SEP 30 2005

MEMORANDUM FOR: All Federal Coordinating Officers
Regional Directors
Acting Regional Directors
Regions I-X

Ronald Sherman
Housing Area Commander

FROM: Daniel A. Craig
Director
Recovery Division

SUBJECT: Temporary Shelter for Workers of Public Entities

The following guidance applies to FEMA’s provision of temporary shelter for the use of employees of public entities.

FEMA will: (1) provide through state and local governments temporary shelter for disaster victims; (2) reimburse state and local governments for the provision of temporary shelter to disaster victims, and (3) provide temporary housing to individuals displaced by Hurricanes Katrina and Rita under its Stafford Act Section 408 programs. Such shelter and housing may be provided in a variety of forms, including through travel trailers placed on privately and publicly owned land. Pursuant to 42 U.S.C. 5151, FEMA must provide temporary shelter in an equitable and impartial manner, without discrimination on the grounds of race, color, religion, nationality, sex, age, or economic status.

Some public entities, including the state, parishes, counties, cities, towns, school districts, agencies of public entities and other local governments, have requested that FEMA provide temporary, special purpose, shelter on sites provided by the public entities to house the employees who are disaster victims of those entities. FEMA may use sites provided by public entities to house disaster victims, including disaster victims who are employees of the entity that provided the site.

- The first requirement for this special purpose housing is that the entity must provide a service essential to the restoration of the community the entity serves. “Essential services” will include educational facilities, utilities, emergency facilities, medical facilities as well as public works street and road repair.
- The housing site must be provided free of charge.
• In the absence of circumstances justifying exclusive occupancy of such a site by the entities’ employees, such a site cannot be used exclusively by disaster victim employees of the entity that provided the site.

EXCLUSIVE USE RESTRICTIVELY PERMISSIBLE

The public entity that provides the site for the housing must provide written justification acceptable to the FCO for any request for exclusivity. This justification must demonstrate that exclusivity is necessary to provide an acceptable level of the essential services provided by that entity, through the efforts of the employees to be housed. Among those justifications that may be viewed favorably are these: the site available will only physically accommodate the essential employees required by the entity to provide its public service; being in the site requires special training and sensitivity, such as a site at a coroner’s office; having persons near the facility while it is in operation is inconsistent with the effective and safe use of the facility, as with a school; security required at the site will be compromised by having persons coming and going freely who are not screened by the entity; the site presents unacceptable dangers to persons not familiar with and trained to deal with its hazards; and the site is, by its nature, such as being within the perimeter of a prison, not accessible by the general public. The FCO will respond to the request within 5 days after its receipt by FEMA.

ADDITIONAL PROVISIONS

(1) FEMA will require that any housing provided for exclusive use of employees of public entities will be provided with the understanding that units vacated by the public entity’s employees be available for occupancy by displaced persons from the general community.

• This requirement for immediate availability of vacant housing for other displaced persons is subject to exception if there is an overriding public interest of the entity in limiting access to its facility.
• Nothing here should be read to require a public entity to allow a housing facility to remain on its site longer than the entity needs such housing for its employees.
• If the entity requires immediate use of the part of its site vacated for its usual purposes it will not be required to put non-employee persons in the housing there.
• Where housing is vacated where the public entity has reason not to allow use of the site for housing of displaced persons from the general community, the public entity will notify FEMA immediately on the unit’s vacation and surrender the housing unit to FEMA for use elsewhere.

(2) FEMA may provide housing to employees of public entities limited to the employees, if this use restriction is required by the entity and approved by the FCO; otherwise, the housing will be provided to the employees with their households, to the extent the kind of housing chosen for the particular public entity is adequate.

(3) FEMA will not provide housing through FEMA Individual Assistance (IA) and Public Assistance (PA) to public employees who are not disaster victims, or to their public employers.
The usual conditions for housing provided under Section 408, which are not addressed in this guidance, will apply.

(4) Because the individuals to whom the housing will be provided through IA are qualified under Section 408, FEMA will not require a public entity that will provide a housing site to demonstrate that it cannot obtain other temporary shelter for its employees.

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