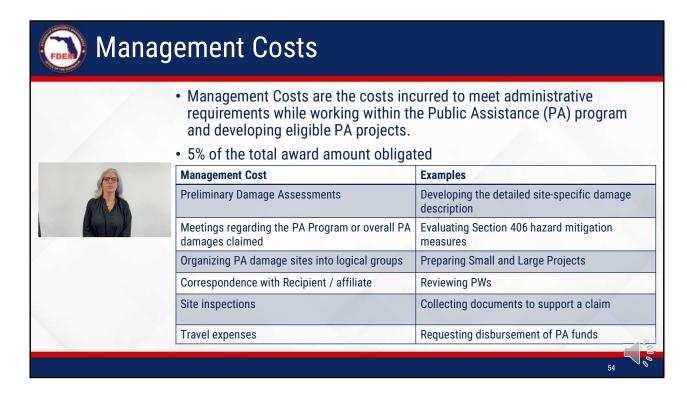
Let's break that down, if the project cost is less than \$1M the project is processed as a small project. If the project cost equals, or exceeds the threshold, the project is processed as a large project.

Please note, the minimum threshold necessary for an eligible project is \$3,500 dollars.

Let's look another difference between a small and a large project:

For Small Projects

- Funding is based on an initial cost estimate, and For large projects:
- · The project cost is paid as work is accomplished



Next, let's review management costs which are the costs incurred to meet administrative requirements while working within the Public Assistance program and developing eligible PA projects.

There is not a minimum threshold for this category.

FEMA formulates a Project Worksheet or (PW) for a maximum of 5% of the total award amount obligated for a subrecipient at the time of its request.

Total award amount is the **actual** eligible PA project cost including the non-federal share, after insurance and any other reduction. This does not include any Donated Resources projects.

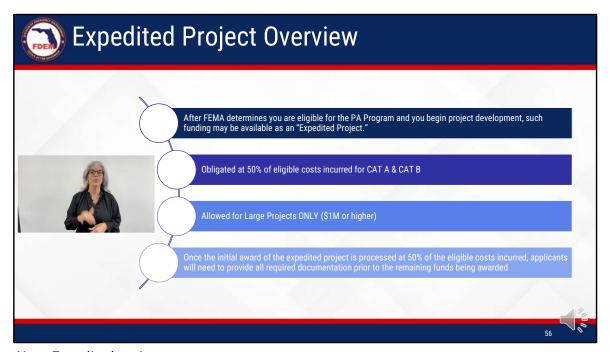
Although management costs are awarded at the end of the project, please start documenting your efforts now. It is very important that you document **all** your administrative costs to substantiate the eligibility of costs and activities claimed as management costs. Your documentation should include activity logs, procurement data, invoices, and proof of payments.



As a reminder, management costs are based on actual costs incurred up to 5% of the total award.

This includes management costs for all projects, both Large & Small (except Category B Donated Resources PWs)

- it is obligated as a Category Z Project Worksheet, and
- it is funded at a 100 percent Federal cost share



Now, Expedited projects:

We understand that some Applicants may need access to funding on an expedited basis in order to address costs incurred responding to or recovering from Hurricane Ian.

After FEMA determines you are eligible for the PA Program and you begin project development, such funding may be available as an "Expedited Project."

Please note, you will have 60 days following your RSM to Submit your request for an Expedited Project, if desired.

Expedited Projects are obligated at 50 percent of eligible costs incurred for Debris Removal (Category A) and Emergency Protective Measures (Category B).

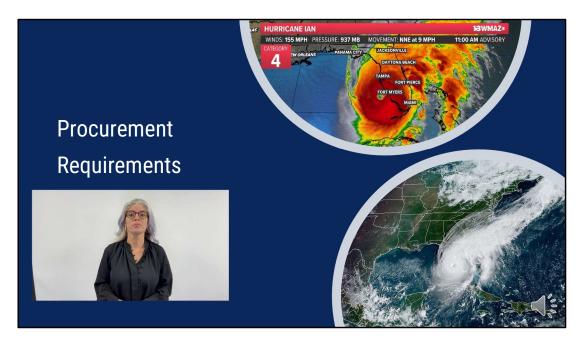
Only projects totaling \$1M or greater or large projects can be processed through the Expedited project process.

