



# FEMA

# private nonprofits

## PURPOSE OF THIS PUBLICATION

To help **private nonprofit (PNP) organizations** understand Federal Emergency Management Agency (FEMA) Public Assistance (PA) Program **eligibility, documentation requirements and procurement rules.**

## INTENDED AUDIENCE

This publication is intended for **PNPs** who provide **critical** and/or **essential services** of a **governmental nature, local and State governing authorities, emergency managers**, those applying for and/or receiving **recovery-funding grants** through the FEMA PA Program and other disaster-recovery stakeholders.



# After a disaster, what PNPs need to know about . . .

## GETTING HELP

Emergencies and/or disasters can devastate communities and those businesses, organizations and infrastructures that support them. When disaster damages **exceed specific thresholds**, the **President may declare** the event an **emergency** and/or **major disaster**. This declaration opens the door to **Federal assistance** for response and recovery measures, including those that help **PNP entities providing critical or essential governmental – type services** impacted by a disaster.



DOWNED ELECTRIC LINES - ELECTRICAL CO-OPS

Assistance may be available through **several Federal programs**. This brochure **focuses** on the **FEMA PA Program**.

PA is provided through a grant to the State (Grantee), administered by the Governor's Office of Homeland Security and Emergency Preparedness (GOHSEP) and **subgranted to eligible Subrecipient (Applicant) for eligible work** as defined under the PA Program.



If you are a PNP providing critical or essential governmental type services, and your organization **incurred damages as a result of a Presidentially declared disaster** or **emergency**, GOHSEP encourages you to **apply for assistance** through the FEMA PA Program.



## APPLICATION PROCESS

To be considered for assistance, your organization must submit:

- Request for Public Assistance (RPA).
- PNP Facility Questionnaire.
- Any supporting documentation.

The RPA, PNP Facility Questionnaire and documentation are then **submitted** to FEMA through GOHSEP.

The deadline for submitting an RPA is **30 days after the President's disaster declaration** relative to your location. For more information – and to complete an RPA – please visit [LouisianaPA.com/site/resources.cfm](http://LouisianaPA.com/site/resources.cfm) and click Request for Public Assistance (PDF) under the GOHSEP State Administration Plan Documents section.

Also see the **5 STEPS . . . Public Assistance (PA) Application Process for PNPs** insert to this publication.

The screenshot shows the LouisianaPA.com website. At the top, there are navigation links for Home, Open Grants, PA Info, Resources, and Training Videos. Below this is the Louisiana Public Assistance logo and a returning user login section with fields for Email and Password, and a Remember Me checkbox. A 'Sign In' button is also present. The main content area is divided into three columns: 'About' (describing the online application and management of the PA program), 'News Releases' (listing recent updates like the Sandy Recovery Improvement Act of 2013 and a software patch), and 'Contact' (providing address, phone, and email information for the Louisiana GOHSEP).

## ELIGIBILITY

To be eligible for PA funding, a PNP must meet the following requirements:

- **Provide critical or essential governmental-type services.**
- **Be a tax-exempt nonprofit.** Documentation to support your tax-exempt status must include an *Effective Ruling Letter* from the Internal Revenue Service (IRS) granting **tax-exemption** under 501(c), (d) or (e) of the *Internal Revenue Code of 1954*. [SOURCE: 44 CFR 206.221(f)(1)]  
**OR** provide **satisfactory evidence** from the State that your organization is **non-revenue-producing** or a **nonprofit** entity organized or doing business under **State law LRS 33:9024**. [SOURCE: 44 CFR 206.221(f)(2)]
- **Non-critical PNPs must be open to the public.** [SOURCE: 44 CFR 206.221(e)(7)]

## ELIGIBLE EMERGENCY + PERMANENT WORK CATEGORIES

- A** Debris Removal
- B** Emergency Protective Measures
- C** Roads + Bridges
- D** Water Control Facilities
- E** Buildings + Equipment
- F** Utilities
- G** Parks + Recreational + other

## CRITICALITY + SERVICES

Eligible PNP participation in the FEMA PA Program is determined, in part, as to whether the PNP is offering critical or essential services of a “**governmental nature**” [as defined in 44 CFR 206.221(e)] and the **critical** nature of services provided. Eligible service providers generally fall into **two (2) categories**, PNP organizations that provide:

