

July 1, 2021

The Honorable Deanne Criswell
Administrator
Federal Emergency Management Agency
500 C Street, S.W.
Washington, DC 20472

To Administrator Criswell:

On behalf of the National Low Income Housing Coalition (NLIHC) and the NLIHC-led Disaster Housing Recovery Coalition (DHRC), I am writing to express my dismay at FEMA's failure to release any substantive guidance regarding President Biden's January 21 [Executive Order](#) increasing Public Assistance (PA) reimbursements and outlining additional avenues for the funding of non-congregate sheltering. While some cities have begun to phase out non-congregate sheltering programs, COVID-19 continues to pose a grave danger to those individuals residing in congregate living environments, including people experiencing homelessness and people with disabilities, due to low vaccination rates and high levels of medical vulnerability among these populations. I urge FEMA to immediately release its guidance and extend the 100% PA reimbursement policy through June 2022 so that state and local governments can make use of this historic measure to safely and stably house people experiencing homelessness during the pandemic and transition people experiencing homelessness to permanent housing solutions rather than back to congregate shelters.

The DHRC includes more than 850 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 the lowest income and most marginalized people. In response to the COVID-19 pandemic, we have worked to encourage and assist communities to use FEMA-reimbursed non-congregate sheltering, among other things.

President Biden's [Executive Order](#), issued over five months ago, directed FEMA to expand its PA program to increase the federal cost share to 100% for non-congregate shelters, and to provide advanced reimbursement for such activities. The EO instructed FEMA to "expedite reimbursement for eligible emergency work projects and, as appropriate and consistent with applicable law, provide an advance of the federal share on a percentage of the federal share on a percentage of the expected reimbursement from FEMA-approved projects." The order expires at the end of September.

Despite this clear and urgent directive, FEMA has failed to provide any guidance to help state and local governments make use of these critical resources. The only official acknowledgment that the PA federal cost share level had been changed came in a February 3 [press release](#) that referred only to a subsequent [fact sheet](#) released by the White House. There has been no mention of advanced reimbursements for non-congregate sheltering in connection to the COVID-19 pandemic nor any official guidance from the agency on the subject.

FEMA's failure to provide even minimal guidance has made it increasingly more difficult for state, local, tribal, territorial governments, as well as non-profit service providers, to open, operate, and sustain non-congregate shelters. Government officials and advocates can rely only on rumors or utilize out-of-date and unrelated FEMA documents. For example, Pennsylvania's COVID-19 PA [website](#) still states that FEMA PA is to be utilized only when all other federal funding that could

potentially be utilized is unavailable, including assistance from Voluntary Organizations Active in Disasters (VOADS). This is an incorrect interpretation of FEMA's duplication of benefits policy that stymied the development of non-congregate shelters in the state and would have been resolved by timely guidance from the agency. In addition, the release of [guidance](#) on non-congregate sheltering for subsequent non-COVID-19 related major disaster declarations has created further confusion, with some entities interpreting that factsheet as applicable to COVID-19-related sheltering.

The failure to issue appropriate guidance and affirmatively extend the 100% PA reimbursement policy has caused state and city officials to end non-congregate sheltering programs prematurely. With likely low rates of vaccination amongst individuals experiencing homelessness, returning these individuals to congregate sheltering risks the lives of those most vulnerable to COVID-19 related death. Ending non-congregate sheltering before people experiencing homelessness are vaccinated and before these individuals can transition into permanent housing undermines the efforts made by FEMA and state and local governments to keep unhoused individuals safe and healthy during the pandemic.

California Governor Gavin Newsom, Mayor of San Jose and Chair of the California Big City Mayors Sam Liccardo, Sonoma County Supervisor and President of the California State Association of Counties James Gore, and Mayor of El Centro and President of the California League of Cities Cheryl Viegas-Walker sent FEMA a [letter](#) last month touting the successes of the state's "Project Roomkey" program – which has utilized FEMA PA reimbursements – and calling for an extension of 100% PA reimbursements through June 2022. We support this request and ask that FEMA utilize its statutory authority to extend the deadline through that date.

FEMA must not ignore the urgent and dire risks that people experiencing homelessness and people with disabilities continue to face from COVID-19. FEMA should immediately issue guidance to advise communities on how to be fully reimbursed for non-congregate sheltering assistance and how to access advanced funding for such activities. FEMA should also extend the existing 100% PA reimbursement policy. The failure to do so directly places medically vulnerable populations, such as individuals experiencing homelessness and individuals living with disabilities, in greater danger of infection and death, and it undermines tremendous efforts by the Biden administration to contain COVID-19.

I look forward to your response. Please feel free to reach out to me directly at dyentel@nlihc.org or NLIHC Vice President of Policy Sarah Saadian at ssaadian@nlihc.org.

Sincerely,

A handwritten signature in black ink that reads "Diane". The signature is written in a cursive, flowing style.

Diane Yentel
President and CEO
National Low Income Housing Coalition