



## Summary of Federal COVID Bills

April 7, 2020

*This NACHSA brief summarizes the first three federal COVID bills on actions taken on a number of human services, health, nutrition, and housing/homelessness programs. It also contains information on unemployment insurance, family and medical leave, sick leave and renter and homeowner protections.*

### HUMAN SERVICES

#### Child Care Development Block Grant

**Background:** The CARES Act provides \$3.5 billion for child care programs. In FY 2020, \$5.2 billion was appropriated in the Labor, Health and Human Services bill.

**Eligible Uses of Funding:** Funding may be used to ensure access to child care for health care sector employees, emergency responders, sanitation workers, and other workers deemed essential and without regard to the income eligibility requirements. Funds also may be used to continue payments to child care providers to make sure they can pay staff, cover operating costs, and remain open or reopen in the future. Additionally, funds may be used for cleaning and sanitization or other activities due to the pandemic that are necessary to remain open or reopen in the future.

**Timeline:** As of April 6, HHS has not released funding or provided program guidance.

**Additional Child Care Resources:** [HHS Child Care COVID-19 Website](#).

#### Older Americans Act Nutrition Programs

**Background:** The *Families First Coronavirus Response Act* (PL 116-127) appropriated \$250 million through the *Older Americans Act* (OAA). The *CARES Act* (PL 116-136) added another \$820 million for OAA programs.

**Eligible Uses of Funding:** The initial \$250 million is for providing meals to older adults, some people with disabilities, and their caregivers. The uses for the \$820 million is slightly broader and includes nutrition programs (\$520 million), home and community based services (\$200 million), and family caregivers support (\$100 million).

**Timeline:** HHS announced on March 24 that it had made *Families First* allocations to states. Grant amounts are determined based on the population-based formulas defined in the OAA.

As of April 7, there is no information on the second round of funding.

**Additional Senior Nutrition Resources:** [Administration for Community Living/Older Americans COVID-19 Website](#)

### **Community Services Block Grant**

**Background:** The *CARES Act* provides \$1 billion in funding for the Community Services Block Grant (CSBG). During the FY 2020 appropriations process, CSBG received \$740 million.

**Eligible Uses of Funding:** CSBG funds may be used to provide services and activities addressing employment, education, better use of available income, housing, nutrition, emergency services and/or health. States are required to pass through 90 percent of their allocation to local CSBG eligible entities. Those entities include, but are not limited to, local governments, migrant and seasonal farm worker organizations, and Community Action Agencies.

Typically, CSBG can serve individuals whose incomes are up to 125 percent of the federal poverty level. Under the *CARES Act*, agencies can serve individuals up to 200 percent of the federal poverty level.

**Timeline:** HHS has indicated that CSBG funding will likely be provided to states and grantees sometime in April.

**Additional CSBG Resources:** [CSBG-COVID-19 FAQs March 27](#); [National Association for State Community Services Programs COVID-19 Resources](#)

### **Low Income Home Energy Assistance Program**

**Background:** The *CARES Act* provides \$900 million for LIHEAP. During the FY 2020 appropriations process, LIHEAP received \$3.3 billion.

**Eligible Uses of Funding:** Each state operates the program differently. Allowable uses of funding include one-time financial assistance to help balance an eligible household's utility bill; assistance to low-income households that are in a crisis situation, including notices to disconnect notice or service termination by their utility company; and, LIHEAP Weatherization providing free energy efficiency upgrades to low-income households to lower their monthly utility bills.

**Timeline:** LIHEAP funds are available through September 2021, allowing states the flexibility to assist families when they will need it the most – after utility shutoff suspensions are lifted and when bills become due.

**Additional LIHEAP Resources:** [April 1 LIHEAP COVID-19 Program Guidance](#)

### **Temporary Assistance for Needy Families Program**

The *Cares Act* extends the reauthorization of the Temporary Assistance for Needy Families (TANF/CalWORKs) program from May 23, 2020 to November 30, 2020.

## **NUTRITION**

### **Supplemental Nutrition Assistance Program (SNAP/CalFresh)**

**Background:** *The Families First Coronavirus Response Act* (PL 116-127) allows states to request waivers from USDA to provide temporary, emergency SNAP benefits to households up to the maximum monthly benefit amount and suspends time limits on SNAP eligibility for unemployed and underemployed individuals. Moreover, the *CARES Act* increases SNAP by \$15.5 billion to account for the anticipated spike in need in FY 2020.

