



U.S. DEPARTMENT OF HOMELAND SECURITY **OFFICE OF INSPECTOR GENERAL**

OIG-24-38

July 10, 2024

FINAL REPORT

FEMA's Emergency Non-Congregate Sheltering Interim Policy Provided Greater Flexibility for Emergency Sheltering During the COVID-19 Pandemic





OFFICE OF INSPECTOR GENERAL

U.S. Department of Homeland Security

Washington, DC 20528 | www.oig.dhs.gov

July 9, 2024

MEMORANDUM FOR: The Honorable Deanne Criswell
Administrator
Federal Emergency Management Agency

FROM: Joseph V. Cuffari, Ph.D. **JOSEPH V
CUFFARI** Digitally signed by
Inspector General JOSEPH V CUFFARI
Date: 2024.07.09
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SUBJECT: *FEMA's Emergency Non-Congregate Sheltering Interim Policy Provided Greater Flexibility for Emergency Sheltering during the COVID-19 Pandemic*

Attached for your action is our final report, *FEMA's Emergency Non-Congregate Sheltering Interim Policy Provided Greater Flexibility for Emergency Sheltering during COVID-19 Pandemic*. We incorporated the formal comments provided by your office. FEMA provided technical comments on the draft report, and we took FEMA's suggested changes into consideration. The report contains no recommendations.

Consistent with our responsibility under the *Inspector General Act*, we will provide copies of our report to congressional committees with oversight and appropriation responsibility over the Department of Homeland Security. We will post the report on our website for public dissemination.

Please contact me with any questions, or your staff may contact Kristen Bernard, Deputy Inspector General, Office of Audits, at (202) 981-6000.

Attachment



DHS OIG HIGHLIGHTS

FEMA's Emergency Non-Congregate Sheltering Interim Policy Provided Greater Flexibility for Emergency Sheltering during the COVID-19 Pandemic

July 10, 2024

Why We Did This Audit

FEMA provides funding to state, local, tribal, and territorial governments for costs related to emergency sheltering for disaster survivors. We conducted this audit to determine the adequacy and effectiveness of FEMA's Interim Policy in providing shelter to displaced disaster survivors in response to federally declared disasters during the COVID-19 pandemic. Our scope was limited to FEMA's Non-Congregate Sheltering Interim Policy.

What We Recommend

We made no recommendations.

For Further Information:

Contact our Office of Public Affairs at (202) 981-6000, or email us at:

DHS-OIG.OfficePublicAffairs@oig.dhs.gov.

What We Found

The Federal Emergency Management Agency's (FEMA) Emergency Non-Congregate Sheltering (NCS) Interim Policy 104-009-18 (Interim Policy) provided an adequate and effective framework during the COVID-19 pandemic. Specifically, the Interim Policy waived the existing pre-approval requirement, allowing for faster and increased NCS implementation to segregate individuals and families and limit spread of the disease. The Interim Policy also included program details and requirements for determining eligible work and costs for NCS in response to federally declared disasters during the COVID-19 pandemic.

During our review period of June 2020 to December 2021, FEMA obligated more than \$270 million for NCS project worksheets under the Interim Policy. This figure represents an increase of approximately 7,800 percent over the prior 3.5-year period, during which FEMA obligated approximately \$3.4 million. This dramatic increase resulted from the heightened need for NCS options during the COVID-19 pandemic, which led FEMA to employ the greater flexibilities and more rapid implementation permitted by the Interim Policy.

We reviewed approximately \$208 million in reimbursements made to Louisiana, the largest recipient of federally obligated NCS funding under the Interim Policy, and identified no issues.

The waiver of the FEMA NCS pre-approval requirement, as permitted by the Interim Policy, was identified as being beneficial by the stakeholders we interviewed. Some of them stated the Interim Policy allowed them to expediate the NCS implementation process.

FEMA Response

FEMA concurred with DHS OIG's assessment regarding the Interim Policy. Appendix B contains FEMA's response in its entirety.