- **Critical services.**
- **Non-critical – other essential services.**

### CRITICAL SERVICES PNPs

**Critical services PNPs** [as defined in 44 CFR 206.221(e)] **provide the following services essential to a community’s viability.**

## CRITICAL SERVICES

- Power
- Water
- Irrigation facilities
- Sewer services + wastewater treatment
- Communications
- Education
- Emergency medical care
- Fire department services
- Emergency rescue
- Nursing homes
- Eligible facilities supporting facilities that provide critical services

44 CFR 206.221(e)(1-6)

**Critical or essential PNPs are eligible for FEMA Emergency and Permanent Work disaster assistance.**

### NON-CRITICAL – OTHER ESSENTIAL SERVICES PNPs

Non-critical PNPs provide **other essential governmental – type services** to the community.

Non-critical PNPs are *immediately* eligible for FEMA **Emergency Work** disaster assistance. However, you must apply for Small

## NON-CRITICAL - OTHER ESSENTIAL SERVICES

- Museums
- Zoos
- Performing arts facilities
- Community centers
- Community arts centers
- Libraries
- Homeless shelters
- Rehabilitation facilities
- Senior citizen centers
- Shelter workshops
- Health + safety services of a governmental nature

44 CFR 206.221(e)(7) + DISASTER ASSISTANCE POLICY (DAP) 9521.3

Business Administration (SBA) funding **prior** to being considered for FEMA **Permanent Work** disaster assistance. (Please see next section.)

	Services Provided	Tax-exempt	Non Profit	Generally Open to the Public	Immediately Eligible for Emergency Work	Immediately Eligible for Permanent Work	Must Apply First to SBA to be Considered for FEMA PA Permanent Work Funding	50+% of Functional Space OR Time Used for Eligible Activities
<b>Critical Services PNP</b>	See list in red box above	☑	☑		☑	☑		☑
<b>Non-critical Services PNP</b>	See list in red box above	☑	☑	☑	☑		☑	☑

Remember, FEMA PA is a **REIMBURSEMENT PROGRAM**. ALL PNP grants are **reduced** by insurance proceeds + **may be reduced** by other grants received. If you are a **non-critical PNP**, your FEMA PA grant amount is **adjusted** in accordance with the terms of your SBA Loan.

## RELATIONSHIP OF PNPS + **SBA**

### NON-CRITICAL – OTHER ESSENTIAL SERVICES PNPs

To be considered for FEMA PA, **non-critical PNP facilities** requesting reimbursement for **Permanent Work** costs **MUST first apply for a disaster loan from the SBA**. [To learn more, visit [SBA.gov/loanprograms](http://SBA.gov/loanprograms).]

If your PNP is **denied** a loan through SBA **OR** if the loan and/or other funding resources **do not fully cover eligible damages**, your PNP is eligible for assistance through the FEMA PA Program.

You should apply to **both** SBA and FEMA **concurrently** to ensure you **meet all deadlines for applications to both programs**.

### CRITICAL SERVICES PNPs

**Critical services PNPs do NOT** have to apply to SBA for loans to be eligible for FEMA PA.

## FACILITY USAGE ANALYSIS

When a request is made for PA funding, damages to the facility are **considered** as follows:

### SPACE

- **More than 50%** of facility **functional** space must be **dedicated** to **eligible uses** for the facility to be eligible for assistance.
  - **Common spaces** (lobbies, rest rooms, utility closets, janitorial closets, elevators, stairs, parking, etc.) are **not included** in calculating the proportion of eligible use.
- If the eligible space meets the **50% threshold**, PA funding is in **direct proportion** to the **percentage of space** dedicated to **eligible use**.

### TIME

- When space is **not dedicated** to specific activities, or is used for eligible and ineligible purposes, **primary use** is determined by the **amount of time** used for eligible services. [SOURCE: DAP 9521.3]
- Repairs must be made to the **entire facility**. The balance of costs to repair damages or replace a facility are **not funded** by FEMA.

