



## CORONAVIRUS RESPONSE AND RELIEF SUPPLEMENTAL APPROPRIATIONS ACT OF 2021: GRANTS TO ENHANCE ADULT PROTECTIVE SERVICES TO RESPOND TO COVID-19

### Frequently Asked Questions

*Updated February 12, 2021*

The Administration for Community Living (ACL) is establishing the “Coronavirus Response and Relief Supplemental Appropriations Act of 2021: Grants to Enhance Adult Protective Services to Respond to COVID-19” funding opportunity to implement Section 2042(b) of Subtitle B of Title XX of the Social Security Act, otherwise known as the Elder Justice Act (EJA) as authorized and funded through the Coronavirus Response and Relief Supplemental Appropriations Act, 2021. In accordance with these statutes, the purpose of this opportunity is to enhance and improve adult protective services provided by States and local units of government in response to the COVID-19 pandemic.

These frequently asked questions (FAQs) are provided to assist APS programs better understand the new funding opportunity. These FAQs further elucidate the information contained in [the Federal Register Announcement for this Opportunity](#), published on February 1, 2021, as well as all prior versions of FAQs for this opportunity.

An information call for state-level APS programs was held on February 3, 2021. The [recording of the Webinar](#) is available on the ACL YouTube Page.

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## ABOUT THIS FUNDING

### Statutory Reference

The statutory authority for grants under this program announcement is contained in the Elder Justice Act Section 2042(b) of Title XX of the Social Security Act [Public Law 74-271] [As Amended Through P.L. 115-123, Enacted February 9, 2018], and the Coronavirus Response and Relief Supplemental Appropriations Act, 2021.

### Funding Purpose

Funds expended from the Coronavirus Response and Relief Supplemental Appropriations Act, 2021 are to be spent in accordance with Elder Justice Act Section 2042(b) for APS programs to respond to the Coronavirus Emergency. Funds awarded under this opportunity will provide Adult Protective Services programs (APS) in the States and territories with resources related to their response during the Coronavirus Public Health Emergency. APS programs must expend funds on allowable activities as defined by the Elder Justice Act and State and local policy. This funding is intended to enhance, improve, and expand the ability of APS to investigate allegations of abuse, neglect, and exploitation in the context of COVID-19 and to respond to the needs of adults experiencing such abuse, neglect and exploitation.

### Who Can Be Served?

The funds may be used for any APS client who meets their State's statutory or regulatory criteria for client eligibility for APS services in the State.

### Covered Maltreatment Types

These funds may be used for clients experiencing any of the maltreatment types the state APS program is authorized to investigate and respond to.

## ALLOWABLE USES

### Allowable Use Examples

Funds must be expended on APS activities related to the Coronavirus Emergency. Below are examples of how these funds could be used that would be responsive to the requirements. (See "Appendix" below for further information on prior approval for equipment purchases.) These examples are for consideration only, and do not replace existing fiscal requirements:

- Improving and Supporting Remote Work:
  - Purchase of equipment and associated technologies that will allow for secure remote work and enhance APS workers' ability to interview and investigate while they cannot physically visit during to COVID-19 crisis. This may include purchase and/or reimbursement of expenses related to remote work; such as:
    - laptops,
    - smart phones,
    - electronic tablets,

- WiFi hotspots,
  - software to facilitate secure video conferencing and virtual meetings;
- Purchase of new, or improvements to existing, data systems and/or technology infrastructure related to case management that enhance interoperability and communication of systems across locales, including across states, and reporting to the National Adult Maltreatment Reporting System (NAMRS).
- Costs for and associated with establishing new, or improving existing, processes for responding to alleged scams and frauds, especially related to COVID-19 vaccine or cure scams.
- Costs for and associated with community outreach, including: advertising, postage, and printing of brochures and similar educational materials.
- Costs for and associated with providing goods and services to APS clients related to COVID-19.
- Costs for and associated with assisting APS clients secure the least restrictive option for emergency or alternative housing, and with obtaining, providing, or coordinating with care transitions as appropriate.
- Paying for staff extended hours, or hiring of additional, temporary staff, and associated personnel costs. For more information on indirect costs, see [45CFR75.414](#).
  - Note: this funding is time-limited.
- Costs for and related to training (both remote and in-person) for current and new APS employees on conducting investigations, interviews, and documentation during COVID-19, including additional costs associated with advertising, recruiting, certifying, and providing continuing education.
- Funds for travel once in-person investigations resume. For more information on indirect costs, see [45CFR75.414](#).
- Acquiring personal protection equipment and supplies for program use, as appropriate, once in-person investigations resume, as well as costs for and associated with COVID-related clean-up/sanitation services for an adult to return safely their home environment.