Once the initial award of the expedited project is processed at 50% of the eligible costs incurred, applicants will need to provide all required documentation prior to the remaining funds being awarded

If you have questions on an eligibility determination for your organization, please bring them to your Recovery Scoping Meeting held after submitting your RPA.

PAPPG, v4 (2020). Chapter 9. Scope of Work and Cost Development, II. Cost Development, B. Expedited Projects for Emergency Management Work.

B. Expedited Projects for Emergency Work



Let's discuss procurement requirements for using contracts for eligible work.

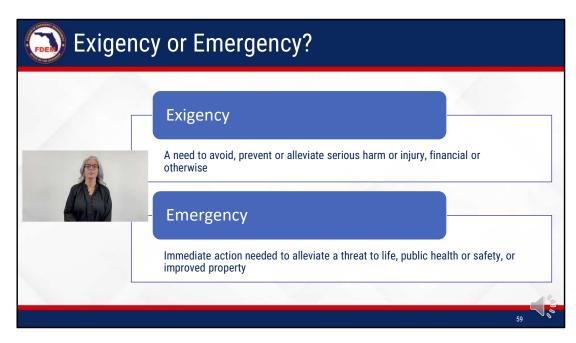


- FEMA provides PA funding for contract costs based on the terms of the contract <u>if the</u>
 Applicant meets Federal procurement and contracting requirements.
- Contract costs must be reasonable
- You may be wondering "What is reasonable"??
 - FEMA generally considers contract costs reasonable when the Applicant adheres to full and open competition
 - Applicants must use their own documented procurement procedures. Unless the corresponding local procurement rule is more stringent, Federal law and standards should be applied.
 - Please note, you MUST have an internal procurement policy before submitting your RPA which is due by January 6th. 2 C.F.R. § 200.319
- Some general requirements and best practices for procurement are:
 - 1. Document everything and retain those documents related to procurement
 - 2. Include FEMA's required clauses and provisions in contracts
 - 3. Take the required 6 affirmative steps to encourage women and minority small business owners and labor surplus areas if applicable to participate in the contracting process
 - 4. Please consider attending procurement trainings offered by FEMA. A schedule of virtual trainings being offered right now is available on fema.gov.
- Another best practice we recommend for our applicants:

Be sure that your organization identifies multiple staff members who are familiar with the processes and the documentation that your organization will be required to submit to the State and FEMA PA staff. Identifying these individuals now can ensure a seamless review, project development, and anticipated approval of your organization's damages.

You should have a procurement policy in place detailing how your organization acquired services and contracted services to be in compliance with federal procurement guidelines. If your organization does not have a procurement policy, then you may consider downloading a template. Your organization's procurement policy needs to be in place prior to submission of your Request for Public Assistance.

Procurement Under Grants Training Schedule https://www.fema.gov/grants/procurement/training



Now, Exigency or Emergency?

The existence of an Executive Order from the Governor does not automatically create an exigency (ex-uh-genc-ee) or emergency. These situations are LIMITED to as long as the dangerous condition exists. Once the condition is over, FEMA would expect the applicant to terminate these contracts and competitively procure a new contract (if there is still a need to continue work).

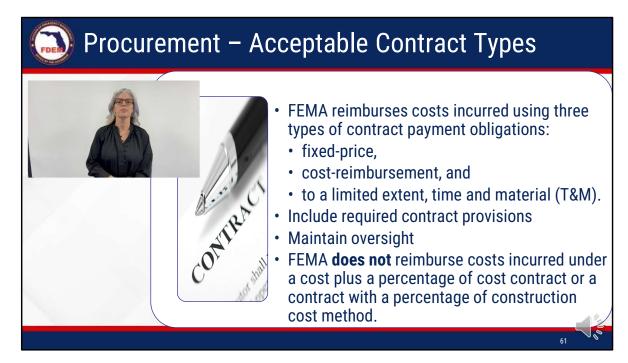
Please check your specific circumstances to determine whether an emergency still exists in your area. Relying on the Governor's Executive Order for the whole State of Florida may not be enough to indicate the continuation of an emergency situation.

