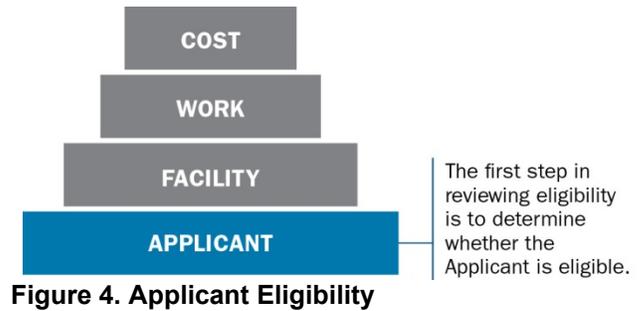


## VI. Applicant Eligibility

FEMA provides assistance to eligible Applicants, which are defined below.<sup>83</sup> As shown in Figure 4. *Applicant Eligibility*, FEMA must first determine whether the Applicant is eligible before evaluating the Applicant's claim. FEMA and the Recipient review the RPA to determine whether the Applicant is eligible for assistance.<sup>84</sup> This section provides FEMA's policy on Applicant eligibility.



### A. State and Territorial Governments

State and Territorial governments, including the District of Columbia, American Samoa, the Commonwealth of the Northern Mariana Islands, Guam, Puerto Rico, and the U.S. Virgin Islands, are eligible Applicants. This includes any agency or instrumentality thereof, exclusive of local governments.<sup>85</sup> The State or Territorial government designates one of the agencies (usually the emergency management agency) as the Recipient. The Recipient serves as the pass-through entity to the other agencies, which are Subrecipients.

### B. Tribal Governments

Federally recognized Indian Tribal governments, including Alaska Native villages and organizations, are eligible Applicants. Alaska Native Corporations are ineligible as they are privately owned.<sup>86</sup>

### C. Local Governments

The following types of local governments are eligible Applicants:<sup>87</sup>

- Counties and parishes;
- Municipalities, cities, towns, boroughs, and townships;
- Local public authorities;
- School districts;
- Intrastate districts;
- Councils of governments (regardless of whether incorporated as nonprofit corporations under State law);
- Regional and interstate government entities;
- Agencies or instrumentalities of local governments;
- State recognized Tribes; and
- Special districts established under State law.

<sup>83</sup> 44 C.F.R. § 206.222.

<sup>84</sup> 44 C.F.R. § 206.207(b)(1)(iii)(C).

<sup>85</sup> Stafford Act § 102(4), 42 U.S.C. § 5122; 44 C.F.R. §§ 206.2(a)(22) and 206.222(a); and 2 C.F.R. § 200.90.

<sup>86</sup> Stafford Act § 102(6), 42 U.S.C. § 5122; 44 C.F.R. §§ 206.201(i) and 206.222(c); and 2 C.F.R. § 200.54.

<sup>87</sup> Stafford Act § 102(8), 42 U.S.C. § 5122; 44 C.F.R. §§ 206.2(a)(16) and 206.222(a); and 2 C.F.R. § 200.64.

- Community Development Districts are special districts that finance, plan, establish, acquire, construct or reconstruct, operate, and maintain systems, facilities, and basic infrastructure within their respective jurisdictions. To be eligible, a Community Development District must own and be legally responsible for maintenance, and operation of an eligible facility that is open to and serves the general public.<sup>88</sup>

The State or a political subdivision of the State may submit applications on behalf of rural communities, unincorporated towns or villages, and other public entities not listed above.<sup>89</sup>

#### D. Private Nonprofit Organizations

Only certain PNPs are eligible Applicants. To be an eligible PNP Applicant, the PNP must show that it has:



Figure 5. PNP Eligibility

- 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; or
- Documentation from the State substantiating it is a non-revenue producing, nonprofit entity organized or doing business under State law.<sup>90</sup>

If the organization is not required to obtain 501(c)(3) status or tax-exempt status under applicable State law, the organization must provide articles of association, bylaws, or other documents indicating that it is an organized entity, and a certification that it is compliant with Internal Revenue Code section 501(c)(3) and State law requirements.

