



FEMA

April 27, 2020

Samantha Phillips
Governor's Authorized Representative
Director, Massachusetts Emergency Management Agency
400 Worcester Road
Framingham, MA

Re: FEMA-4496-DR-MA
Request for Emergency Feeding Program to Support Self-Isolated Exposed, Contracted or
High-Risk Individuals

Dear Director Phillips:

I am responding to your letter dated April 27, 2020, requesting that the Federal Emergency Management Agency ("FEMA") approve Public Assistance ("PA") funding for costs related to providing food to individuals requiring these services as a result of the novel coronavirus of 2019 ("COVID-19") pandemic in order to protect the health and safety of the public.

Eligible emergency protective measures taken to respond to COVID-19 emergency at the direction or guidance of state or local public health officials may be reimbursed under Category B of the PA Program pursuant to Section 502 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act if necessary to save lives, protect improved property or public health and safety, and/or lessen or avert the threat of catastrophes.

Purchasing and distributing life-sustaining commodities such as food and providing it to impacted communities are eligible emergency protective measures. The cost of delivering food to unsheltered residents in communities where conditions constitute a level of severity such that these items are not easily accessible for purchase is also eligible.

FEMA acknowledges that Emergency Feeding and Distribution of Food will be implemented by the State pursuant to the Governor's "stay at home" order and subsequent advisory from the Massachusetts Department of Public Health's Stay-At-Home Advisory issued on March 24 and reissued on March 31, 2020.

Based on my review of your request and supporting information provided, I am approving implementation of Emergency Feeding in order to provide food, including prepared meals, to (1) individuals who are high-risk (people over 65 or have certain underlying health conditions) who are quarantined or are self-isolated and unable to obtain and/or prepare meals independently; and (2) individuals who do not have the resources to prepare or obtain meals, facing food insecurity and have

not signed up for, or are not eligible for public nutrition programs, such as the U.S. Department of Agriculture (“USDA”) Food and Nutrition Service (“FNS”) Supplemental Nutrition Assistance Program (“SNAP”), or Nutrition Programs. As stated in your request, all efforts will be made to register those assisted into these more traditional nutrition assistance programs, thereby, further stabilizing the situation and ensuring FEMA eligibility.

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 Program request.

My approval of PA funding for costs incurred by the State, Tribal, and local governments to implement and administer Emergency Feeding include the following:

- Individuals who are high-risk (people over 65 or have certain underlying health conditions) who are quarantined or are self-isolated and unable to obtain and/or prepare meals independently.
- Individuals who do not have the resources to prepare or obtain meals, facing food insecurity and would forgo social distancing instructions in order to feed themselves and their families.

For Nutrition Programs that require individuals to pick up their food, FEMA will reimburse eligible costs associated with in-home delivery for individuals listed above.

My approval of PA funding for costs incurred by the State, Tribal, and local governments to implement and administer Emergency Feeding does not include services provided to populations who are receiving assistance from existing programs such as the USDA FNS, SNAP, Nutrition Programs, or other programs.

My approval is limited to costs that are reasonable and necessary for providing the services as described in this approval in accordance FEMA policies.¹ 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.

As discussed in your request, no later than 14 days from your receipt of this approval 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 for the next

¹ *Public Assistance Program and Policy Guide*, FP 104-010-03 (April 11, 2020). See also 2 C.F.R. 200.402 and 200.404.

30 days through **May 26, 2020**, unless the duration of the Public Health Emergency declared by the Secretary of Health and Human Services ends earlier. 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 or executive order.

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 all required contract provisions and terms sufficiently specific to enable FEMA to evaluate eligibility of services and costs claimed pursuant to these agreements.

Additionally,

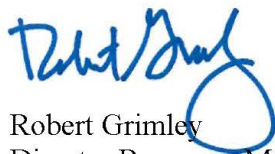
The State, Tribal, and local governments must follow their own procurement procedures as well as the Federal requirements for procurement, including FEMA's Procurement Under Grants Conducted Under Exigent or Emergency Circumstances guidance, and include a termination for convenience clause.

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 Tom Evans, Public Assistance Infrastructure Branch Director, at 202-480-1202.

Sincerely,



Robert Grimley
Disaster Recovery Manager
FEMA Region 1