Background

The Federal Emergency Management Agency (FEMA) provides Public Assistance funding to state, local, tribal, and territorial governments for costs related to emergency sheltering for disaster survivors.¹ Emergency sheltering provides temporary living locations, away from a hazard area, for individuals whose residences become uninhabitable as the result of a declared disaster. Figure 1 shows a house damaged by Hurricane Laura (incident period August 22 through August 27, 2020), potentially rendering it uninhabitable and requiring emergency sheltering for the survivors. Typically, sheltering occurs in facilities with large open spaces, such as schools, churches, community centers, or other similar facilities, and this is generally referred to as congregate sheltering.

Figure 1. Severe Damage to a Home in Lake Charles, LA, Caused by a Fallen Tree During Hurricane Laura, Observed on August 29, 2020



Source: FEMA

¹ See Section 403 of the *Robert T. Stafford Disaster Relief and Emergency Assistance Act*, as amended (Stafford Act), codified at 42 United States Code (U.S.C.) § 5170b.



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On March 13, 2020, the President declared a nationwide emergency in response to the COVID-19 pandemic. FEMA recognized the COVID-19 pandemic would require state, local, tribal, and territorial government recipients to shelter disaster survivors in a manner that maintained separation between individuals or households and did not increase the risk of exposure to, or further transmission of, COVID-19. On June 17, 2020, FEMA issued the FEMA Emergency Non-Congregate Sheltering (NCS) Interim Policy 104-009-18 (Interim Policy)² under its Public Assistance program to provide flexibility for recipients to safely conduct NCS activities. Unlike congregate sheltering, NCS occurs in locations where each individual or household has living space that offers some level of privacy and separation (e.g., hotels, motels, or dormitories).

FEMA extended the Interim Policy five times over 3 years. Ultimately, FEMA used the Interim Policy for disaster declarations issued from June 1, 2020, through July 1, 2022. The Interim Policy excluded incidents directly associated with emergency or major disaster declarations issued specifically for the COVID-19 pandemic, and the Federal cost share was 100 percent, unless otherwise specified in disaster-specific guidance.

FEMA's standing policy on disaster sheltering, both congregate and non-congregate, is set forth in FEMA's Public Assistance Program and Policy Guide (PAPPG). Version 4 of the PAPPG was effective for incidents declared on or after June 1, 2020. Guidance in the PAPPG along with the Interim Policy and Interim Policy extensions served as the program guidance for disaster NCS implementation during the COVID-19 pandemic. As of July 2, 2022, FEMA sunsetted the Interim Policy and continued to implement PAPPG Version 4 with additional flexibilities.³

² Official policy name – *FEMA Emergency Non-Congregate Sheltering during the COVID-19 Public Health Emergency (Interim) FEMA Policy 104-009-18, Version 1*, signed on June 17, 2020, www.fema.gov/sites/default/files/2020-07/fema_public-assistance-non-covid-19-ncs_policy.pdf.

Interim Policy Versions 2, and 3, which provided policy clarifications, were signed, as follows:

- Version 2 – August 29, 2020, www.fema.gov/sites/default/files/2020-09/fema_emergency-non-congregate-sheltering-during-covid-19_policy_8-29-2020.pdf; and
- Version 3 – January 29, 2021, www.fema.gov/sites/default/files/documents/fema_non-congregate-sheltering-during-the-covid-19-phe-v3_policy_1-29-2021_0.pdf.

The Interim Policy's effective period was extended five times, as follows:

- FEMA release number HQ-21-017;
- FEMA release number HQ-21-143;
- FEMA memorandum, *Temporary Extension of FEMA Emergency Non-Congregate Sheltering during the COVID-19 Public Health Emergency (Interim), Version 3, FP 104-009-18*, dated November 30, 2021, to FEMA Regional Administrators Regions I–X;
- FEMA memorandum *Temporary Extension of FEMA Emergency Non-Congregate Sheltering during the COVID-19 Public Health Emergency (Interim), Version 3, FP 104-009-18*, dated March 28, 2022, to FEMA Regional Administrators; and
- FEMA memorandum *Emergency Non-Congregate Sheltering* dated June 28, 2022, to FEMA Regional Administrators Regions I–X.