Additionally, as shown in Figure 5. *PNP Eligibility*, prior to determining whether the PNP is eligible, FEMA must first determine whether the PNP owns or operates an eligible facility.<sup>91</sup> For PNPs, an eligible facility is one that provides one of the services listed below (the declared incident must have damaged the facility):

- A facility that provides a critical service, which is defined as education, utility, emergency, or medical (see [Table 1. PNP Eligible Critical Services](#));<sup>92</sup> or
- A facility that provides a noncritical, but essential social service AND provides those services to the general public (see [Table 2. PNP Eligible Noncritical, Essential Social Services](#)).<sup>93</sup> PNP facilities generally meet the requirement of serving the general public if ALL of the following conditions are met.<sup>94</sup>

<sup>88</sup> Community Development Districts generally meet the requirement of serving the public based on the same criteria used for PNPs in [Chapter 3:VI.D. Private Nonprofit Organizations](#).

<sup>89</sup> Stafford Act § 102(8)(c), 42 U.S.C. § 5122; 44 C.F.R. § 206.2(a)(16)(iii).

<sup>90</sup> 44 C.F.R. § 206.221(f).

<sup>91</sup> 44 C.F.R. § 206.222(b).

<sup>92</sup> Stafford Act § 406(a)(3)(B), 42 U.S.C. § 5172; 44 C.F.R. § 206.221(e).

<sup>93</sup> 44 C.F.R. § 206.221(e)(7).

<sup>94</sup> FEMA also uses this criteria to determine whether a Community Development District serves the public.

- Facility use is not limited to any of the following:
  - A certain number of individuals;
  - A defined group of individuals who have a financial interest in the facility, such as a condominium association;
  - Certain classes of individuals; or
  - An unreasonably restrictive geographical area, such as a neighborhood within a community;
- Facility access is not limited to a specific population (such as those with gates or other security systems intended to restrict public access); and
- Any membership fees meet all of the following criteria:
  - Are nominal;<sup>95</sup>
  - Are waived when an individual can show inability to pay the fee;
  - Are not of such magnitude to preclude use by a significant portion of the community; and
  - Do not exceed what is appropriate based on other facilities used for similar services.
- Certain types of facilities, such as senior centers, that restrict access in a manner clearly related to the nature of the facility, are still considered to provide essential social services to the general public.<sup>96</sup>

In cases where the facility provides multiple services, such as a community center, FEMA reviews additional items to determine the primary service that facility provides. Facilities established or primarily used for political, athletic, recreational, vocational, or academic training, conferences, or similar activities are ineligible (see [Table 3. PNP Ineligible Services](#)).

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<sup>95</sup> FEMA considers the provision of services with a high membership initiation fee or high annual dues to be restrictive to certain populations. FEMA may consider the provision of services with a low fee that only covers administrative processing costs or a fee that can be waived upon demonstration of need to be accessible to the general public.

<sup>96</sup> Per Stafford Act §§ 102(11)(B) and 406(a)(3)(C), 42 U.S.C. §§ 5122 and 5172, organizations operating houses of worship that limit leadership or membership to persons who share a religious faith or practice still provide essential social services to the general public.

