

PUBLICATION

BREAKING: FEMA Sets Deadlines Applicable to Pandemic Claims

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On April 1, 2022, new information was released regarding the final date that Federal Emergency Management Agency (FEMA) will accept new applicants into its Public Assistance (PA) Program and setting a deadline for submission of claims related to costs incurred from the beginning of the pandemic through July 1, 2022. FEMA has yet to issue an official memorandum or statement publicly on these updates, but the information is being distributed through various channels, including through multiple state recipients. We will update this brief as further information is released.

Since the initial nationwide emergency for the pandemic was declared in March 2020, FEMA has awarded more than \$42 billion in PA funding to states, tribal nations, localities, territories, and eligible private non-profits (PNPs). FEMA's PA Program has provided vital support, including to numerous public and PNP health care providers, for emergency medical care, personal protective equipment (PPE), testing, vaccinations, and other costs required to safely "open and operate" public facilities.

At the beginning of the pandemic, FEMA amended certain deadlines applicable to its PA Program to better serve recipients and subrecipients/applicants during this unprecedented nationwide emergency. Now, just past the two-year anniversary for the declaration of this event, FEMA is taking steps to close the program and set deadlines for submission of claims. This comes on the heels of many health care providers' submission of reporting under the Provider Relief Fund managed by the Health Resources & Services Administration (HRSA) and the news that other programs including programs providing support for testing and care of uninsured patients have run out of funding and will close. These entities and others must take action now to protect eligibility for possible FEMA assistance and ensure that any pending claims are submitted by these deadlines.

Request for Public Assistance (RPA) Deadline

According to information released on April 1, 2022, 94 percent of RPAs for COVID-19 declarations were submitted in 2020. FEMA will continue to accept these forms, which are the first step to entering FEMA's PA Program, through July 1, 2022. This date coincides with the end of the President's authorization of the 100 percent federal cost-share time period. Any public or potentially eligible PNP entity must submit this threshold form to FEMA by this deadline to preserve the ability to file claims for reimbursement funding if/when needed. For more information and to start the process, see [FEMA's Grants Portal](#) landing page.

Interim Programmatic Deadline – Costs Incurred Through July 1, 2022

In an effort to enable FEMA, as well as recipients and subrecipients/applicants, to make funding decisions and determinations, and to process projects in support of completing national-level efforts to respond to and recover from the pandemic, an interim deadline for the submission of funding requests for work completed from the beginning of the COVID-19 incident period through July 1, 2022, is set for December 31, 2022. FEMA has advised that more information will be issued to further clarify this interim programmatic deadline. This additional guidance will address what subrecipient/applicants must submit to FEMA with their project applications by the December 31, 2022 deadline, how FEMA will process and award those requests for funding, and next steps for closure of projects.

Continuing Reimbursement of Costs – Post July 1, 2022

FEMA advises that the interim deadline discussed above does not affect the eligibility of PA funding for work completed after July 1, 2022, **so long as the incident period remains open after that time**. We anticipate that the incident period for the Pandemic declarations will be based on the continuation of the [National Public Health Emergency](#) and the separate but related National Emergency under the [National Emergencies Act](#). Both of these have been extended, but we anticipate they may expire soon. We will issue further updates as we know more on these actions and the impact to FEMA's funding programs.

If you have questions or concerns related to Public Assistance procedures or eligibility, or would like to learn more about FEMA assistance, please contact [Wendy Huff Ellard](#) or any member of the [Baker Donelson Disaster Recovery Group](#).