### **The Emergency Food Assistance Program (TEFAP)**

**Background:** *The Families First Coronavirus Response Act* (PL 116-127) appropriated \$400 million for TEFAP, including \$300 million for commodities and \$100 million to support food storage and distribution. The *CARES Act* provided an additional \$450 million for TEFAP, including \$300 million for commodities and up to \$150 for distribution costs. The two laws provide a combined total of \$600 million for food and \$250 million for TEFAP administration. Most of these programs are operated by food banks. The FY 2020 appropriation for the program was \$402 million.

**Eligible Uses of Funding:** Through TEFAP, USDA purchases a variety food commodities and makes those resources available to State Distributing Agencies. The amount of food each state receives out of the total amount of food provided is based on the number of unemployed persons and the number of people with incomes below the poverty level in the state. States provide the food to local agencies that they have selected, usually food banks, which in turn distribute the food to local organizations, such as soup kitchens and food pantries that directly serve the public. States also provide the food to other types of local organizations, such as community action agencies, which distribute the foods directly to low-income households.

**Timeline:** the USDA has indicated that commodities funded under the *Families First Coronavirus Response Act* (PL 116-127) may not be available until June at the earliest. Feeding America – the national association representing food banks – estimates that the

commodities will not be available until July. There is currently no information on the second round of funding under the *CARES Act*.

**USDA Food and Nutrition Guidance on TEFAP Flexibility:** On March 30, FNS issued this [guidance](#) on state agency TEFAP flexibilities.

### **Special Supplemental Nutrition Program for Women, Infants, and Children (WIC)**

**Background:** The *Coronavirus Preparedness and Response Supplemental Appropriations Act* (PL 116-123) appropriated \$500 million for WIC.

**Eligible Uses of Funding:** Pregnant, postpartum and breastfeeding women, infants, and children up to age 5 are eligible. They must meet income guidelines, a state residency requirement, and be individually determined to be at "nutritional risk" by a health professional.

A participant's gross income must fall at or below 185 percent of the poverty level. WIC foods include infant cereal, iron-fortified adult cereal, vitamin C-rich fruit or vegetable juice, eggs, milk, cheese, peanut butter, dried and canned beans/peas, canned fish, soy-based beverages, tofu, fruits and vegetables, baby foods, whole-wheat bread, and other whole-grain options.

**Timeline:** As of April 6, the USDA Food and Nutrition Service has stated that it will work with states to ensure funding is available to state agencies that require additional funds based on enrollment. Funding is available through September 30, 2021.

**Additional WIC Resources:** [FNS Questions and Answers on WIC and COVID-19](#)

### **Federal Nutrition Waivers**

In addition to the legislative initiatives described above, the federal Food and Nutrition Service has granted states a number of COVID-19 waivers and flexibilities for nutrition programs. Those waivers are updated on this [site](#).

## **PUBLIC HEALTH/MEDICAID/HOSPITAL SUPPORT**

### **State & Local Public Health Funding**

**Background:** The first *Supplemental Appropriations Act* (PL 116-123) appropriates \$950 million for state and local public health departments to respond to COVID-19 through CDC's Public Health Emergency Preparedness (PHEP) program. Under the law, each existing PHEP grantee must receive 90 percent of its FY 2019 grant.

The *CARES Act* (PL 116-136) provides an additional \$1.5 billion in PHEP funding, with the requirement that each grantee will receive not less than 100 percent of its FY 2019 PHEP grant.

All told, states and local health departments are receiving a total of \$2.4 billion. By way of comparison, the FY 2019 PHEP appropriation totaled just \$622 million.

**Eligible Uses of Funding:** Funds may be used for surveillance, epidemiology, laboratory capacity, infection control, mitigation, communications, and other preparedness response activities.

**Timeline:** On March 11, the CDC announced an initial round of \$560 million in PHEP funding. The remaining PHEP funds under PL 116-123 have yet to be allocated, though must be provided to grantees within 60 days of the bill's March 6 enactment. It remains to be seen when the \$1.5 billion in PHEP funding under the *CARES Act* will be allocated.

