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DISASTER ASSISTANCE POLICY

I. TITLE: **Community Center Eligibility**

II. DATE: JUN 19 2008

III. PURPOSE:

To provide guidance on community center eligibility criteria that a private nonprofit (PNP) facility should meet to qualify for public assistance.

IV. SCOPE AND AUDIENCE:

This policy is applicable to all major disasters declared on or after the date of publication of this policy. It is intended for use by Federal Emergency Management Agency (FEMA) personnel involved in the administration of the Public Assistance Program.

V. AUTHORITY:

Sections 102 and, 406 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act), 42 U.S.C. 5122 and 5172, and 44 CFR §206.221(e)(1)-(7).

VI. BACKGROUND:

A. All PNP applicants must meet eligibility criteria that are described in 44 CFR §206 and Disaster Assistance Policy DAP9521.3, *Private Nonprofit (PNP) Facility Eligibility*, in order to receive disaster assistance.

B. In the past, all PNPs had to be open to the general public. However, a careful reading of legislative authorities made clear that in 1988, in amending the "Disaster Relief Act of 1974, Congress intended that only facilities within the category of "other private nonprofit facilities which provide essential services of a governmental nature "[as defined in 44 CFR §206.221(e)(7)] must be open to the general public to be eligible for public assistance.

VII. POLICY:

A. Definitions

1. Community Center. A building, including attached structures and grounds, that is established and primarily used as a gathering place for a variety of social, educational enrichment, and community service activities consistent with the PNP's Internal Revenue Service status. Community centers fall within the category of "other essential governmental service facilities", and therefore, must be open to the general public. Facilities established or



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primarily used for political, athletic, religious, recreational, vocational or academic training, conferences, or similar activities are not eligible PNP community centers. Recreational, vocational or academic training, and conference facilities were specifically listed as examples of ineligible facilities in the Supplementary Information section of the final rule revising 44 CFR §206.221(e) (see 58 FR 47992, September 14, 1993).

2. Open to the General Public. In order to be considered open to the general public, a facility must be available to the public on a non-discriminatory basis, and any access fees should be reasonable. Generally, a facility at which most community center functions are offered to the public either free or for a reasonable-use charge would meet this requirement. However, a facility with a high initiation or usage fee, or high annual dues, generally would not be eligible (see DAP9521.3 VII.C.).

B. Eligible Facilities

1. Purpose. The statement that a community center be “established and primarily used as a gathering place for a variety of social, educational enrichment, and community service activities” refers to the principal purpose for which the facility was instituted.

a. When a PNP organization owns a facility for which it has legal responsibility for disaster-related repairs, and leases it to an operator of an eligible PNP community center, the PNP owner will be the Applicant.

b. Purpose should be determined by reviewing the organization's (pre-disaster) charter, bylaws, amendments, and other well-documented evidence of longstanding, routine (day-to-day) use of such facility as a community center. If it cannot be established by documentary or other evidence that a facility was used as a community center prior to a disaster, it will not be considered an eligible community center.

c. A facility offering a wide range of activities for only a brief period, or at irregular intervals, would not be eligible as a community center.

d. Further evidence of the established purpose of a facility is the degree to which community center staff actively manage, oversee, and promote community activities (e.g., Are designated staff members responsible for developing, conducting, or scheduling community activities? Do designated staff members actively sponsor community activities, or do they merely allow some community activities to use their facility?). Simply making facility space available to a requesting community organization does not make a facility an eligible community center.



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2. Primary Use. For a community center to be “primarily used as a gathering place for a variety of social, educational enrichment, and community service activities,” more than half (i.e., over 50%) of the total use should support those activities. To be eligible for disaster assistance, a community center need not be used exclusively for community activities; however, the majority use should be for community center functions.

a. In determining primary use, an on-site visit should be made whenever possible, and particularly whenever eligibility is in doubt. Materials (such as the organizational charter, articles of incorporation, minutes of board meetings, activity logs, and other documents that existed and which provide evidence of the facility’s activities and uses prior to the disaster) should be obtained and reviewed to ensure that a facility is not, for the first time, being identified as a community center only after the disaster.

b. Primary use can be established by approximating the space and time dedicated to community activities. A determination of the amount of space can be made by approximating the floor space, number of rooms, or levels dedicated to community use. A determination of the amount of time can be made by approximating the hours actually used (not just scheduled) for community activities and comparing it with the hours used for non-community activities.

c. In determining the eligibility of a facility, the entire building will be assessed, not just several rooms or a portion of the building. Thus, space designated and/or used for community center purposes will be evaluated in relation to the entire building within which it is located. In multiple-use facilities, FEMA uses the principle of majority (51% or more) use to qualify the facility. In other words, if a basement is designated and/or used for community center purposes, but the rest of the building is used as a gymnasium, convention center, church, or theater, the entire building will be evaluated for purposes of determining whether it is an eligible community center.

