

From: Schulz, Cody J.

Sent: Wednesday, March 18, 2020 1:19 PM

To: Schulz, Cody J. <cjschulz@nd.gov>

Subject: County/City/Tribal Emergency Declarations

Good afternoon State and Local Leaders,

On March 13, 2020, President Donald J. Trump issued a [Nationwide Emergency Declaration](#). Governor Doug Burgum also issued [Executive Order 2020-03](#) in response to the novel coronavirus, COVID-19. I just wanted to take a moment and explain what those declarations have made available and clarify the use of local emergency declarations moving forward.

Pursuant to the nationwide emergency declaration, the Public Assistance (PA) program has been made available and can reimburse up to 75% of eligible Emergency Protective Measure costs required for the response and prevention of COVID-19. For the PA Program to be implemented at the State and local level, FEMA was required to issue an emergency declaration for each individual State. For the State of North Dakota, that emergency declaration is officially known as EM-3477.

Between the President's nationwide emergency declaration and Governor Burgum's executive order, all State Agencies, Counties, Cities, Tribes, and eligible Private Non-Profits are currently able to utilize EM-3477, and receive reimbursement for eligible expenses associated with preventing and responding to COVID-19, **without having to issue their own local emergency declaration**. Certain cost type eligibility requirements and the timing of reimbursements is still being worked out at the federal level and we will continue to update you as we know more.

Although not needed to be eligible for future federal and state funding, many of you may elect to issue your own declaration in order to communicate the seriousness of this situation to your constituents and identify impacts of the spread of COVID-19 on your community. Furthermore, if a County, City, or Tribe wants to access their own [Emergency Fund](#), they are required by North Dakota Century Code (NDCC) to issue an emergency declaration. Per NDCC [37-17.1-10](#), "the effect of a declaration of a local disaster or emergency is to activate the response and recovery aspects of any and all applicable local disaster or emergency operational plans and to authorize the furnishing of aid and assistance thereunder."

As we move forward, the State of North Dakota is going to continue responding to and assisting our local jurisdictions as they deal with the COVID-19 virus however we possibly can. For the purposes of the PA program, FEMA is working with the Department of Health and Human Services and the Centers for Disease Control to provide additional guidance on eligible costs and activities. At this point, the guidance that has been provided by FEMA is to track all costs associated with COVID-19 as best as possible. This will not only help with the reimbursement process but ensure as many costs remain eligible as possible.

Please contact our staff at the ND Department of Emergency Services (NDDDES) if you have any further questions about the PA program or emergency declarations. We will work to provide coordination and answer any questions as best we can.

Thanks for all you do,

Cody Schulz

Director of Homeland Security

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