### *May funds be used for state-level initiatives around COVID-19?*

Yes. Funds may be used at the state level, distributed to local APS programs, or may be contracted out.

## **Administrative Costs**

The EJA does not restrict administrative or indirect costs. Funds expended for administrative or indirect costs must be reasonable, allocable, and allowable.

## **Conference & Association Fees**

As administrative costs are permitted, provided they are reasonable, allocable, and allowable, funds may be used to pay for conference attendance, or for membership in professional associations. To be allowable,

grantees must demonstrate the information/training gained at the conference, or the membership, is consistent with the purpose of this funding to enhance or improve APS response during COVID-19. Please note, that costs of memberships whose primary purpose is lobbying are unallowable costs, please see [45CFR75.454](#) and [45CFR75.450](#) for more information.

## Equipment

### *Prior Approvals*

Per [45CFR75.320\(a\)\(2\)](#) equipment purchases made by a direct grantee (i.e., APS entity) exceeding \$5,000 must receive prior approval from ACL prior to purchase. Note: A sub-grantee of an APS entity must receive prior approval from the APS entity for equipment purchases exceeding \$5,000. ACL does not provide prior approval to sub-grantees of the APS entity.

Equipment means tangible personal property (including information technology systems) having a useful life of more than one year and a per-unit acquisition cost which equals or exceeds the lesser of the capitalization level established by the non-Federal entity for financial statement purposes, or \$5,000.

*If we're planning an equipment purchase, do we need to request that before we submit the spending plan on 3/1?*

Prior approval must be secured before the grantee encumbers the property. You would not need prior approval to propose an equipment purchase in your application.

### *Submitting Equipment Purchase Requests?*

1. Provide the following information to ACL for review of any equipment purchase requests that are subject to prior approval:
  - Identification of and cost for purchase
  - Purpose and intended use of the purchase
  - Market research done (i.e., obtaining bids, assessment of lease vs. purchase)
  - Efforts to adhere to "Buy American".
2. Submit the information to ACL for ACL review.
3. Do not purchase the equipment until written approval is received from ACL. Once prior approval is received, the organization then follows its own procurement policies.

## Hazard Pay

This funding may be used to pay for bonuses or hazard pay for APS staff, provided the expenditure is reasonable, allocable, and allowable. When implementing hazard pay or bonuses, a written policy and procedures should be followed, see [45CFR75.430](#) for more information.

## Services for Clients

These funds may be used to pay costs for, and associated with, providing goods and services to APS clients impacted by COVID-19, including homecare.

## Other Grants

Recipients under this funding opportunity must treat this grant as completely separate and distinct from any other federal grant. Funds awarded under one federal grant may not be used to cover expenses/activities under another grant. Federal funds cannot be used as match for other federal funds unless there is specific statutory authority to do so, [45CFR 75.306\(b\)\(5\)](#). Funding made available through this opportunity may not be used to replace existing state, territory, or local funding already appropriated for APS programs and services. Existing funds for an existing project or activities may not be displaced by federal funds and reallocated for other organizational expenses. The funding through this opportunity must add to the state's/territory's current funding levels, not be used to replace funding.

## Partnering

*If one agency is awarded this funding, can that agency share or allocate to other agencies for APS, COVID-related needs?*

ACL encourages recipient agencies to work collaboratively with their protective services partners to implement this funding, as well as with their State Units on Aging, local and State Ombudsmen, Tribes, and other partners.

*Can this funding be used for clients that are served in other Adult Services programs? For example, Adult Services is the guardian for client, and we wish to use funds to assist the client with services and supports that maximize independence.*

Yes. Costs for, and associated with, providing goods and services to APS clients related to COVID-19, as well as costs for, and associated with, assisting APS clients secure the least restrictive option for emergency or alternative housing, are allowable provided they are reasonable, allocable, and allowable. The funds may also be used to seek lesser restrictive alternatives to guardianship or limits on guardianship whenever appropriate.

## Shelter

*Can these funds be used to pay for emergency shelter or other housing?*

Yes. This is covered in the examples of allowable uses in the [FRN](#) and FAQ under both goods and services, as well as "Costs for and associated with assisting APS clients secure the least restrictive option for emergency or alternative housing."

*Can the funds be used to develop or enhance shelters for victims of abuse and neglect?*

Costs for, and associated with, providing goods and services to APS clients related to COVID-19, as well as costs for, and associated with, assisting APS clients secure the least restrictive option for emergency or alternative housing, are allowable provided they are reasonable and related to COVID-19.