## DOCUMENTATION REQUIREMENTS

In addition to documenting tax-exempt status, and an *Effective Ruling Letter* from the IRS noted previously, your PNP must also provide proof of **ownership** or – if leased – proof of **responsibility** for repairs to the damaged facility at the time of the disaster.

You must also provide documentation that demonstrates what **percentage** of the facility is used for eligible purposes.

See **Step 1** of the *5 STEPS . . . Public Assistance (PA) Application Process for PNPs* insert for a **detailed list** of documentation requirements.

TOP PHOTO: COMMUNITY CENTER  
BOTTOM PHOTO: DAMAGED NURSING HOME



# It is YOUR responsibility to know + understand + comply with all applicable Federal Laws.

## PROCUREMENT

Procurement is the process of **acquiring** (buying, purchasing, renting/leasing or otherwise obtaining) goods and services. There are **rules governing** how goods and services are acquired when paid for with **Federal dollars**.

For Presidentially declared disasters *prior* to **December 26, 2014**, PNPs are required to follow **2 CFR 215.40-48** and the cost principles articulated in **2 CFR 230**.

After **December 26, 2014**, PNPs follow 2 CFR 200, which addresses both administrative requirements and cost principles. [SOURCE: 2 CFR 200.110]

There may also be **State** and **local rules** that apply. It is **YOUR responsibility** to comply with all that apply.

Under 2 CFR 200.320, there are **five (5) methods of procurement** accepted by FEMA:

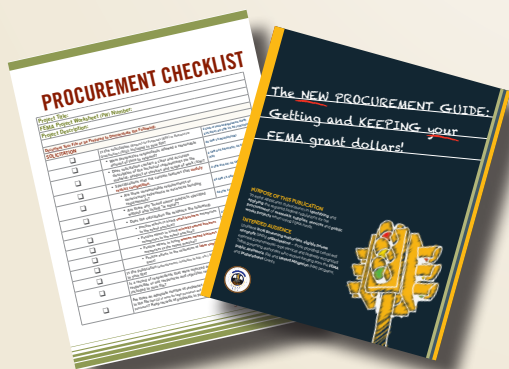
- **Micro-purchases**
- **Small-purchase procedures**
- **Sealed bids**
- **Competitive proposals**
- **Non-competitive proposals in limited situations**

To learn more on each type of procurement, please visit: [gpo.gov/fdsys/pkg/CFR-2014-title2-vol1/pdf/CFR-2014-title2-vol1-sec200-320.pdf](http://gpo.gov/fdsys/pkg/CFR-2014-title2-vol1/pdf/CFR-2014-title2-vol1-sec200-320.pdf)

All contract procurement should be conducted in a manner providing **full** and **open competition**.

## IMPORTANT TO KNOW...

- In the event of a Presidentially declared disaster, GOHSEP **schedules Applicant Briefings** + coordinates FEMA **Kickoff Meetings** that provide an overview of the FEMA PA Program.
- **Important deadlines:**
  - The deadline for submitting an RPA is **30 days** after a **Presidential disaster declaration** is made.
  - You have **60 days** from the **FEMA Kickoff Meeting** to identify + report damages.
- Prepare a **list of sites** damaged + mark them on a Parish road or city map.
- Gather copies of **insurance policies + other important documents** on damaged structures.
- **Before + after pictures** are important to support damage assessments.
- Be **prepared** to share information about **historic** structures that might be damaged + projects that may have a potential impact on the **environment**.
- Those applying for FEMA PA funding should be **aware** that there is a **non-Federal** or **local cost share up to 25%** of eligible project costs.
- FEMA PA is a **cost reimbursement** program. GOHSEP reimburses funds to a Subrecipient – now an Applicant – in accordance with its procedures. **Timelines** for **payment** vary depending upon a variety of circumstances.
- Anyone may obtain information about the FEMA PA Program at [fema.gov](http://fema.gov). Once on the FEMA web page, click on *Disaster Assistance*. Then, click on *Public Assistance*.
- **Important resources:**
  - **FEMA 321 – Public Assistance Policy Digest**
  - **FEMA 323 – Public Assistance Applicant Handbook**
  - **FEMA 325 – Debris Management Guide**
  - **GOHSEP Documentation Requirements Checklist, PA Pre-event – Closeout**