If you are using **sole sourcing** due to emergency or exigency, you must

- Justify it with proper documentation
- Use it only during the period of actual exigent or emergency circumstances
- And transition to a competitive method, as soon as the period ends.



- An Applicant must perform a cost or price analysis in connection with every procurement action in excess of the simplified acquisition threshold, currently \$250,000, including contract modifications.
 - The method and degree of analysis depends on the facts surrounding the specific procurement situation.
- And, the Applicant must make independent estimates before receiving bids or proposals.



Now let's review some acceptable contract types

FEMA reimburses costs incurred using three types of contract payment obligations:

fixed-price.

cost-reimbursement, and

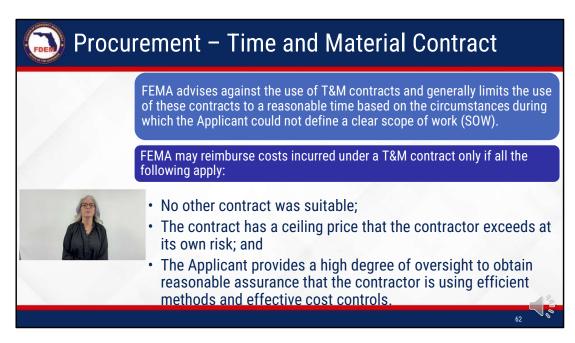
to a limited extent, time and material.

The Applicant must include the required provisions in all awarded contracts and maintain oversight to ensure that contractors perform according to the contract's conditions and specifications, as well as, any purchase orders.

FEMA <u>does not reimburse</u> costs incurred under a cost plus a percentage of cost contract, or a contract with a percentage of construction cost method.

A FEMA guidance document outlining these required contract provisions can be found on FloridaPA under the PA Info TAB.

https://emilms.fema.gov/is_1009/groups/21.html

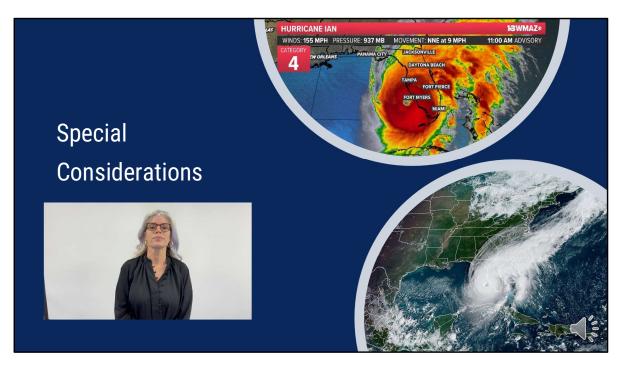


FEMA advises against the use of Time & Material contracts and generally limits the use of these contracts to a reasonable time based on the circumstances during which the Applicant could not define a clear scope of work.

FEMA reimburses costs incurred during a Time & Material contract only if all of the following apply:

- 1. No other contract was suitable:
- 2. The contract has a ceiling price that the contractor exceeds at its **own** risk; and
- 3. The Applicant provides a high degree of oversight to obtain reasonable assurance that the contractor is using efficient methods and effective cost controls.

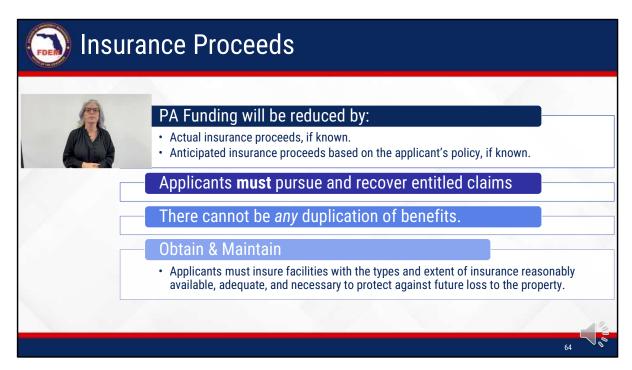
The Applicant should define the Scope of Work <u>as soon as possible</u> to enable procurement of a more acceptable type of contract.