d. A PNP organization that operates multiple community centers, or a single community center composed of more than one building, should have each building evaluated independently, even if all are located on the same grounds. For example, assume a PNP organization owns a site on which three separate buildings are located, and operates the entire group of buildings as a single community center. If two of the three buildings were determined to be eligible community center facilities and the third to be an administrative center, only two buildings would be considered eligible.

e. If a building is part of a complex that includes outdoor facilities (e.g., swimming pools, athletic fields, and tennis courts); the building will not be evaluated separately from the



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rest of the complex in determining eligibility of the building. For example, an outdoor pool usually has a clubhouse for controlling entry, providing locker rooms, etc. In such cases, the clubhouse cannot be evaluated for eligibility separately since it is an intrinsic part of the pool complex.

f. An approximation of the number of participants regularly involved in various activities should also be considered in determining primary use. For example, if a facility is used by 500 people a week for the pool and exercise equipment, and by 125 people a week for various community activities, it is primarily a recreation center, not a community center. If 2,500 people attend religious services each week at a particular facility, and 200 people participate in community activities there during the same period, its primary use is as a religious center, not an eligible community center.

3. Gathering Place. To be a “gathering place for a variety of social, educational enrichment, and community service activities”, the facility should be used by many individuals and groups for a variety of different purposes. Such use indicates the facility is used to the benefit of a broad segment of the local population, i.e., the community at large.

4. Activities. Social, educational enrichment and community service activities are key functions that define a community center. Although it is not mandatory that a facility be used for all three general categories, a facility used exclusively for only one category (for example, educational enrichment activities) may not necessarily serve a sufficiently broad segment of the community to be eligible. Also, because of the inherent social nature of a community center, a facility only rarely used as a gathering place for community activities or meetings would not ordinarily qualify. Various referred to as “community activities”, “community oriented activities”, or “community center functions”, they encompass the following three categories:

a. Social activities include meetings and gatherings of individuals and groups to pursue items of mutual interest or concern, including activities involving the community as a whole. For example: community board meetings, youth and senior citizen group meetings, neighborhood barbecues, and various social functions of community groups.

b. Educational enrichment activities include a wide variety of activities, but not vocational, academic, or professional training. For example, seminars involving typical hobby or at-home pursuits such as gardening, sewing, ceramics, car care, personal financial and tax planning, and stamp and coin collecting would be considered educational enrichment, not vocational training. In contrast, a facility primarily operated to train individuals to pursue the same activities as full-time paying careers would be considered a vocational or professional training institute, not an eligible community center.



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c. Community service activities include functions undertaken for the primary purpose of meeting significant needs of various individuals, groups, or the community at large. For example, senior citizen projects, rehabilitation programs, community clean up projects, blood drives, local government meetings, and similar activities would be included.

d. A community center should involve a variety of different activities, serving many diverse groups in order to be eligible. A facility used for only one or two types of activities or limited to a narrow range of activities would not ordinarily serve a sufficiently broad and varied segment of the community to constitute an eligible community center. A facility that tailors its social, educational enrichment and community services and activities in a manner that is intended to appeal/attract/serve a "sub-community" (e.g., women, African-Americans, teenagers) may be an eligible community center, provided it is otherwise available to the public on a non-discriminatory basis. An important consideration when evaluating these types of facilities is to determine whether the facility and the majority of its services and activities are open to, and accessible by, all members of the community.

5. Lease Agreements. An eligible applicant that leases an asset of an otherwise ineligible PNP applicant and uses it as a community center may be eligible for assistance. The lease, pre-dating the disaster, must clearly specify that the eligible applicant is responsible for repair of disaster damage.

C. Ineligible Facilities

1. Religious Facilities. Facilities established or primarily used for religious activities are not eligible community centers. A facility used for a variety of community activities but primarily established or used as a religious institution or place of worship would be ineligible. Generally this includes churches, synagogues, temples, mosques, and other centers of religious worship. However, just because a community center is operated by a religious institution does not automatically make it ineligible. In addition to worship services, many religious institutions conduct a variety of activities that benefit the community. Many of these activities are similar or identical to those performed by secular institutions and local governments. Although distinguishing between the religious and secular activities undertaken by religious institutions can be complex, some general guidelines can be offered. A key determinant for religious-based community centers is the nature of the activities. Inherently religious activities mean sectarian activities such as worship, proselytization, and religious instruction. An activity is not inherently religious merely because it is motivated by religious faith. The use of the term "ministry" in a religious institution's literature, bulletin boards, flyers, advertisements, etc. in reference to an activity is generally construed to have a religious connotation, hence not a community center function. Bingo, bake sales, and other fundraising activities undertaken for



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the benefit of a religious institution would not be considered toward eligibility, whereas the same activities done to help the community at large, such as raising money to help the homeless, may be.