³ FEMA memorandum, *Emergency Non-Congregate Sheltering*, dated June 28, 2022, to FEMA Regional Administrators Regions 1–10 permitted various flexibilities. Most notable is the continuation of FEMA waiving the



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During the effective period of the Interim Policy, Hurricane Ida (DR-4611-LA) resulted in one of the largest NCS implementations in terms of total Federal dollars obligated. The incident period for Hurricane Ida was from August 26 through September 3, 2021. Hurricane Ida created an immediate threat to the health and safety of the public, requiring emergency response and protective measures. Various locations within Louisiana experienced damaging impacts from Hurricane Ida. Survivors were displaced from their homes and in need of shelter. To provide emergency sheltering during the COVID-19 pandemic, FEMA approved two related project worksheets (PW) totaling more than \$346 million for the purchase of travel trailers as NCS and NCS wrap-around services ^{4,5} in the aftermath of Hurricane Ida. The Louisiana Governor's Office of Homeland Security and Emergency Preparedness (GOHSEP) purchased more than 5,000 travel trailers, as sheltering, for approximately 12,000 displaced citizens to protect public health and safety. Figure 2 shows travel trailers staged after Hurricane Ida for displaced residents.

requirement in the PAPPG for recipients/applicants to obtain pre-approval before conducting NCS activities in traditional settings, (i.e., hotels/motels, dormitories, retreat camps). Non-traditional NCS settings such as the use of recreational Vehicles require pre-approval by FEMA.

⁴ NCS wrap-around services are the delivery of infrastructure and additional essential services to address disaster-related needs of affected residents living in temporary housing sites. These services go beyond the physical need for housing and typically include basic social services and access to utilities, transportation, grocery stores, and medical and employment facilities.

⁵ The PW is a tool used by the applicant and FEMA to document the scope of work and cost estimate for a project. Projects, classified as small and large, are described in detail, noting the extent of damage, scope of work necessary to repair the damage, and actual or estimated costs. The PW is the basis for Public Assistance Program funding. Small project funding is based on estimated costs. Large project funding is based on documented actual costs.



Figure 2. NCS Travel Trailers Staged at a Collection Point near the St. Charles Parish Sheriff's Office Awaiting Distribution after Hurricane Ida in Luling, LA, Observed October 13, 2021



Source: NOLA.com

We conducted this audit to determine the adequacy and effectiveness of FEMA's Interim Policy in providing shelter to displaced disaster survivors in response to federally declared disasters during the COVID-19 pandemic.

Results of Audit

FEMA's Interim Policy provided an adequate and effective framework during the COVID-19 pandemic. Specifically, the Interim Policy waived the existing pre-approval requirement, allowing for faster and increased NCS implementation to segregate individuals and families and limit spread of the disease. The Interim Policy also included program details and requirements for determining eligible work and costs for NCS in response to federally declared disasters during the COVID-19 pandemic.

During our review period of June 2020 to December 2021, FEMA obligated more than \$270 million for NCS PWs under the Interim Policy. This figure represents an increase of approximately 7,800 percent over the prior 3.5-year period, during which FEMA obligated approximately \$3.4 million. This dramatic increase resulted from the heightened need for NCS options during



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the COVID-19 pandemic, which led FEMA to employ the greater flexibilities and more rapid implementation permitted by the Interim Policy.

We reviewed approximately \$208 million in reimbursements made to Louisiana, the largest recipient of federally obligated NCS funding under the Interim Policy, and identified no issues.

The waiver of the FEMA NCS pre-approval requirement, as permitted by the Interim Policy, was identified as being beneficial by the stakeholders we interviewed.⁶ Some of them stated the Interim Policy allowed them to expediate the NCS implementation process.