For more information, please see CDC's State Health Officer Memorandum on the first round of funding allocations [here](#).

### **Federal Match Increase for Medicaid and Foster Care**

**Background:** The *Families First Coronavirus Response Act* (PL 116-127) provides a 6.2 percentage point boost in the federal match for Medicaid/Medi-Cal and Title IV-E foster care maintenance payments.

As of March 30, there was no similar estimate for the amount of additional foster care funds coming to the state.

State Medicaid and foster care claims are reimbursed quarterly. Reimbursement for *administrative costs* in Medicaid and foster care did *not* receive the FMAP boost. In general, those costs are reimbursed at 50 percent.

**Eligible Uses of Funding:** The recent congressional action does not alter the eligible uses of Medicaid and foster care funding, nor does it increase the amount of services delivered. Rather, the FMAP increase provides higher payments to the state and counties for delivering Medicaid and foster care services.

**Timeline:** Effective January 1, 2020, the enhanced federal match will continue until the end of the calendar year quarter in which HHS ends the public health emergency declaration.

**Other Information:** Click [here](#) for additional FMAP information from the Centers for Medicare and Medicaid Services (CMS). This FAQ document addresses Medicaid resources and COVID-19: [Medicaid FAQs](#). Finally, CMS has developed this partner resources toolkit: [Coronavirus Toolkit](#).

## Hospital and Other Health Care Entities Fund

**Background:** The *CARES Act* created a new \$100 billion grant program designed to provide an influx of funding to hospitals and other health care entities responding to the coronavirus pandemic. Eligible health care providers include: public entities; Medicare/Medicaid enrolled suppliers and providers; and, such for-profit entities and not-for-profit entities as the Secretary of HHS may specify that provide diagnoses, testing, or care for individuals with possible or actual cases of COVID-19.

HHS has broad discretion over allocating funding. The statute does not proscribe formulas, eligibility criteria, or geographic distribution requirements for the grant funds.

**Eligible Uses of Funding:** Funds may be used to cover unreimbursed health care related expenses or lost revenues. The statute delineates the following uses: building or construction of temporary structures; leasing of properties; medical supplies and equipment including personal protective equipment and testing supplies; increased workforce and trainings; emergency operation centers; retrofitting facilities; and, surge capacity.

**Timeline:** As of April 6, HHS has not issued any guidance on how entities may apply for grants. Once available, grants will be made on a rolling basis.

## HOUSING/HOMELESSNESS

### Homelessness Continuum of Care (CoC) Program/Emergency Solutions Grants

**Background:** The *CARES Act* includes \$4 billion to address the needs of individuals and families who are homeless or at risk of homelessness. During the FY 2020 appropriations process, Congress provided \$2.7 billion for these homelessness programs

**Eligible Uses of Funding:** Funding may be used for eviction prevention activities, including rapid rehousing, housing counseling, and rental deposit assistance and to support additional homeless assistance. The Act forgoes any existing funding match requirements.

**Timeline:** \$2 billion must be allocated to CoCs within 30 days of the March 27 bill enactment. The other \$2 billion must be allocated to states and localities within 90 days, with HUD responsible for creating a formula accounting for COVID-19 impacts, high rates of sheltered or unsheltered homeless, and economic and housing market factors.

**Additional Homelessness Resources:** [HUD Website on Disease Risks and Homelessness](#); [National Alliance to End Homelessness COVID-19 Resource Page](#)

## Community Development Block Grant (CDBG)

**Background:** The *CARES Act* provides \$5 billion in CDBG funding to enable counties and cities to address the economic and housing impacts caused by the COVID-19 pandemic. During the FY 2020 appropriations process, the program received a \$3.4 billion.

**Eligible Uses of Funding:** Grantees may use CDBG funds for a wide range of activities that prevent and respond to the spread of the coronavirus. Click [here](#) for a HUD guide outlining CDBG eligible activities to support infectious disease response.

The *CARES Act* eliminates the cap on the amount of funds a grantee can spend on public services, removes the requirement to hold in-person public hearings in order to comply with national and local social gathering requirements, and allows grantees to be reimbursed for COVID-19 response activities regardless of the date the costs were incurred.