## Staffing

### *Can the funds be used for hiring additional staff?*

The funding through this opportunity must add to the state's/territory's current funding levels and not be used to replace funding. Because this funding comes through a supplemental funding bill and is not considered a part of the annual federal budget, this funding is considered "one-time" funding. That is, grantees should have no expectation that there will be additional, similar funds available in the future. Grantees should plan their activities and hiring with this information in mind.

### *For "temporary staff", can APS programs contract with agencies who provide case aid services?*

Yes.

### *Can the funds be used to fill essential positions? I have positions that were defunded by the state legislature, but I continue to have the positions as unfilled FTEs.*

Per the "supplement not supplant" provision in the authorizing legislation, funding through this opportunity must add to the state's/territory's current funding levels, and may not be used to replace funding.

### *Can the funding be used to hire an APS training coordinator?*

Yes, you can use funding to hire an APS training coordinator. However, please note that these funds are time-limited, and the expenditure must be reasonable, allocable, and allowable, meaning the training provided should help APS respond to the COVID-19 pandemic.

## Technology

This funding is intended to enhance, improve, and expand the ability of APS to investigate allegations of abuse, neglect, and exploitation in the context of COVID-19 and to respond to the needs of adults experiencing such abuse, neglect and exploitation. Examples of a technology or data system improvement that would be consistent with this purpose are:

- allows for secure remote work;
- enhances APS workers' ability to interview and investigate while they cannot physically visit during to COVID-19 crisis;
- enhances interoperability and communication of systems across locales, including across states, and reporting to the National Adult Maltreatment Reporting System (NAMRS); or
- establishes new, or improves existing, processes for receiving and/or responding to reports.

## Tribes

States may use this funding to work with Tribes, provided the activities are consistent with the purpose of the funding opportunity, which is to enhance/improve APS response during COVID-19. In addition, ACL encourages recipient agencies to work collaboratively with their protective services partners to implement this funding, as well as with their State Units on Aging, local and State Ombudsmen, Tribes, and other partners.



## Vehicles

These funds may be used for vehicles that are used by APS investigators if the purchase or lease of the vehicle is consistent with the purpose of this funding, and is reasonable, allocable, and allowable. If the vehicle cost is greater than \$5000, prior approval from ACL is required.

## APPLYING FOR FUNDING

### Eligibility

*Who is eligible to apply?*

Per the Elder Justice Act Section 2042(b), eligible entities are the agency or unit of State government in each state or territory having the legal responsibility for providing adult protective services within the State.

*Are Tribes Eligible to apply?*

Section 2042(b) of the EJA, under which these funds are appropriated, specifies funding for 56 states, DC, and the territories. Under this funding opportunity, tribes are not eligible to apply. ACL encourages recipient agencies to work collaboratively with their protective services partners to implement this funding, as well as with their State Units on Aging, local and State Ombudsmen, Tribes, and other partners.

*Our State APS program does not have its own fiscal infrastructure. Pursuant to state statute, funding for local APS programs is distributed through a sister agency. The APS program retains administrative oversight of the local APS programs, but fiscal reporting is done through the sister agency's infrastructure. Who would be the applicant in this case?*

ACL's legal relationship is with the entity identified on the Notice of Award as receiving the grant funds. Therefore, if fiscal policies within a state require that a financial (or other) office outside of the state APS program receive and distribute the grant funds, then that entity is the one that must submit the Letter of Assurance. In this instance, the Letter of Assurance must clearly state that the funds will be distributed as the State APS program determines (a 5<sup>th</sup> Assurance), and must describe the partnership/relationship so that ACL can be sure that the funds are being used exclusively to support APS and consistently with the purpose of this funding opportunity. The Initial Spend Plan should still be drafted by the APS program office.

### Process

Eligible applicants submit all required materials by the due date. ACL will process the application and make grant awards, and anticipates issuing Notices of Award with an April 1, 2021 start date. The due date, required elements for the plan and letter, and details about to whom and how to submit, are outlined in the [Federal Register Notice](#).

*Can the spending plan be included in the Letter of Assurance, or should it be a separate document in the email?*

They can be combined if that is easiest. You can send one document with both the letter and the spend plan, or two separate documents. Please include both in one email when you submit your application.



*Will the Regional Administrator confirm receipt of the submission email?*

Yes; the Regional Administrator will confirm receipt.