GOHSEP PROCUREMENT CHECKLIST + GOHSEP THE NEW PROCUREMENT GUIDE: GETTING AND KEEPING YOUR FEMA GRANT DOLLARS! CAN BE DOWNLOADED AT [gohsep.la.gov/publications.aspx](http://gohsep.la.gov/publications.aspx)

## ACRONYMS

<b>CFR</b>	Code of Federal Regulations
<b>DCFS</b>	Louisiana Department of Children and Family Services
<b>DOE</b>	Louisiana Department of Education
<b>FEMA</b>	Federal Emergency Management Agency
<b>GOHSEP</b>	Governor's Office of Homeland Security and Emergency Preparedness
<b>IRS</b>	Internal Revenue Service
<b>PA</b>	Public Assistance
<b>PNP</b>	Private Nonprofit
<b>RPA</b>	Request for Public Assistance
<b>SAL</b>	GOHSEP State Applicant Liaison
<b>SBA</b>	Small Business Administration

## REFERENCES

- 2 CFR 200  
[ecfr.gov/cgi-bin/text-idx?tpl=/ecfrbrowse/Title02/2cfr200\\_main\\_02.tpl](http://ecfr.gov/cgi-bin/text-idx?tpl=/ecfrbrowse/Title02/2cfr200_main_02.tpl)
- 44 CFR  
[ecfr.gov/cgi-bin/text-idx?SID=55b626c34d6c81858c72b0fddaaeff48&mc=true&tpl=/ecfrbrowse/Title44/44chapterI.tpl](http://ecfr.gov/cgi-bin/text-idx?SID=55b626c34d6c81858c72b0fddaaeff48&mc=true&tpl=/ecfrbrowse/Title44/44chapterI.tpl)
- FEMA 321 – *Public Assistance Policy Digest* – January 2008  
[fema.gov/pdf/government/grant/pa/pdigest08.pdf](http://fema.gov/pdf/government/grant/pa/pdigest08.pdf)
- FEMA 322 – *Public Assistance Guide* – June 2007  
[fema.gov/pdf/government/grant/pa/paguide07.pdf](http://fema.gov/pdf/government/grant/pa/paguide07.pdf)
- FEMA 323 – *Public Assistance Applicant Handbook* – March 2010  
[fema.gov/pdf/government/grant/pa/fema323\\_app\\_handbk.pdf](http://fema.gov/pdf/government/grant/pa/fema323_app_handbk.pdf)
- FEMA 325 – *Debris Management Guide* – July 2007  
[fema.gov/pdf/government/grant/pa/demagde.pdf](http://fema.gov/pdf/government/grant/pa/demagde.pdf)
- GOHSEP – *Documentation Requirements Checklist, PA Pre-event – Closeout*  
[gohsep.la.gov/publications.aspx](http://gohsep.la.gov/publications.aspx)
- GOHSEP *PROCUREMENT CHECKLIST*  
[gohsep.la.gov/publications.aspx](http://gohsep.la.gov/publications.aspx)
- GOHSEP *The NEW PROCUREMENT GUIDE: Getting and KEEPING your FEMA grant dollars!*  
[gohsep.la.gov/publications.aspx](http://gohsep.la.gov/publications.aspx)
- Internal Revenue Code of 1954*  
[law.cornell.edu/uscode/text/26](http://law.cornell.edu/uscode/text/26)
- Louisiana Public Assistance website (LAPA)  
[LouisianaPA.com](http://LouisianaPA.com)
- Louisiana Revised Statute (LRS)  
[legis.la.gov/legis/LawSearch.aspx](http://legis.la.gov/legis/LawSearch.aspx)
- U.S. Small Business Administration  
[SBA.gov](http://SBA.gov)



All forms are available at [LouisianaPA.com](http://LouisianaPA.com)

For more information on PNPs,  
contact your GOHSEP Public Assistance (PA) State Applicant Liaison (SAL)  
OR  
Call GOHSEP at 225.925.7500.