# 1. Private Nonprofit Critical Services

**Table 1. PNP Eligible Critical Services**

PNP ELIGIBLE CRITICAL SERVICES	
<p style="text-align: center;"><b>EDUCATION</b></p> <ul style="list-style-type: none"> <li>• Primary or secondary education as determined under State law and provided in a day or residential school, including parochial schools; OR</li> <li>• Higher-education institutions that meet all of the following criteria:               <ul style="list-style-type: none"> <li>○ Admit students or persons having a high school diploma or equivalent;</li> <li>○ Are legally authorized to provide education beyond a secondary level;</li> <li>○ Award a bachelor’s degree or 2-year degree that is acceptable as full credit toward a bachelor’s degree or provides at least a 1-year training program to prepare students for gainful employment in a recognized occupation; and</li> <li>○ Are accredited by a nationally recognized agency or association (as determined by the Secretary of Education).</li> </ul> </li> <li>• Educational facilities that meet the above criteria are eligible without regard to religious character or use for religious instruction.</li> </ul>	<p style="text-align: center;"><b>EMERGENCY MEDICAL</b></p> <ul style="list-style-type: none"> <li>• Emergency medical care (diagnosis or treatment of mental or physical injury or disease) provided in:               <ul style="list-style-type: none"> <li>○ Clinics</li> <li>○ Dialysis facilities</li> <li>○ Facilities that provide in-patient care for convalescent or chronic disease patients</li> <li>○ Hospices and nursing homes</li> <li>○ Hospitals and related facilities, including:                   <ul style="list-style-type: none"> <li>➢ Central service facilities operated in connection with hospitals</li> <li>➢ Extended-care facilities</li> <li>➢ Facilities related to programs for home-health services</li> <li>➢ Laboratories</li> <li>➢ Self-care units</li> <li>➢ Storage, administration, and record areas</li> </ul> </li> <li>○ Long-term care facilities</li> <li>○ Outpatient facilities</li> <li>○ Rehabilitation centers</li> </ul> </li> </ul>
<p style="text-align: center;"><b>UTILITY</b></p> <ul style="list-style-type: none"> <li>• Communications transmission and switching, and distribution of telecommunications traffic</li> <li>• Electric power generation, transmission, and distribution.</li> <li>• Irrigation to provide water for drinking water supply, fire suppression, or electricity generation</li> <li>• Sewer and wastewater collection, transmission, and treatment</li> <li>• Water treatment, transmission, and distribution by a water company supplying municipal water</li> </ul>	<p style="text-align: center;"><b>EMERGENCY SERVICES</b></p> <ul style="list-style-type: none"> <li>• Ambulance</li> <li>• Fire protection</li> <li>• Rescue</li> <li>• Public broadcasting that monitor, receive, and distribute communication from the Emergency Alert System to the public</li> </ul>
<p>Administrative and support facilities essential to the provision of the PNP critical service are eligible facilities.</p>	