**Timeline:** Of the amounts provided, \$2 billion will be allocated within 30 days of the March 27 bill enactment to states and units of local governments that received an allocation under the FY 2020 CDBG formula; \$1 billion will go directly to states within 45 days to support a coordinated response across entitlement and non-entitlement communities based on COVID-19 impacts; and, \$2 billion will be allocated to states, counties and cities based on the prevalence and risk of COVID-19 and related economic and housing disruption. That formula will be created by HUD, with funding distributed on a rolling basis.

**Additional CDBG Resources:** [HUD COVID-19 Resources and Fact Sheets](#); [CDBG Infectious Disease Response Website](#)

## OTHER NON-FUNDING PROVISIONS

### Emergency Family and Medical Leave Expansion

**Background:** The *Families First Coronavirus Response Act* (PL 116-127) modifies the *Family and Medical Leave Act* (FMLA) to create an emergency paid leave program. Public agencies, as well as private sector employers with fewer than 500 workers, are required to provide as many as 12 weeks of job-protected leave for employees who are unable to work or telework because they have to care for a child (under 18 years of age) whose school or day care has closed because of the coronavirus.

The first ten days of such leave are *unpaid*, although employees may elect to substitute accrued vacation days, personal leave, or sick leave under this section. However, an employer may not require such substitution. Following this ten day period, employers must provide eligible employees *paid* leave of not less than two-thirds of their normal

pay rate. Leave assistance to workers would be capped at \$200 per day, or \$10,000 total.

Employees would become eligible for emergency family and medical leave if they have worked for at least 30 calendar days, rather than the one year requirement specified in the FMLA. Employers may, however, exclude employees who are “health care providers” or “emergency responders” from taking expanded family and medical leave. Both terms are defined in the new regulation, though the Department of Labor also gives broad authority to States to expand the list of positions that would fall under these categories.

**Timeline:** The provision went into effect on April 1 and will remain in place until December 31, 2020. The Department of Labor has posted a temporary rule issuing regulations pursuant to the new law. The rule, which can be found [here](#), will be formally published in the Federal Register on April 6. The Department has also issued a number of guidance documents, which can be accessed [here](#).

### **Emergency Paid Sick Leave**

**Background:** The *Families First Coronavirus Response Act* (PL 116-127) provides full-time employees who are unable to work or telework with up to two weeks of immediate paid sick leave. Part-time employees are also eligible for paid sick leave, but the amount will be prorated based on the average number of hours that the employee works over a two week period.

This applies to employees who are:

- Subject to a federal, state, or local quarantine or isolation order;
- Self-quarantining per a health-care provider’s advice;
- Experiencing symptoms of COVID-19 and seeking a medical diagnosis;
- Caring for an individual who is in quarantine;
- Caring for a child whose school or day care has closed due to the coronavirus; or,
- Experiencing any other substantially similar condition specified by the HHS Secretary.

Employees will be entitled to their regular rate of compensation – or the federal, state, or local minimum wage, whichever is greater – if they are taking time off for their own medical needs. Leave assistance is capped at \$511 per day, or \$5,110 overall per employee. Eligible employees will only be entitled to two-thirds of their wages for providing care to a family member or to care for a child whose school or day care that has closed due to the coronavirus. In this case, leave would be capped at \$200 per day or \$2,000 overall for each employee.



These emergency sick leave provisions apply to employees of covered employers regardless of how long an employee has worked for the employer. Employers may, however, exclude employees who are “health care providers” or “emergency responders” from taking expanded family and medical leave. Both terms are defined in the new regulation, though the Department of Labor also gives broad authority to the States to expand the list of positions that would fall under these categories.

The new sick leave provisions are in addition to, and not in lieu of, any other statutorily provided or employer-provided paid sick leave benefits. Furthermore, employers must permit employees to use coronavirus-related sick leave before using any other sick leave they may be entitled to.

**Timeline:** The provision went into effect on April 1 and will remain in place until December 31, 2020. Unused sick leave does *not* carry over into the new calendar year. The Department of Labor has posted a temporary rule issuing regulations pursuant to the new law. The rule, which can be found [here](#), will be formally published in the Federal Register on April 6. The Department has also issued a number of guidance documents, which can be accessed [here](#).