Now, let's review some special considerations which are issues other than program eligibility that could affect the scope of work and the funding of a project such as: Insurance

Floodplain Management **Hazard Mitigation** Environmental Protection, and

Historic Preservation and Cultural Resources



No double-dipping! FEMA cannot provide assistance for disaster-related losses when duplication of benefits occurs for an applicant, which, as a reminder, means that the Applicant receives disaster-related funding from two sources for the same item of work. For instance, funding from insurance and FEMA for the same item of work; not acceptable.

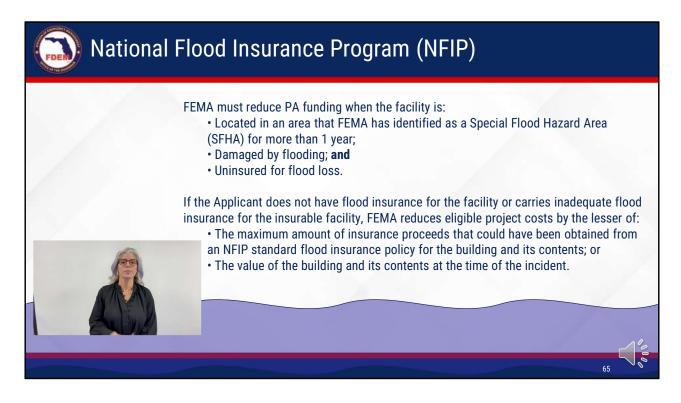
Before FEMA approves assistance for a property, an applicant must provide FEMA with information about any actual or anticipated insurance settlement or recovery it is entitled to for that property. This is because FEMA PA funding will be reduced by these insurance proceeds to avoid a duplication of benefits.

Applicants must make reasonable efforts to pursue and recover all claims.

Applicants that receive PA funding for permanent work to replace, repair, reconstruct, or construct a facility must **obtain** and **maintain** insurance on the FEMA funded facilities with the types and extent of insurance reasonably available, adequate, and necessary to protect against **future** loss to the property.

Stafford Act § 311, 42 U.S.C. § 5154; 44 C.F.R. § 206 Subpart I.

Duplication of Benefits (DOB) definition https://emilms.fema.gov/is_1024/groups/57.html



One type of insurance you may consider obtaining and maintaining is a standard flood insurance policy provided by the National Flood Insurance Program (NFIP) Please note,

FEMA must reduce PA funding when the facility is:

- Located in an area that FEMA has identified as a Special Flood Hazard Area for more than 1 year;
- Is damaged by flooding; and
- · Uninsured for flood loss.

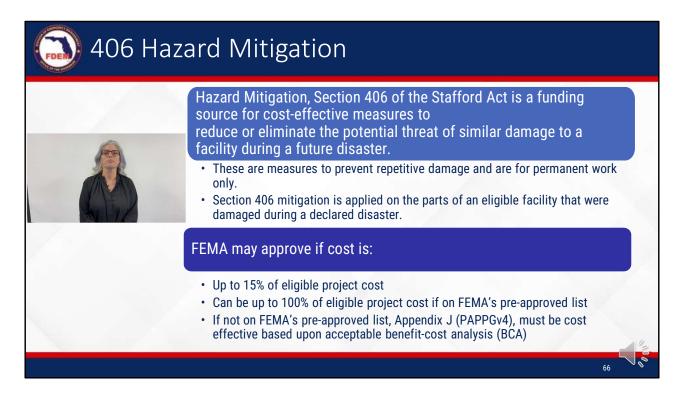
If the Applicant does not have flood insurance for the facility **or** carries **inadequate** flood insurance, FEMA reduces eligible project costs by the lesser of:

- The maximum amount of insurance proceeds that could have been obtained from an NFIP standard flood insurance policy for the building and its contents; or
- The value of the building and its contents at the time of the incident.

The reduction stated previously shall not apply to a house of worship facility which could not be insured because it was located in a community not participating in the NFIP.

So, please notify your PDMG if you believe your facility meets this listed criteria.

44 C.F.R. § 206.252



Next, let's review 406 Hazard Mitigation -

Hazard Mitigation, Section 406 of the Stafford Act is a funding source for cost-effective measures to reduce or eliminate the potential threat of similar damage to a facility during a future disaster.

