United States Senate

February 20, 2024

The Honorable Joseph R. Biden
President of the United States
The White House
1600 Pennsylvania Ave, NW
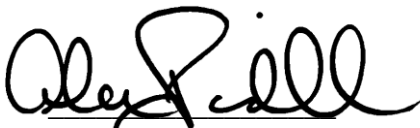Washington, DC 20500

Dear President Biden:

We write with profound concern regarding FEMA's new interpretation of and guidelines for emergency non-congregate sheltering (NCS) during the COVID-19 Pandemic.

On October 16, 2023, the State of California received a letter from FEMA that outlined this change in guidance. Specifically, this change retroactively eliminated the reimbursement eligibility for emergency NCS stays for high-risk individuals exceeding 20 days between June 11, 2021, and May 11, 2023. Additionally, the guidance now states unoccupied rooms are generally ineligible unless an exception applies for "reasonable pre-positioning of resources or other circumstances made in a case-by-case basis". This change will have a serious and devastating financial impact on the State of California as well as local governments in the state.

According to the Governor's Office of Emergency Services, this change in policy will cost the state and local governments an estimated $300 million dollars. This is a cost they simply cannot bear. During the COVID-19 Pandemic we asked states and local governments to step up, protect individuals, and stop the spread. The State of California and its local governments answered that call with the reasonable expectation that the federal government would be there to support and reimburse them for those costly yet necessary and lifesaving measures.

In addition to the financial burden of this policy change, it is our understanding that not only has FEMA's application of its own NCS policy varied across states but that this change was not properly subject to FEMA's own 30-day notice requirement. For these reasons we strongly urge you to rescind this unjust, unfair, and financially devastating policy change. Thank you for your consideration of this request.

Sincerely,

Alex Padilla
United States Senator

Laphonza Butler
United States Senator