## Spend Plan

*Will the initial spend plan need to account for every dollar allocated?*

You will need to account for all the money in the spend plan. However, it might help to consider this similar to a budget for a discretionary grants. Pay attention to broad categories or activities. The initial spend plan is considered preliminary, and relatively brief at only 2-5 pages. The initial spend plan can be viewed as a budget planning tool. ACL expects things to shift as states move from initial planning to implementation.

*Our state has a county run APS system, and we plan to distribute some of the funds using a formula to the counties who conduct investigations and arrange for services. Should our spending plan describe our distribution to formula for counties?*

Yes, if you will distribute funding using a formula, please include that formula in your spend plan.

## States with Bi-Furcated APS Programs

As the funding allotments are based upon the percentage of older adults in a state (per EJA Section 2042(b)), in a State where elder protective services is separate from adult protective services, the funds will go to the agency or unit of State government providing protective services to elders. In these states, the elder protective services agency must submit the “Letter of Assurance” and spend plan. ACL encourages recipient agencies in these states to work collaboratively with their protective services partners to implement this funding, as well as with their State Units on Aging, local and State Ombudsmen, Tribes, and other partners.

## Templates

There are no templates that should be used or followed. The “Letter of Assurance” should be on agency letterhead, and include the list of required assurances outlined in the [FRN](#). By signing the letter, the state is attesting to (or assuring) ACL that it will implement the funds as outlined in the [FRN](#).

The “Initial Spend Plan” can be a narrative, a table, or both, and should indicate how the state is envisioning using these funds. Formatting requirements are identified in the [FRN](#).

## FISCAL

### CFDA

The CFDA number for this opportunity is 93.747.

## State and Territory Allotments

ACL will distribute funds to States and territories as required by the population-based formula prescribed in the Elder Justice Act Section 2042(b). That is, each State and territory shall be allocated a proportionate share of the

total funding available from the appropriation based on the number of elders (age 60+) in each state. The EJA also establishes a “minimum allotment. No State (50 entities) shall receive less than 0.75% of the total appropriation, and no territory (6 entities) shall receive less than 0.10% of the total appropriation

The amount of funds allocated for each of the 56 state-level APS programs is posted in the [Federal Register Notice](#).

*Will American Samoa, the Commonwealth of the Northern Mariana Islands, the District of Columbia, Guam, Puerto Rico, and the US Virgin Islands be treated as States or territories for purposes of the funding formula?*

The distribution of these funds are in accordance with Section 2042(b) of the Elder Justice Act, which provides for minimum allotments to “50 States and 6 territories.” Therefore, American Samoa, the Commonwealth of the Northern Mariana Islands, the District of Columbia, Guam, Puerto Rico, and the US Virgin Islands will be treated as a territory for purposes of this funding opportunity.

## Match

Matching funds are not required.

## “One-Time Funding”

Funding for this opportunity were made available through emergency legislation to support Americans during the COVID-19 crisis. Because this funding comes through a supplemental funding bill and is not considered a part of the annual federal budget, this funding is considered “one-time” funding. That is, grantees should have no expectation that there will be additional, similar funds available in the future. Grantees should plan their activities with this information in mind.

## “Supplement, not Supplant”

The phrase “supplement and not supplant existing funding” means that the funding made available through this opportunity may not be used to replace existing state, territory, or local funding already appropriated for APS programs and services. Existing funds for an existing project or activities may not be displaced by federal funds and reallocated for other organizational expenses. The funding through this opportunity must add to the state’s/territory’s current funding levels, not be used to replace funding.

## Spending Timeframes

*How long do we have to use the funds?*

The project period for these awards is anticipated to be 18-months, with an estimated start date of April 1, 2021, and an estimated end date of September 30, 2022. Grant activities must be completed within the project period timeframe (i.e., spend it, incur an expense against it, and/or obligate it) by September 30, 2022.

*Can these funds cover expenses incurred after the date of enactment of the legislation but before the Notice of Award date?*

These funds are available to grantees for the timeframe that will be indicated on the Notice of Award. At this time, it is anticipated the project period start date will be April 1, 2021.

*Are there certain timeframes within the 18 month funding period by which funds need to be "encumbered" or targeted for use?*

Allowable costs may be obligated to the grant for activities occurring during the project period of the grant. Funds must be liquidated and a final report must be submitted 120 days after the project period end date. There are no other "draw down" or "commitment" milestones by which states must expend a percentage of their funds.

### **What if the COVID-19 public health emergency ends?**

The funding will be available for the full project period that will be stated in the Notice of Award. It is estimated that the project period will be April 1, 2021 – September 30, 2022. Even if the COVID-19 public health emergency resolves prior to September 30, 2022, it is prudent to assume there will still be expenses related to the coronavirus response, such as costs associated with in-person visits to clients and purchasing of personal protective equipment, for example.