These are measures to prevent repetitive damage and are for permanent work only. Section 406 mitigation is applied on the parts of an eligible facility that were damaged during a declared disaster.

FEMA considers mitigation measures to be cost-effective if any of the following criteria are met:

- 1. The cost for the mitigation measure does not exceed 15 percent of the total eligible repair cost (prior to any insurance reductions)
- 2. The mitigation measure is specifically listed in <u>Appendix J: Cost-Effective Hazard Mitigation Measures</u> in the PAPPG AND the cost of the mitigation measure does not exceed 100 percent of the eligible repair cost (prior to any insurance reductions) of the facility or facilities for which it applies, or
- 3. The Recipient or Applicant demonstrates through an acceptable benefit-cost analysis (BCA) methodology that the measure is cost-effective.

Many mitigation measures that do not meet the first two criteria mentioned previously prove to be cost-effective based on a BCA. If that is the case, FEMA, the Recipient, and the Applicant will work together to develop a BCA methodology to determine whether the project is cost-effective.

PAPPG, v4. Chapter 8. Permanent Work Eligibility, IV. Hazard Mitigation, A. Public Assistance Hazard Mitigation

PAPPG, v4. Appendix J. Cost-effective Public Assistance Hazard Mitigation Measures



Moving on to Environmental and Historic Preservation (EHP), FEMA uses all practical means and measures to protect, restore and enhance the quality of the environment, to avoid or minimize adverse impacts to the environment, and to preserve historic, cultural and natural aspects of national heritage, as required by Federal environmental and historic preservation policies and laws.

EHP reviews must occur before construction, let me repeat that.. Environmental and Historic Preservation reviews must occur before construction and failure to comply with applicable Federal, State and local EHP requirements could **jeopardize** or **delay** your PA funding EHP Codes and Standards IS 1019 https://emilms.fema.gov/is_1019/groups/62.html



All PA awards must comply with the applicable EHP laws and regulations and all EHP permits such as the ones outlined in the National Historic Preservation Act, the National Environmental Policy Act, the Endangered Species Act, and so on...

The links to all these policies are available in the Additional Resources pdf.

Clean Air Act (CAA)

https://www.epa.gov/laws-regulations/summary-clean-air-act

Clean Water Act (CWA)

https://www.epa.gov/laws-regulations/summary-clean-water-act

Endangered Species Act (ESA)

https://www.fws.gov/law/endangered-species-act

National Environmental Policy Act (NEPA)

https://www.epa.gov/nepa

Resource Conservation and Recovery Act (RCRA)

https://www.epa.gov/laws-regulations/summary-resource-conservation-and-recovery-act

National Historic Preservation Act

https://www.achp.gov/digital-library-section-106-landing/national-historic-preservation-act

Coastal Barrier Resources Act

https://www.fws.gov/program/coastal-barrier-resources-act

Migratory Bird Treaty Act

https://www.fws.gov/law/migratory-bird-treaty-act-1918

Coastal Zone Management Act

https://coast.noaa.gov/czm/act/

Farmland Protection Policy Act

https://www.nrcs.usda.gov/wps/portal/nrcs/main/national/landuse/fppa/

Fish and Wildlife Coordination Act

https://www.fws.gov/law/fish-and-wildlife-coordination-act

Wild and Scenic Rivers Act

https://www.energy.gov/nepa/downloads/wild-and-scenic-rivers-act

Magnuson-Steven Fishery Conservation and Management Act

https://www.fisheries.noaa.gov/resource/document/magnuson-stevens-fishery-conservation-and-