## 2. Private Nonprofit Essential Social Services

**Table 2. PNP Eligible Noncritical, Essential Social Services**

<b>PNP ELIGIBLE NONCRITICAL, ESSENTIAL SOCIAL SERVICES</b>	
<p>Community centers established and primarily used for the following services (or similar) to the general public:</p> <ul style="list-style-type: none"> <li>● Art services authorized by a SLTT government, including, but not limited to:               <ul style="list-style-type: none"> <li>● Arts administration</li> <li>● Art classes</li> <li>● Management of public arts festivals</li> <li>● Performing arts classes</li> </ul> </li> <li>● Community center activities that serve the public</li> <li>● Educational enrichment activities that are not vocational, academic, or professional training. Examples include hobby or at-home pursuits, such as:               <ul style="list-style-type: none"> <li>○ Car care</li> <li>○ Ceramics</li> <li>○ Gardening</li> <li>○ Personal financial and tax planning</li> <li>○ Sewing</li> <li>○ Stamp and coin collecting</li> </ul> </li> <li>● Multi-purpose arts programming</li> <li>● Senior citizen projects, rehabilitation programs, community clean-up projects, blood drives, local government meetings, and similar activities</li> <li>● Services and activities intended to serve a specific group of individuals (e.g., women, African Americans, or teenagers) provided the facility is otherwise available to the public on a non-discriminatory basis</li> <li>● Social activities to pursue items of mutual interest or concern, such as:               <ul style="list-style-type: none"> <li>○ Community board meetings</li> <li>○ Neighborhood barbecues</li> <li>○ Various social functions of community groups</li> <li>○ Youth and senior citizen group meetings</li> </ul> </li> <li>● Performing arts centers with a primary purpose of producing, facilitating, or presenting live performances, including:               <ul style="list-style-type: none"> <li>○ Construction of production materials</li> <li>○ Creation of artistic works or productions</li> <li>○ Design</li> <li>○ Professional training</li> <li>○ Public education</li> <li>○ Rehearsals</li> </ul> </li> </ul>	<p>Facilities that do not provide medical care, but provide:</p> <ul style="list-style-type: none"> <li>● Alcohol and drug treatment and other rehabilitation services</li> <li>● Assisted living</li> <li>● Custodial care, even if the service is not provided to the general public (including essential administration and support facilities)</li> <li>● Childcare</li> <li>● Center-based childcare, even if not provided to the public</li> <li>● Day care for individuals with disabilities or access and functional needs (for example, those with Alzheimer’s disease, autism, muscular dystrophy)</li> <li>● Food assistance programs, including Food Banks and storage of food for Food Banks</li> <li>● Health and safety services, including animal control services</li> <li>● Homeless shelters</li> <li>● Houses of worship</li> <li>● Libraries</li> <li>● Low-income housing (as defined by Federal or SLTT law or regulation)</li> <li>● Museums:               <ul style="list-style-type: none"> <li>○ Constructed, manufactured, or converted with a primary purpose of preserving and exhibiting a documented collection of artistic, historic, scientific, or other objects</li> <li>○ Buildings, associated facilities, fixed facilities, and equipment primarily used for the preservation or exhibition of the collection, including:                   <ul style="list-style-type: none"> <li>➤ Permanent infrastructure, such as walkways and driveways of outdoor museum-type exhibition areas</li> <li>➤ Historic buildings, such as barns and other outbuildings, intended for the preservation and exhibition of historical artifacts within a defined area</li> <li>➤ Permanent facilities and equipment that are part of arboretums and botanical gardens</li> <li>➤ Infrastructure, such as utilities, and administrative facilities necessary for support</li> </ul> </li> <li>○ The grounds at museums and historic sites are ineligible.</li> <li>○ Open natural areas/features or entities that promote the preservation/conservation of such areas are ineligible.</li> </ul> </li> <li>● Residential and other services for families of domestic abuse</li> <li>● Residential services for individuals with disabilities</li> <li>● Senior citizen centers</li> <li>● Shelter workshops that create products using the skills of individuals with disabilities</li> <li>● Zoos</li> </ul>

With exception of custodial care facilities and museums, administrative and support facilities essential to the provision of PNP noncritical service are ineligible facilities.

### 3. Private Nonprofit Ineligible Services

**Table 3. PNP Ineligible Services**

PNP INELIGIBLE SERVICES	
<p style="text-align: center;"><b>COMMUNITY CENTER SERVICES</b></p> <ul style="list-style-type: none"> <li>• Training individuals to pursue the same activities as full-time paying careers (for example, vocational, academic, or professional training)</li> <li>• Meetings or activities for only a brief period, or at irregular intervals</li> <li>• Other education or training including:               <ul style="list-style-type: none"> <li>○ Athletic, vocational, academic training, or similar activities</li> <li>○ Political education</li> </ul> </li> </ul>	<p style="text-align: center;"><b>OTHER COMMUNITY SERVICES</b></p> <ul style="list-style-type: none"> <li>• Advocacy or lobbying groups not directly providing health services</li> <li>• Cemeteries</li> <li>• Conferences</li> <li>• Day care services not included in previous table of eligible services</li> <li>• Flood control (e.g., levees, berms, dunes)</li> <li>• Land reclamation facilities</li> <li>• Irrigation solely for agricultural purposes<sup>97</sup></li> <li>• Job counseling</li> <li>• Property owner associations with facilities such as roads, bridges, and recreational facilities (except utilities or emergency facilities)</li> <li>• Public housing, other than low-income housing</li> <li>• Recreation</li> <li>• Parking not in direct support of eligible facility</li> </ul>