### **Bucketing of Funds**

Under a Major Disaster Declaration, are funds available for "bucketing" like the Older Americans Act funds? No. The funds are administered under the authority of the Elder Justice Act, and do not have the same flexibilities as the Older Americans Act funding.

## **REPORTING REQUIREMENTS**

### **Financial Reporting**

Grantees are required to submit a [financial report SF-425](#) on a semi-annual basis. Reports are due within 30 days of the periods ending March 31 and September 30 (i.e., due April 30 and October 30), through September 30, 2022. A final PMS drawdown and a final SF-425 are due within 120 days after September 30, 2022 (i.e., due January 31, 2023). If a final SF-425 report will be submitted January 31, 2023, a semi-annual report is not required to be filed for report ending September 30, 2022. For this opportunity, there will be three (3) SF-425 reports due: October 31, 2021, April 30, 2022, and a Final Report January 31, 2023.

On the SF-425 form, lines 10 a. through c. are reported on a quarterly calendar year basis (for the periods ending 12/31, 3/31, 6/30, 9/30) at the HHS' Payment Management System (PMS). Reconciliation of advances and disbursements is required for each quarter and the report must be completed within 30 days of the end of each quarter (i.e., by 1/30, 4/30, 7/30, 10/30). This reporting requirement is separate from completing the entire SF-425 as denoted in the financial reporting term.

### *Submitting Financial Reports*

The SF-425 shall be submitted using the HHS' Payment Management System (PMS). PMS website is located at: <https://pms.psc.gov>.

### *Are fiscal reports still required through the grant end date if we run out of funding?*

The reporting requirements are set by the length of the project period. Even if funding is completely expended before the end of the project period, grantees are still required to adhere to the reporting requirements. In this case, the reports would indicate \$0.

### *Should we include an SF424 and SF 424A with the spend plan?*

An SF424 and 424A are not required. An SF 425 is required semi-annually once the notice of award is issued.

## **Programmatic Reporting**

Grantees may use the [Current Guidelines for Preparing Performance Reports for Grants \(PDF, 332KB\)](#). ACL will provide additional guidance to grantees when awards are made. Programmatic reports are due annually beginning with 12 months from the date of the notice of award. A final report will be due 90 days after the projected project end date.

### *Submitting Programmatic Reports?*

Grantees will upload their annual programmatic report as an attachment under "Resources" in NAMRS. All grantee agencies should already have access to NAMRS. If you need additional assistance accessing NAMRS to submit your programmatic reports, please contact the APS Technical Assistance Resource Center (<https://apstarc.acl.gov/>).

### *Do we need to update our ACL project officer if our spend plan changes over the course of the grant?*

Unlike discretionary grants, changes to the spend plan will not require an "amendment" or prior approval by your ACL project officer. However, your project officer should be updated when the spend plan or planned activities change to ensure that the use of funds remains consistent with the purpose of this grant. This can be done via email.

### *Are programmatic reports still required through the grant end date if we run out of funding?*

The reporting requirements are set by the length of the project period. Even if funding is completely expended before the end of the project period, grantees are still required to adhere to the reporting requirements. In this case, the reports would indicate there were no activities for the covered period.

## **Documentation of Expenses**

### *What "proof" of expenses will ACL request/require?*

ACL does not require proof (financial records and documentation) of expenditures on a regular basis. However, the grantee accounting practices must be consistent with the cost principles outlined in [45CFR75.400](#), support the accumulation of costs as required by the principles, and must provide for adequate documentation to

support costs charged to the federal award that are allocable, allowable, and reasonable. Additionally, ACL has the authority to request financial documentation when it is determined needed. More information on financial record retention and access to records can be found at [45CFR75.361](#) and [45CFR75.364](#).

*If used for salaries, do we need to track staff hours that are charged to the grant?*

ACL is not requesting detailed reporting by staff for salary. Grantees should report overall expenditures for staffing, and financial records should be kept on staff time allocated to the grant.

## TECHNICAL ASSISTANCE

ACL recognizes that a new opportunity like this could seem a lot for a state/territory APS program to undertake. ACL is committed to the success of these projects and is prepared to provide technical assistance to all 56 grantees on programmatic, fiscal, and technology issues and questions. ACL will provide more information on how that technical assistance will be provided once the awards are made. In the interim, APS programs can direct programmatic questions to: Stephanie Whittier Eliason via email at [stephanie.whittiereliason@acl.hhs.gov](mailto:stephanie.whittiereliason@acl.hhs.gov).