management-act

Floodplain Management Act

https://www.epa.gov/cwa-404/floodplain-management-executive-order-11988

https://www.fema.gov/floodplain-management

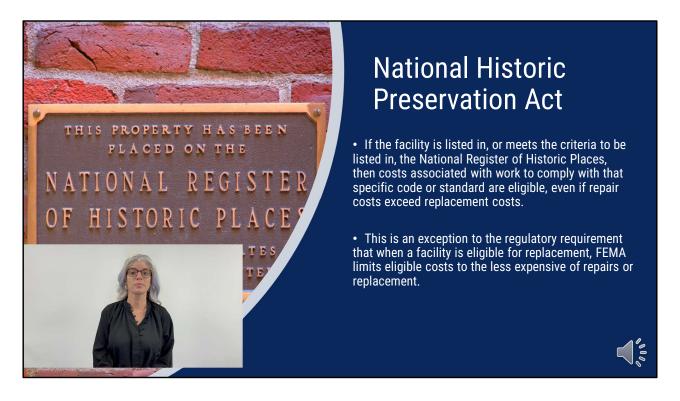
Protection of Wetlands Act

https://www.epa.gov/cwa-404/protection-wetlands-executive-order-11990

Environmental Justice Act

https://www.epa.gov/environmentaljustice/environmental-justice-and-national-environmental-

<u>policy-act</u>



<u>Let's take a closer look at the National Historic Preservation Act:</u> If your facility is listed in, or meets the criteria to be listed in, the *National Register of Historic Places*, **then** costs associated with work to comply with that specific code or standard are **eligible**, **even if repair costs exceed replacement costs**.

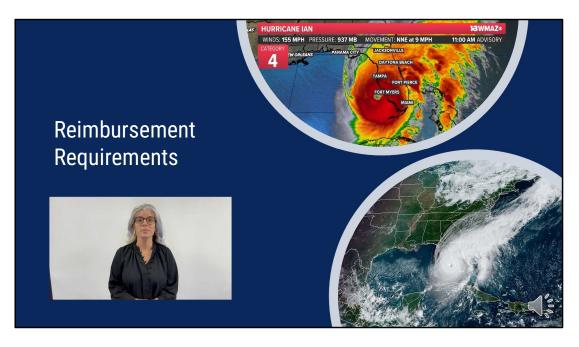
This is an exception to the regulatory requirement that when a facility is eligible for replacement, FEMA limits eligible costs to the **less** expensive of repairs or replacement

Please inform your PDMG if your facility has a building that is on or meets the criteria to be on the National Register of Historic Places. You can check this by going to: nps.gov

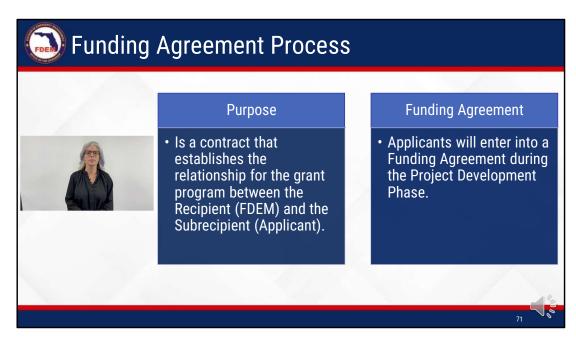
www.nps.gov/subjects/nationalregister/database-research.htm

https://emilms.fema.gov/is_1016/groups/90.html

National Register of Historic Places, Creative Commons License, flickr.com https://www.flickr.com/photos/samagnew/6138737993



Finally, let's go over some requirements to receive this reimbursement.



In order to receive reimbursement, the Applicant is required to enter into a Funding Agreement with the State (FDEM) as a pass-through entity.

The Funding Agreement outlines the terms and conditions of accepting Federal funding through the Public Assistance Program, and

Applicants will enter into a Funding Agreement with the State during the Project Development Phase



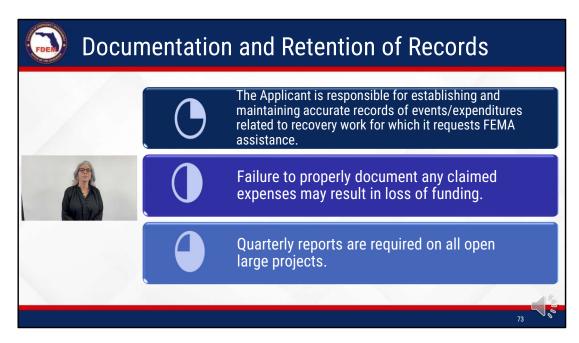
All documents are subject to an audit by the State, FEMA, and the US Department of Homeland Security, Office of Inspector General. Failure to properly document any claimed expenses may result in loss of funding.

[transition]

You must maintain ALL records for 5 years post Account closeout.