This public document is published by the Governor's Office of Homeland Security and Emergency Preparedness (GOHSEP), State of Louisiana. **One Thousand (1,000)** copies of this public document were published in this **1st printing** at a cost of **\$945.33**. The total cost of all printings of this document, including reprints is **\$945.33**. This document was published for the purpose of providing public information and education. This material was printed in accordance with standards for printing by State agencies established pursuant to R.S. 43:31. Printing of this material was purchased in accordance with the provisions of Title 43 of the Louisiana Revised Statutes. This document was prepared under grants from the United States Department of Homeland Security (DHS), Federal Emergency Management Agency's (FEMA) Public Assistance (PA) grant program. Grant Catalogue of Federal Domestic Assistance (CFDA) number is PA 97.036. Points of view or options expressed in this document are those of the authors and do not necessarily represent the official position or policies of DHS or FEMA.


# 5 STEPS . . .

## Public Assistance (PA) Application Process for Private Nonprofits (PNPs)

Under the FEMA Public Assistance (PA) Program, an **eligible private nonprofit (PNP) organization** is one that:


- Provides **critical or essential governmental-type services**.
- Is **tax-exempt** according to the Internal Revenue Service (IRS).
- Operates as a **nonprofit** under Louisiana law.
- Is generally **open to the public**.

1

Applicant completes an <b>application package</b> and submits to GOHSEP to request PA.		
<b>ASSEMBLING APPLICATION PACKAGE</b>		<b>For more information:</b>
<input type="checkbox"/>	Applicant completes a <i>Request for Public Assistance (RPA)</i> (FEMA Form 90-49) + <i>PNP Facility Questionnaire</i> (FEMA Form 90-121). <b>Please make sure to include a phone number and email address.</b>	RPA + PNP Facility Questionnaire can be found at <a href="http://LouisianaPA.com/site/resources.cfm">LouisianaPA.com/site/resources.cfm</a>
<input type="checkbox"/>	Provide evidence of Federal <b>tax-exempt</b> status, including an <i>Effective Ruling Letter</i> from the IRS granting tax-exemption under 501(c), (d) or (e) of the <i>Internal Revenue Code</i> of 1954 . . . <b>OR</b> Documentation that provides satisfactory evidence from the State that your organization is <b>non-revenue producing</b> or a <b>nonprofit</b> entity organized or doing business under <b>State law LRS 33:9024</b> .	<ul style="list-style-type: none"> <li>• To learn more about tax-exemption visit <a href="http://irs.gov">irs.gov</a> or <a href="http://revenue.louisiana.gov">revenue.louisiana.gov</a></li> <li>• Please also refer to 44 CFR 206.221(f)(2)</li> </ul>
<input type="checkbox"/>	Pre-disaster <i>Articles of Incorporation/Charter/Bylaws</i> .	<a href="http://sba.gov/content/cooperative">sba.gov/content/cooperative</a>
<input type="checkbox"/>	<b>Dun &amp; Bradstreet number</b> (D-U-N-S number).	To learn about DUNS, visit <a href="http://dnb.com">dnb.com</a>
<b>SUBMISSION TO GOHSEP</b> 		
<input type="checkbox"/>	<b>Submit package to GOHSEP within 30 days</b> of a Presidentially declared disaster.	It is recommended that this information be submitted online at <a href="http://LouisianaPA.com">LouisianaPA.com</a> . However, it can be <b>faxed</b> to <b>225.267.2832</b> , addressed to the attention of: <b>GOHSEP RPA</b>
<b>SUBMISSION BY GOHSEP TO FEMA FOR REVIEW</b>   <b>FEMA</b>		
<input type="checkbox"/>	When all documents necessary for FEMA to make an <b>eligibility determination</b> have been submitted to GOHSEP, the application package is <b>forwarded</b> by GOHSEP to FEMA.	

2

3

**As a reminder . . .** all **non-critical PNP facilities** **must** apply with the Small Business Administration (SBA)  for a disaster loan. Once an SBA determination has been made, you **must** submit the decision to GOHSEP. For more information, visit [sba.gov/loanprograms](http://sba.gov/loanprograms).