### 4. Private Nonprofit Application Documentation Requirements

**Table 4. PNP RPA Documentation and Information Requirements**

All PNP Applicants
<input type="checkbox"/> A ruling letter from the Internal Revenue Service that was in effect on the declaration date and granted tax exemption under sections 501(c), (d), or (e) of the Internal Revenue Code; OR documentation from the State substantiating it is a non-revenue producing, nonprofit entity organized or doing business under State law. If exempt from both the requirement to apply for 501(c)(3) status and tax-exempt status under State law, the organization must provide articles of association, bylaws, or other documents indicating that it is an organized entity and a certification that it is compliant with Internal Revenue Code section 501(c)(3) and State law requirements. (required)
<input type="checkbox"/> If the Applicant owns the damaged facility, proof of ownership (required)
<input type="checkbox"/> If the Applicant leases the damaged facility, provide lease or other proof of legal responsibility to repair the incident-related damage (required)
<input type="checkbox"/> List of services provided in the damaged facility, when, and to whom (required)
Membership Organization
<input type="checkbox"/> Who is allowed membership (required)
<input type="checkbox"/> What fees are charged (required)
<input type="checkbox"/> Policy regarding waiving memberships (required)

<sup>97</sup> 44 C.F.R. § 206.221(e)(3).

<b>Child Care Facility</b>
<input type="checkbox"/> Proof that the State Department of Children and Family Services, Department of Human Services, or similar agency, recognizes it as a licensed childcare facility (required)
<b>Education</b>
<input type="checkbox"/> Proof that the school is accredited or recognized by the State Department of Education (required). State regulations for private schools vary and some states do not require accreditation. A PNP school must demonstrate that it is recognized by the state as providing elementary or secondary education. Depending on state requirements, documentation may include, but is not limited to, the following (must have been in existence at the time of the incident): <ul style="list-style-type: none"> <li><input type="checkbox"/> Accreditation documents</li> <li><input type="checkbox"/> Certification from the State Department of Education that the Applicant operated the facility as a PNP school at the time of the incident</li> <li><input type="checkbox"/> Documentation demonstrating compliance with the State’s compulsory attendance laws</li> <li><input type="checkbox"/> School-year calendar</li> <li><input type="checkbox"/> School budget</li> <li><input type="checkbox"/> Complete list of students and teachers</li> <li><input type="checkbox"/> Educational instruction property and equipment owned by the PNP</li> <li><input type="checkbox"/> Tax records for the school</li> <li><input type="checkbox"/> Documents reflecting school curriculum, transcripts, health and safety, disciplinary, or other records kept for students</li> <li><input type="checkbox"/> Tuition receipts</li> <li><input type="checkbox"/> Financial statements</li> <li><input type="checkbox"/> Commencement documents</li> <li><input type="checkbox"/> Inclusion in the U.S. Department of Education’s National Center for Education Statistics Private School Universe Survey data<sup>98</sup></li> <li><input type="checkbox"/> State Department of Education electronic and paper homeschool declaration or registration forms</li> </ul>
<b>Mixed-Use Facility (See <a href="#">Chapter 4:II.B.1, Mixed-Use Facility</a>)</b>
<input type="checkbox"/> Proof of the established purpose of the facility with documentation (required), such as: <ul style="list-style-type: none"> <li><input type="checkbox"/> U.S. Internal Revenue Service documentation;</li> <li><input type="checkbox"/> Pre-incident charter, bylaws, and amendments; or</li> <li><input type="checkbox"/> Evidence of longstanding, routine (day-to-day) use (e.g., a calendar of activities).</li> </ul>

Once FEMA approves the RPA, the PAGS in coordination with the PDTFL assigns a Program Delivery Manager (PDMG) to the Applicant (usually within 5 working days of RPA approval). The PDMG serves as the primary point of contact for the Applicant, providing customer service and programmatic guidance throughout phases I through V of the PA Program delivery process.

## VII. Exploratory Call

The PDMG conducts the Exploratory Call with the Applicant (usually within 7 working days of Applicant assignment). The Exploratory Call is an introductory discussion conducted by the PDMG via a conference call. The PDMG reviews the Applicant Profile prior to the Exploratory

<sup>98</sup> The Private School Universe Survey electronic search tool is available at [nces.ed.gov/surveys/pss/privateschoolsearch/](https://nces.ed.gov/surveys/pss/privateschoolsearch/).