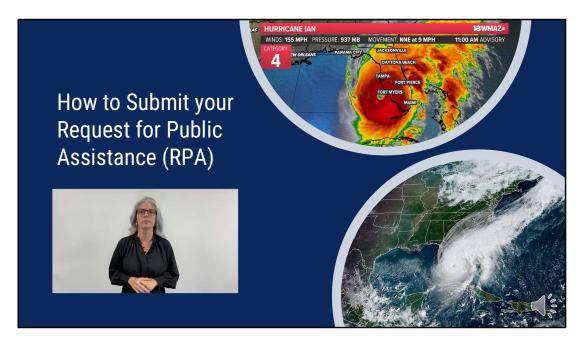
So, preserve everything for 5 years after the last activity is performed on the account. Appeals and other administrative actions could shift that deadline slightly.

https://files.floridados.gov/media/703328/gs1-sl-2020.pdf

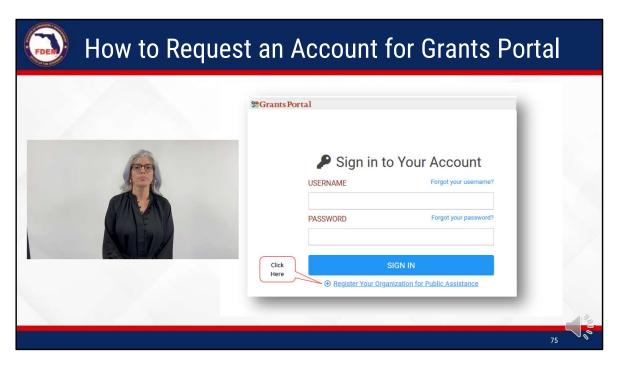


And finally, documentation and retention of records:

You, as the Applicant, are responsible for establishing and maintaining accurate records of events or expenditures related to recovery work for which you request FEMA assistance. Failure to properly document any claimed expenses may result in loss of funding; and quarterly reports are required on all open large projects.



Congratulations! You may have determined that you are an eligible applicant, have an eligible facility and are providing an eligible, essential service, have performed eligible work, and have incurred eligible costs. If so, you're ready to submit your request for public assistance! Let's go over those steps.



First, if you have never requested an account in Grants portal, you'll want to follow these directions.

Please note, we will be providing the links to Grants Portal as well as an Applicant Quick Guide from FEMA in the chat.

To request Grants Portal access, go to the Grants Portal home page at grantee.fema.gov and click on "Register your Organization for Public Assistance".

Grants Portal https://grantee.fema.gov

https://grantee.fema.gov/Content/files/Applicant%20Quick%20Guide%20Grants%20Portal%20Account%20and%20RPA%20(Mar%2028%202020).pdf



You, the Applicant, are then prompted to complete basic information about the organization, contact information, and location and then submit the form for Recipient review. The online form will prompt you to select the "Organization Type". If you select an incorrect "type", the processing of the RPA will be delayed.

If you are unsure of your type or are having any difficulties with registering or submitting your RPA, please email: [transition1] RPA.Help@em.myflorida.com to be connected with a State of Florida representative.

To speak with a FEMA representative, call the hotline at [transition2] 1-866-337-8448, or email: [transition3] FEMA-Recovery-PA-Grants@fema.dhs.gov

After you complete the account request, you will receive a system-generated email with a username and temporary password to gain access to Grants Portal.

The system will then prompt you to create a permanent password.

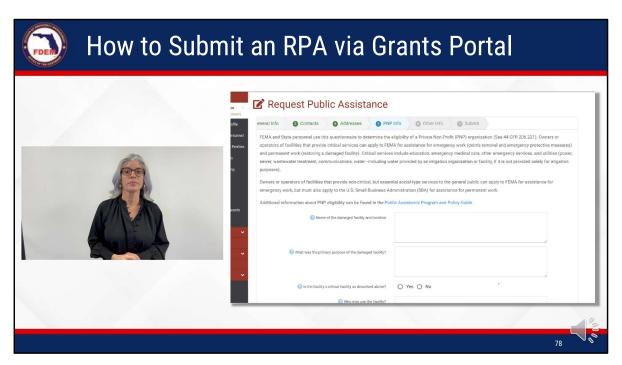
Once you have access to Grants Portal, you can choose to follow the instructions we are going to talk about next to either directly submit an RPA in the system or request an RPA to be submitted by the Recipient on your behalf.