### **Expanded Unemployment Insurance**

**Background:** The *CARES Act* makes a number of changes to the nation’s unemployment compensation laws. This includes providing additional federally funded benefits, expanding eligibility, and offering relief to states and local governments.

*Federal Pandemic Unemployment Compensation:* The federal government will provide a temporary Federal Pandemic Unemployment Compensation (FPUC) of \$600 a week for any worker eligible for State or Federal unemployment compensation (UC) benefits. The FPUC, which is available through July 31, 2020, will be paid in addition to and at the same time as regular State or Federal UC benefits. Moreover, state UC programs would be fully reimbursed for the cost of administering the supplement and for the cost of the supplement itself.

*Expansion of “Work Sharing” Programs:* The federal government will temporarily provide full funding for states with Short-Time Compensation or “work sharing” programs (in which employers voluntarily make an agreement with the State unemployment office to prevent layoffs by reducing employee hours, and workers with reduced hours are eligible for partial state UC benefits). States will receive \$100 million for work sharing program promotion and enrollment of employers, and for implementation or improved administration.

*Thirteen Weeks of Emergency Unemployment Compensation:* All states are authorized to provide an additional 13 weeks of unemployment benefits to workers who need beyond what is provided for in State and Federal law.

*Pandemic Unemployment Assistance:* The CARES Act creates a temporary Pandemic Unemployment Assistance program – effective retroactively to January 27 and extending through December 31, 2020 – to provide unemployment compensation to people who are not normally eligible for benefits (i.e., self-employed, independent contractors, “gig” workers, and those with limited work history). Individuals can apply for these temporary new federal benefits at the State UC office, and States would be fully reimbursed for the cost of benefits and administration.

*Relief for State and Local Governments:* Most governmental entities do not pay per-worker unemployment taxes and instead have “reimbursable arrangements” with state unemployment programs, which require them to reimburse the state for 100 percent of the cost of unemployment compensation paid to their furloughed or laid off workers. During the period of the national emergency, the federal government will pay 50 percent of the reimbursement for those workers so that their employers could follow public health recommendations. Workers at these organizations are also eligible for the FPUC supplement (\$600 a week).

**Timeline:** The federal Pandemic Unemployment Compensation program is available beginning after the date on which the state enters into an agreement with the Department of Labor and ending on or before July 31, 2020.

The Pandemic Unemployment Assistance program provides up to 39 weeks of benefits and is available on or after January 27, 2020 and ending on or before December 31, 2020. ‘

The provision providing relief for states and local governments is applicable between March 13, 2020 and December 31, 2020.

The Department of Labor has issued an unemployment insurance (UI) program letter to provide states with a summary of the UI provisions included in the CARES Act. The letter, as well as other helpful resources, can be accessed [here](#).

### **Renter and Homeowner Protections**

**Eviction Protection:** The CARES Act prevents landlords from bringing legal causes of action to recover possession from tenant for nonpayment of rent or other fees or charges for 120 days if the dwelling is a property insured, guaranteed, supplemented, protected, or assisted in any way by HUD, Fannie Mae, Freddie Mac, the rural housing voucher program, or the Violence Against Women Act.

**Foreclosure Moratorium and the Right to Request Forbearance:** The CARES Act allows a borrower with a federally-backed mortgage loan to request forbearance – regardless of delinquency status and without penalties, fees, or interest – by submitting a request to the borrower’s servicer and affirming financial hardship due to COVID-19. A forbearance

must be granted for up to 180 days and extended for an additional period of up to 180 days at the request of the borrower, though the initial or extended forbearance may be shortened. Servicers must notify the borrower in writing of their right to request forbearance throughout the period of a national emergency. Multifamily borrowers with a federally-backed multifamily mortgage loan that was current on February 1, 2020 may also request a forbearance for up to 30 days, with two additional 30-day extensions.

The *CARES Act* also prohibits the servicer of a federally-backed mortgage loan, except for a vacant or abandoned property, to initiate any foreclosure process, move for a foreclosure judgment or order of sale, or execute a foreclosure-related eviction or foreclosure sale for at least 60 days beginning on March 18, 2020.