Private Non-profit Eligibility Review
Public Assistance FEMA Job Aid

FEMA reviews Requests for Public Assistance (RPA) and determines Applicant eligibility within seven days of receiving the requests. This interim job aid describes the revised Private Non-profit (PNP) RPA routing process. This process change transitions the first review from the Office of Chief Counsel (OCC) to the Infrastructure Branch Director (IBD) or Public Assistance Group Supervisor (PAGS) (or designee). Grants Manager updates will reflect this workflow change at a later date.

OCC continues to review all PNP RPAs submitted in the OCC queue prior to **October 15, 2020.** For RPAs submitted to the OCC queue on or after this date, the IBD or PAGS will conduct all PNP RPA reviews. Public Assistance (PA) staff will engage OCC when an applicant is determined ineligible or OCC advice is needed. PA staff should conduct weekly meetings with OCC to coordinate PNP RPA reviews.

PA staff will conduct the review as follows:

- Grants Manager currently routes all PNP RPAs through FEMA's OCC for review prior to being routed to PA for a final eligibility determination. To facilitate expedited reviews, PA staff conduct the eligibility determination in the Grants Manager "OCC Review" step.
- PA staff evaluate a PNP's eligibility using Appendix A: *PNP RPA Review Checklist*. If FEMA staff determines:
  - The application has insufficient information or documentation, they initiate a Request for Information (RFI).
  - If the PNP is eligible, they approve the RPA as eligible by checking "I confirm that I am submitting this Eligibility Determination on behalf of OCC." PA staff state the following reason "OCC was not involved in this review. The eligibility determination was made by PA staff".
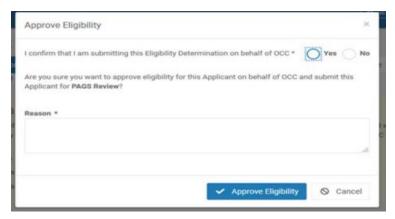

Figure 1. Grants Manager: Approve PNP Eligibility

- If PA staff are unsure whether an applicant is an eligible PNP after requesting and reviewing all documentation submitted by the applicant, they should email OCC with application details (Applicant name, RPA identifier, and PNP Type) and request review and recommendation. OCC reviews the documentation submitted by the Applicant and OCC replies to the email advising whether the PNP is eligible or ineligible:

- If eligible, PA continues the process in Grants Manager.
- If ineligible, PA staff draft an eligibility determination (in accordance with *Public Assistance Program and Policy Guide* (PAPPG) *Chapter 5: Eligibility Determinations*) explaining FEMA's reasoning for the ineligibility and sends it via email to the respective assigned OCC representative for review and concurrence. OCC reviews the RPA and eligibility determination and submits their recommendation to the IBD/PAGS in Grants Manager.
- Grants Manager does not currently have functionality to "checkout" RPAs for review; therefore, PA staff must notify OCC by email when an RPA needs OCC review. OCC will only review RPAs in the OCC Review step when requested by email.

Appendix A: PNP RPA Review Checklist

To support a PNP RPA Application, the Applicant must provide information for FEMA to review to determine eligibility. FEMA staff review applicant provided and publicly available documents to complete the review. Any documents that FEMA staff utilize in determining eligibility should be uploaded to Grants Manager.

The purpose of this checklist is to assist FEMA staff with PNP RPA reviews. The bulleted lists shown below are examples of information that the Applicant may provide to demonstrate eligibility. The entire list of documents is not required. PNP RPA Documentation and Information Requirements are listed in the *Public Assistance Program and Policy Guide* (PAPPG) (Table 4. PNP RPA Documentation and Information Requirements).

Private Non-profit Status

Ensure the Applicant provided proof of its private nonprofit status. The Applicant must provide at least one of the following documents to show its non-profit status:

- A ruling letter from the U.S. Internal Revenue Service that was in effect as of the declaration date and granted tax exemption under sections 501(c), (d), or (e) of the Internal Revenue Code.
- Documentation from the Secretary of State's office substantiating it is a non-revenue producing, non-profit entity organized or doing business under State law.

IRS form 990 or other tax documentation may also show the PNP has non-profit status. Additionally, FEMA may validate current non-profit status online using the Tax Exempt Organization Search and may validate that the tax exempt status is in good standing online at the Secretary of State Office.

If exempt from both the requirement to apply for 501(c)(3) status and tax-exempt status under State law; provide articles of association, bylaws, or other documents indicating it is an organized entity and a certification that it is compliant with Internal Revenue Code section 501(c)(3)and State law requirements.

Owns or Operates an Eligible Facility

Applicants must show legal proof of ownership or operating an eligible facility. Documents must include the Applicant's name as the owner or operator and the facility must be listed on the RPA. Proof of ownership includes but is not limited to:

- A deed, title or lease agreement;
- A bill of sale or land contract;
- A mortgage payment booklet;
- A property tax receipt or property tax bill;
- A real property structure insurance policy;
- General liability and business lines of insurance;
- IRS Form 990; or Articles of incorporation and by-laws.

Proof that the Applicant operates the facility includes, but is not limited to:

- A lease agreement, in effect at the time of the declared event, for the property(s) listed in the RPA which shows the Applicant as the tenant;
- Description of the facility and services provided at the facility;
- Insurance policies which demonstrate coverage for the facility;
- State/county/parish tax assessor records; or
- IRS Form 990 or any other IRS forms that show operation of at least one eligible PNP facility.

Facility Provides Critical or Non-Critical Services

Eligible facilities provide critical services (defined as education, utility, emergency or medical) or provides a noncritical, but essential social service and provides those services to the general public. PNP facilities must generally meet the requirement of serving the general public. All of the requirements are found in the *Applicant Eligibility* chapter of the PAPPG.

A list of eligible services are found in the *Applicant Coordination and Eligibility* chapter of the PAPPG (see Table 1. *PNP Eligible Critical Services and* Table 2. *PNP Eligible Noncritical, Essential Social Services*).

Other Considerations

Facilities that provide multiple types of services must provide proof of the established purpose of the facility with documentation (required), such as:

- U.S. Internal Revenue Service documentation and other tax records;
- Pre-incident charter, bylaws, and amendments;
- Evidence of longstanding, routine (day-to-day) use (e.g., a calendar of activities);
- Proof that more than 50% of the facility is used for eligible services;
- Proof that the Applicant owns or operates more than 50% of the facility.
  - FEMA has waived the primary use and primary ownership requirement for only certain PNP applicants that are providing eligible emergency services under COVID-19 declarations. See Appendix B: *Waiver of Private Nonprofit Primary Use and Primary Ownership Facility Policies Under the Coronavirus (COVID-19) Pandemic Declaration*s, dated 07/01/2020.