Houses of Worship must wait for account creation approval from the Recipient before submitting an RPA. As stated previously, if you are required to submit an application for an SBA loan. then please submit your request for account creation in Grants Portal at the same time. You do not need to wait to receive your SBA determination letter before you submit your Request for Public Assistance. Please submit your RPA by [transition] January 6th.

This section describes how an Applicant who has a current Grants Portal account may submit its RPAs: simple, it's directly through Grants Portal.

The Applicant logs into Grants Portal and selects "Click here to submit an RPA for your organization" on the Dashboard.



Next, complete all required information including marking whether or not your facility provides critical services. Remember, facilities that provide noncritical, but essential social services can apply to FEMA for assistance for emergency work but must also apply for an SBA loan for permanent work.



Houses of Worship should upload all required information and documentation here such as:

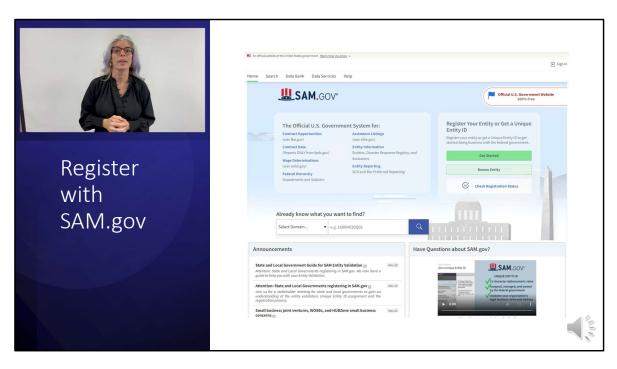
- Documents to support legal responsibility of your facility: those Deeds, Titles, Contracts, or Lease Agreements we talked about previously;
- Tax-exempt status documentation, such as a 501(c)(3) letter,
- Your insurance policy, and
- Articles of incorporation or Bylaws before clicking "next"



When finished, click "Submit."

Once submitted, the Recipient and FEMA review the RPA for Applicant eligibility. The Applicant can view the status of its RPA in Grants Portal.

Please note, an applicant can request an RPA is submitted by the Recipient (the State) on their behalf. If you'd prefer that, please provide the State with the information listed on page 5 of the Applicant Quick Guide from FEMA that has been linked for you in the chat.



Applicants will also be asked to enter in their Unique Entity Identifier (UEI) upon submitting their RPA. You can register for your UEI at SAM.gov which we have linked for you in the Additional Resources pdf.

U.S. General Service Administration https://sam.gov/content/home



As a reminder, the important steps are:

- Get FEMA's Grants Portal access, if needed.
- Apply for an SBA loan, if applicable
- Submit your RPA.
- And, as always, Document your Efforts.



This is the contact information for our leadership here at the Recovery Bureau.



This is the contact information for our Regional Coordinators who specialize in recovery and mitigation. They are located all over the state and are available to meet your needs.



We hope you've enjoyed this briefing, if you'd like to recommend this presentation to others, or want to check in for future updates, please see updated schedule posted in FloridaPA, WebEOC or FloridaDisaster.org.

Thank you for posting your questions in the chat. Please send any other questions to FDEM-Recovery-Questions@em.myflorida.com or reach out to your Regional Coordinators. A copy of this presentation and the recording is uploaded in Florida PA and linked for you in the chat. Additional resources mentioned throughout this presentation have been compiled for you in the pdf: Hurricane lan (DR-4673) State Applicant Briefing Additional Resources which is also uploaded to Florida PA and linked for you in the chat. You can also find these links in the presentation itself should you choose to download it.

This concludes our Applicant Briefing for Hurricane Ian for our Houses of Worship. We will leave the webinar open for 5 more minutes for any questions you'd like to include in the chat. Thank you for attending.

https://floridapa.org/site/palnfo.cfm

https://floridadisaster.webeocasp.com/floridadisaster/default.aspx

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