The NCS Interim Policy Met Its Intended Objective

FEMA issued its Interim Policy to provide flexibility to applicants to safely conduct NCS operations due to the novel nature of the COVID-19 pandemic and its transmissibility. Specifically, the Interim Policy waived the NCS pre-approval requirement, which made sheltering options more accessible to disaster survivors compared to prior FEMA guidance. Additionally, the Interim Policy authorized reimbursement for certain additional work and cost items. Given the nature of the pandemic, FEMA expanded work and cost eligibility to include costs related to disinfection and face coverings. These changes permitted reimbursement for items ineligible under FEMA's PAPPG. FEMA officials confirmed to the Department of Homeland Security Office of Inspector General that the Interim Policy provided applicants flexibilities to shelter survivors and claim reimbursement for additional work and cost items.

Based on FEMA's Emergency Management Mission Integrated Environment System (EMMIE)⁷ Public Assistance Category B data for calendar years 2017–2021, we identified an increase in Federal obligations and PWs related to NCS during the effective period of the Interim Policy for incidents that had a disaster declaration date from June 1, 2020, to December 31, 2021. This would indicate the flexibilities provided in the Interim Policy, such as the pre-approval waiver, allowed more applicants to implement NCS. Additionally, the Interim Policy extended the scope of work and cost items (previously not considered in prior sheltering guidance) that were now eligible for reimbursement.

We identified an increase in federally obligated amounts for NCS-related costs during the effective period of the Interim Policy. Specifically, there was more than \$3.4 million in Federal obligations for disasters with a declaration date between January 1, 2017, through May 31, 2020. During the period from June 1, 2020, through December 31, 2021, which is the scope of our audit

⁶ We conducted interviews with FEMA Regions 4, 6, 9, and 10; FEMA's Office of Response and Recovery; and the Louisiana Governor's Office of Homeland Security and Emergency Preparedness.

⁷ EMMIE is the web-based platform that manages Public Assistance and Fire Management grants in an electronic environment accessible to both the state and Public Assistance applicants. EMMIE allows users to electronically review and monitor projects and grants.



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and a portion of the time period for which Interim Policy was applicable, more than \$270 million was obligated for NCS-related PWs. That is an increase of \$267 million, or approximately 7,800 percent, from the prior 3.5-year period. Additionally, there was a significant increase in NCS-related PWs. There were 24 PWs for 12 disasters declared between January 1, 2017, and May 31, 2020, compared to 33 PWs for 14 disasters declared between June 1, 2020, and December 31, 2021. That is an increase of 9 PWs, or 38 percent. Table 1 summarizes total Federal obligations and NCS PWs during a 5-year period based on all non-COVID-19 incident types.

Table 1. Summary of Total Federal Obligations and NCS PWs for Disasters Declared between January 1, 2017, and December 31, 2021

| Disaster Declaration Period | Total Federal Obligations | Total Federal Obligations % Change from Prior Period | PW Count | PW Count % Change from Prior Period |
|-----------------------------|---------------------------|--|----------|-------------------------------------|
| 1/1/2017–5/31/2020 | \$3,419,572 | Not Applicable (N/A) | 24 | N/A |
| 6/1/2020–12/31/2021 | \$270,122,249 | 7,799% | 33 | 37.50% |
| Difference | \$266,702,677 | N/A | 9 | N/A |

Source: DHS OIG analysis of FEMA EMMIE Public Assistance Category B data

As noted above, the total federally obligated dollars for disasters declared between June 1, 2020, and December 31, 2021, was \$270 million for NCS-related activity. During that period, FEMA Region 4, the region in which Louisiana is located, represented approximately 98 percent, or \$265 million, of the total Federal obligations (11 PWs) for non-COVID-19 incidents declared. Table 2 summarizes the Federal obligations and PWs by FEMA region for non-COVID-19 NCS incidents.