4

**NOTIFICATION**

<input type="checkbox"/>	<p>After <b>reviewing</b> the application package and supporting documentation, FEMA <b>officially notifies</b> GOHSEP of its determination <b>regarding eligibility</b>.</p> <ul style="list-style-type: none"> <li>For non-critical PNPs, FEMA does not make a determination until an SBA decision is rendered.</li> </ul> <p>GOHSEP then <b>officially notifies Subrecipient</b> (Applicant) of FEMA's determination through <b>written correspondence</b>.</p>	
--------------------------	--	--

5

**KICKOFF MEETING**

<input type="checkbox"/>	<p>If it is determined that you are an <b>eligible PNP</b>, FEMA + GOHSEP coordinate a <b>Kickoff Meeting</b> with your organization to start the process of <b>identifying/confirming eligible, reimbursable damages</b>.</p> <p>All damages must be <b>identified + reported</b> to FEMA within <b>60 days</b> from the Kickoff Meeting.</p>	<p>Please also refer to 44 CFR 206.202(d)(ii)</p>
--------------------------	--	---

**If your RPA is approved and you have disaster-related damage to your facility(ies), please be prepared to provide the following additional information at the Kickoff Meeting:**

<input type="checkbox"/>	<p>Proof of <b>ownership</b> of the damaged facility or – if leased – proof of <b>responsibility</b> for repairs to the damaged facility at the time of the disaster.</p> <ul style="list-style-type: none"> <li>Examples include: Deed + mortgage + lease stating Subrecipient (Applicant) is responsible for repair of damages + bill of sale + any other applicable ownership documents.</li> </ul>	<p>Please also refer to:</p> <ul style="list-style-type: none"> <li>44 CFR 206.223(a)(3)</li> <li>Public Assistance Guide FEMA 322/ June 2007, page 23</li> </ul>
<input type="checkbox"/>	<p>Copy of the <b>insurance policy</b> in effect at the time of disaster associated with damaged facility/elements (if applicable).</p>	<p>Please also refer to 44 CFR 206.250-252(d)</p>
<input type="checkbox"/>	<p>Any required accreditations or licenses. For example . . .</p> <ul style="list-style-type: none"> <li>If your facility operates as a school, you need to <b>demonstrate</b> that the school is <b>accredited</b> or <b>recognized</b> by the <b>Louisiana Department of Education (DOE)</b>.</li> <li>If your facility operates as a <b>day-care facility</b>, you need to <b>demonstrate</b> that it is <b>recognized</b> as a <b>licensed</b> day-care facility by the <b>Louisiana Department of Children and Family Services (DCFS)</b>.</li> </ul>	<div style="display: flex; align-items: center;"> <p>DEPARTMENT of <b>EDUCATION</b> Louisiana Believes</p> </div> <div style="display: flex; align-items: center;"> <p>Department of <b>Children &amp; Family Services</b> Building a Stronger Louisiana</p> </div> <p><a href="http://louisianabelieves.com">louisianabelieves.com</a> or <a href="http://dcfs.louisiana.gov">dcfs.louisiana.gov</a></p>
<input type="checkbox"/>	<p>Proof of <b>usage</b>:</p> <ul style="list-style-type: none"> <li>Any documentation that can show <b>percentage</b> of the facility used for <b>eligible</b> purposes. Examples include <b>anything</b> that can show how the facility was used at the time of the disaster such as <b>pre-disaster photos + activity calendars</b>.</li> </ul>	<p>Public Assistance Guide - FEMA 322/ June 2007</p>
<input type="checkbox"/>	<p>For <b>non-critical – other essential services PNPs</b>:</p> <ul style="list-style-type: none"> <li>Be prepared to provide a copy of your <b>SBA application</b>. To be considered for FEMA PA, you <b>MUST first</b> apply to SBA <i>before</i> becoming eligible for Permanent Work assistance.</li> <li>Please note that <b>final facility eligibility</b> for the PA Program is <b>not made</b> until there is a <del>determination</del> of your SBA application.</li> </ul>	<p><a href="http://sba.gov">sba.gov</a></p>

**Additional information** about the FEMA PA Program and PNP eligibility can be found at [fema.gov](http://fema.gov) by typing "Public Assistance" into the search engine, and also on [www.LouisianaPA.com](http://www.LouisianaPA.com) by clicking on the *Resources* page.