

March 27, 2024

The Honorable Deanne Criswell  
Administrator  
Federal Emergency Management Agency  
500 C St SW  
Washington, DC 20024

To Administrator Criswell,

On behalf of the National Low Income Housing Coalition (NLIHC), the NLIHC-led Disaster Housing Recovery Coalition (DHRC), and the undersigned organizations, we write to express deep concern regarding FEMA's decision to retroactively deny reimbursement under its Public Assistance (PA) program to the state of California and multiple municipal governments for non-congregate sheltering conducted during portions of the COVID-19 pandemic. FEMA showed tremendous leadership in quickly modifying its PA program to support non-congregate sheltering during the COVID-19 pandemic – an action that successfully prevented the virus from harming some of the most at-risk members of society, thus saving countless lives. By retroactively limiting eligibility, however, FEMA undermines this leadership and the trust needed for state and local governments to rely on FEMA commitments. Unless FEMA reverses this decision, localities will be less likely to use critical FEMA resources, even when necessary to keep their residents safe during an emergency, out of fear that FEMA may arbitrarily and retroactively change policy. **We urge FEMA to reverse course and reinstate the reimbursement policy it promised these localities.**

The DHRC includes more than 900 local, state, and national organizations, including many organizations working directly with disaster-impacted communities and with first-hand experience recovering after disasters. Together, we work to ensure that federal disaster recovery efforts reach all impacted households, including those with the lowest incomes and those who are most marginalized and underserved. NLIHC and the DHRC were heavily involved in informing housing advocacy and homeless service organizations about the ability to utilize FEMA PA to assist in deconcentrating shelters during the COVID-19 pandemic.

In October 2023, FEMA issued a [letter](#) from Region IX to the State of California retroactively changing eligibility for reimbursement, including by denying reimbursement for any hotel stay longer than 20-days, for the state and its municipal governments for expenses incurred after June 11, 2021 when the state public health official lifted the state's stay-at-home order.<sup>1</sup>

We are concerned that FEMA's retroactive announcement limiting eligibility will have a detrimental impact on the willingness of other state and local governments to rely on FEMA reimbursements when making decisions about future non-congregate sheltering operations. That lack of trust will make it even more difficult for advocates to encourage state and local governments to support unhoused residents during future disasters and pandemics, even with the potential for FEMA reimbursement.

Moreover, FEMA's rationale for changing policy on reimbursements does not reflect the medical reality for those experiencing homelessness at that time. FEMA's October 2023 letter states that June 11, 2021 marked a different stage of the pandemic that required less stringent isolation and quarantine requirements, citing the lifting of California's stay-at-home order and the widespread vaccination rates at

---

<sup>1</sup> Letter from Regional Administrator Fenton to Nancy Ward, October 16, 2023 <https://calmatters.org/wp-content/uploads/2024/02/FEMA-Oct.-16-2023-reimbursement-letter.pdf>

the time. However, that conclusion does not reflect the status of vaccination rates or viral spread for the population that non-congregate sheltering programs were serving: individuals experiencing homelessness. Several studies conducted after June 11, 2021 in cities across California found that vaccination rates were significantly lower among individuals experiencing homelessness than the population at large. In San Francisco alone, only 39% of people experiencing homelessness were vaccinated as of August 2021 – nearly half the vaccination rate of California overall at the same time.<sup>2</sup> Sacramento also reported lower vaccination rates amongst individuals experiencing homelessness.<sup>3</sup> Los Angeles reported a COVID mortality rating for those experiencing homelessness double that of housed COVID-19 positive individuals throughout 2021.<sup>4</sup> Ending non-congregate sheltering in such conditions would have resulted in at-risk individuals being sent back into crowded congregate shelters with low vaccination rates. Significant public health consequences, including further spread of COVID-19, illness, and even deaths, would have likely occurred as a result.

During the pandemic, NLIHC released multiple guides and toolkits on the subject to assist groups providing services to individuals experiencing homelessness in coordinating with state and local governments to roll out non-congregate sheltering. These efforts resulted in a broader use of the practice during the pandemic. While many state and local governments worked quickly to address the needs of their unhoused residents, others were hesitant to take effective action to protect individuals living in shelters from COVID-19. FEMA’s reimbursement policy was a major factor in advocacy efforts to convince state and local policy makers to implement the practice in many places around the country. FEMA’s decision to arbitrarily reverse policy on reimbursements, however, will make it more difficult to implement similar, life-saving programs in the future.

Again, we thank you and your agency for working to quickly enable life-saving non-congregate sheltering during the pandemic. However, we believe that FEMA’s decision to retroactively limit reimbursement for non-congregate sheltering for California and its municipal governments not only does not make sense given the state of vaccination rates and viral spread among individuals experiencing homelessness in California at that time, but it also actively discourages the use of non-congregate strategies and other tools needed to ensure that the least resilient residents are safe during pandemics and other disasters. We respectfully request that the agency reverse this decision.

Sincerely,

National Low Income Housing Coalition  
National Alliance to End Homelessness  
Disaster Housing Recovery Coalition  
National Housing Law Project  
Partnership for Inclusive Disaster Strategies  
Justice & Diversity Center of the Bar Association of San Francisco  
Justice in Aging  
Fair Housing Advocates of Northern California

---

<sup>2</sup> Carly Graf, “Vaccinating San Francisco’s homeless: Lessons Learned,” San Francisco Examiner, October 29, 2021, Updated June 16, 2022, [https://www.sfexaminer.com/archives/vaccinating-san-francisco-s-homeless-lessons-learned/article\\_364f4bbe-4156-510e-9bca-8d1382eac67e.html](https://www.sfexaminer.com/archives/vaccinating-san-francisco-s-homeless-lessons-learned/article_364f4bbe-4156-510e-9bca-8d1382eac67e.html)

<sup>3</sup> Finnigan, R., “COVID-19 Vaccination and Hesitancy among People Experiencing Homelessness in Sacramento,” International Journal on Homelessness 3(1) page 33-60 (2023), <https://ojs.lib.uwo.ca/index.php/ijoh/article/view/14485>.

<sup>4</sup> Leigh Hopper, “Homelessness linked to higher risk of death from COVID in L.A. County, study shows,” USC Today, December 14, 2022, <https://today.usc.edu/homelessness-linked-to-higher-risk-of-death-from-covid-in-l-a-county-study-shows/>