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Table 2. Summary of Total Federal Obligations and PWs by FEMA Region for Non-COVID-19 NCS Incidents, for Disasters Declared between June 1, 2020, and December 31, 2021

| FEMA Region | Total Federal Obligations | Total Federal Obligations % Total | PW Count | PW Count % Total |
|--------------|---------------------------|-----------------------------------|-----------|------------------|
| 6 | \$264,525,768 | 98% | 11 | 33% |
| 10 | \$2,429,174 | 1% | 1 | 3% |
| 9 | \$1,372,756 | 1% | 8 | 24% |
| 3 | \$954,164 | 0% | 1 | 3% |
| 2 | \$840,388 | 0% | 10 | 30% |
| 4 | \$0 | 0% | 2 | 6% |
| Total | \$270,122,250 | 100% | 33 | 100% |

Source: DHS OIG analysis of FEMA EMMIE Public Assistance Category B (Emergency Protective Measures) data

GOHSEP, one of four recipients, represented nearly 100 percent of the \$265 million Federal obligations made to FEMA Region 6. GOHSEP requested Public Assistance for Hurricane Ida (DR-4611-LA) and Hurricane Laura (DR-4559-LA), in which NCS was implemented. For Hurricane Ida, GOHSEP prepared, and FEMA approved, two projects for the purchase of NCS travel trailers (PW 294) and NCS wrap-around services (PW 966), totaling \$208 million (79 percent) of the federally obligated dollars for Region 6. We tested the applicant's procurement procedures, reviewed its contracts, and reviewed the administration of the grants and identified no issues.

Recommendations

We did not identify any issues or concerns with the Interim Policy; it adequately and effectively provided the flexibilities to shelter displaced disaster survivors in response to federally declared disasters during the COVID-19 pandemic, as intended. Therefore, we made no recommendations to FEMA in this report.

Management Comments and OIG Analysis

In response to our draft report, FEMA generally concurred with the report conclusion regarding the Interim Policy. FEMA provided technical comments on the draft report, and we took FEMA's suggested changes into consideration. We included a copy of FEMA's Management Response in its entirety in Appendix B. An action plan was not necessary because there are no recommendations in the report.



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However, in its technical and management comments, FEMA disputed that it delayed our access to NCS data in the FEMA Enterprise Data Warehouse and provided incomplete information. We requested access to this information in June 2023 but did not receive the requested read-only access to the Enterprise Data Warehouse. FEMA provided us an extract of the requested Enterprise Data Warehouse data in September 2023.



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Appendix A: Objective, Scope, and Methodology

The Department of Homeland Security Office of Inspector General was established by the *Homeland Security Act of 2002* (Pub. L. No. 107-296) by amendment to the *Inspector General Act of 1978*.

We audited FEMA's Emergency NCS Interim Policy 104-009-18. The objective of our audit was to determine the adequacy and effectiveness of FEMA's Interim Policy in providing shelter to displaced disaster survivors in response to federally declared disasters during the COVID-19 pandemic.

The scope of the audit was limited to FEMA's Interim Policy and included NCS implementations during federally declared disasters from June 1, 2020, through December 31, 2021.

To evaluate the adequacy and effectiveness of the Interim Policy, we reviewed FEMA's intended purpose for the Interim Policy, and the success achieved toward the intended purpose. Further, to accomplish our objective, we reviewed Federal laws, regulations, and requirements; Louisiana laws and regulations; and applicable FEMA policies and guidance associated with the NCS program, procurement, and grant administration. Specifically, we tested procurement procedures, reviewed contracts, and reviewed the administration of the grants. We also reviewed and analyzed prior audits and reports, testimonies, and hearings related to the audit objective. We interviewed key officials from FEMA Headquarters; the FEMA Office of Response and Recovery – Recovery Divisions of four regions; and an applicant, GOHSEP, to better understand the FEMA NCS program and procurement procedures.

In performing our audit, we identified and reviewed Federal requirements regarding management's responsibility for internal control and managing the risks for fraud. We reviewed the hotline complaints for information regarding the NCS program under the Interim Policy, utilizing specific search parameters. Further, we analyzed the design of controls and operations related to FEMA's NCS program. We did not identify any issues that would have affected FEMA's management of its NCS program, as discussed in the body of this report. We assessed internal controls and compliance with laws and regulations necessary to satisfy our audit objective. Our review was limited to addressing our audit objective and may not have disclosed all internal control deficiencies that may have existed at the time of this audit.

We evaluated data extracted from FEMA's EMMIE system for declared disasters from January 1, 2017, through December 31, 2021. To identify NCS implementations, we performed a 5-year analysis of the disaster data based on keyword searches of PW Application Titles using FEMA EMMIE data for Public Assistance Category B (emergency protective measures). We assessed the reliability of FEMA's NCS program data through review of FEMA data for accuracy by comparing it



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to the corresponding PWs and completeness by analyzing the structured query language of the FEMA data. We found the data to be sufficiently reliable for purposes of our reporting objective.

We conducted this audit from January 2022 through July 2023 pursuant to the *Inspector General Act of 1978*, 5 U.S.C. §§ 401–424, and according to generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objective.

DHS OIG’s Access to DHS Information

The OIG requested read-only access or a complete extract of data from the FEMA Enterprise Data Warehouse. FEMA agreed to provide the extract but was delayed in providing it to the OIG due to the lack of a FEMA-approved process to transfer large files. The data extract eventually received by the OIG was incomplete and resulted in further delays while FEMA provided additional data. FEMA has since developed a data transfer protocol to provide all information requested by the OIG.



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Appendix B:
FEMA Comments on the Draft Report

U.S. Department of Homeland Security
Washington, DC 20472



June 10, 2024

MEMORANDUM FOR: Joseph V. Cuffari, Ph.D.
Inspector General

FROM: Cynthia Spishak
Associate Administrator
Office of Policy and Program Analysis

SUBJECT: Management Response to Draft Report: "FEMA's Emergency Non-Congregate Sheltering Interim Policy Provided Greater Flexibility for Emergency Sheltering During the COVID-19 Pandemic" (Project No. 22-010-AUD-FEMA)

CYNTHIA
SPISHAK

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Thank you for the opportunity to comment on this draft report. The Federal Emergency Management Agency (FEMA) appreciates the work of the Office of Inspector General (OIG) in planning and conducting its review and issuing this report. FEMA previously submitted technical comments regarding this report under separate cover for the OIG's consideration.

FEMA is pleased to note the OIG's conclusion that FEMA's Interim Policy 104-009-18¹ provided an adequate and effective framework for managing non-congregate sheltering (NCS) during the COVID-19 pandemic. The reports specifically notes that this policy allowed for "faster and increased NCS implementation to segregate individuals and families and limit the spread of the disease" during the pandemic.

FEMA respectfully disagrees with the draft report's assertions that the agency delayed the OIG access to NCS data contained within the FEMA Enterprise Data Warehouse (EDW) and provided incomplete information. The agency has consistently acknowledged the importance of the OIG's oversight functions and has accordingly responded to the OIG's access requests in a manner consistent with all applicable statutory requirements. FEMA provided the OIG with a bulk-data extract of NCS data on July 11, 2022, four calendar days prior to the OIG's requested deadline of July 15, 2022. When the agency was made aware that the OIG was unable to receive this extract due to

¹"FEMA Emergency Non-Congregate Sheltering during the COVID-19 Public Health Emergency" (Version 3, dated January 29, 2021); https://www.fema.gov/sites/default/files/documents/fema_non-congregate-sheltering-during-the-covid-19-phc-v3_policy_1-29-2021_0.pdf



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system file size limitations, a mutually agreeable alternative arrangement for providing the data was identified. FEMA maintained a responsive posture in addressing subsequent requests made by the OIG, and the agency has collaborated with the OIG to both establish procedures that leverage an encryption process developed by the National Institute of Standards and Technology (NIST)² and to develop a secure communications application that will facilitate the secure transfer of any Personally Identifiable Information (PII) or sensitive PII data needed for future audits.

Thank you for the opportunity to review and comment on this draft report. Please do not hesitate to contact me if you have any questions.

²National Institute of Standards and Technology (2001) Advanced Encryption Standard (AES). (Department of Commerce, Washington, D.C.), Federal Information Processing Standards Publication (FIPS) NIST FIPS 197-upd1, updated May 9, 2023. <https://doi.org/10.6028/NIST.FIPS.197-upd1>.



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