2. Political Facility. Facilities primarily established or used for political or similar activities are not eligible community centers. This includes partisan political activities, advocacy and lobbyist groups and any other groups that primarily serve to promote a political campaign, candidate, agenda, philosophy, or cause.

3. Other Facilities. Facilities primarily established or used for athletic, recreational, vocational or academic training, conferences, or similar activities are not eligible community centers. These types of facilities were specifically listed as examples of ineligible facilities in the Supplementary Information section of the final rule revising 44 CFR §206.221(e). (58 FR 47992, September 14, 1993).

VIII. RESPONSIBLE OFFICE: Disaster Assistance Directorate (Public Assistance Division).

IX. SUPERSESSON: This policy supersedes RP 9521.1 dated August 11, 1998, and all previous guidance on this subject.

X. REVIEW DATE: This policy does not automatically expire, but will be reviewed 3 years from the date of publication.

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SEE ATTACHED APPENDIX FOR COMMUNITY CENTER EXAMPLES



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PRIVATE NON-PROFIT COMMUNITY CENTER POLICY

CASE EXAMPLES

Below are examples of typical community centers. An analysis follows each center's description as a guide in evaluating similar facilities for the purpose of FEMA disaster assistance eligibility. Each of the notional community centers detailed below is based on an actual facility. Facilities which are not eligible as community centers may or may not be eligible for assistance under other categories of PNP facilities.

Windsor Community Center

Windsor Community Center is a large facility providing a suburban community with a wide range of activities. To the right of the large, open foyer is a large theater with stage; to the left, a group of general-purpose rooms. Upstairs are an artist's workshop and gallery. Approximately 50% of the interior space is occupied by the theater, 25% by the gallery, and 25% by meeting rooms. The center has no indoor or outdoor athletic facilities or pool.

Summer activities listed in the center's quarterly program guide "Winds O'er Windsor" include performances of several plays and movies; storytelling; concerts; fine arts competition in dance, music, theater, and visual arts; a "Windsor Day" festival with an 8k fun run, rides and amusements, crafts exhibits, chorale performances, and model airplane show; blood drive; indoor garage sale; Russian festival; antique show; crafts bazaar; day trips to gardens and museums; overnight trips to cities in the U.S. and Great Britain; tennis camp (at a nearby park); and a day camp. Summer classes are offered in calligraphy, ballet, computer skills, dance, fencing, various arts, bridge, country/western line dancing, tap dance, dog training, finance, fitness, home projects, driving for seniors, volunteer certification, and starting your own business.

ANALYSIS

Despite a substantial number of community activities, Windsor Community Center would not be an eligible community center because it was established and is primarily used for performing and fine arts, which are specifically excluded from eligibility. Primary use is evidenced by space (approximately 75% of the facility space is occupied by a theater and art gallery) and activities, many of which emphasize various forms of dance, visual arts, and similar activities.



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Westover RECenter

Westover RECenter is the largest of 8 similar community facilities located throughout the metropolitan area. Although the facility is an acknowledged recreation center, it also sponsors a number of activities found in eligible community centers and is representative of a number of private nonprofit facilities.

The center is available for rental Friday, Saturday, and Sunday evening to companies, religious groups, clubs, and civic organizations. It is offered as a location for league parties, office parties, lock-ins, retreats, corporate meetings, seminars, conferences, holiday celebrations, and receptions. Meeting rooms are available for \$25/hour.

Indoors, the center has rooms set aside for seniors' bridge and other card games, along with workshops for photography, pottery, and ceramics, and art. It also has a pre-school, game/TV area, kitchen, and snack bar.

Arts and crafts activities include many for children ("Dinosaur Craftasaurus," cartooning, discovery art, drawing, kids crafts, jewelry making, plastic model building, pottery, theater arts, ballet, tap dancing), teens and adults (babysitting, 35 mm photography, darkroom techniques, portrait photography, beginning and intermediate pottery, mosaic art, drawing, painting, animation, picture framing, quilting, clowning, ballroom dancing I and II, line dancing, belly dancing I and II, and guitar).

Outside, the center has acres of athletic fields for baseball, lacrosse, and soccer, and courts for tennis and basketball. It operates a kids "Fun Camp" (i.e., day care) which emphasizes athletic activities, but includes crafts as well as day trips to various locations. Lessons are offered in racquetball, soccer, basketball, and tennis. Leagues are open for basketball, racquetball, indoor rollerblade hockey, soccer, T-ball, and softball.

However, the center is primarily oriented to athletics, as exemplified by a large indoor pool and locker room, a half dozen squash/racquetball courts, a weight/exercise room, and a 9,200-sq. ft. gymnasium/basketball court. It also has a sauna and a dance room.

ANALYSIS

While Westover RECenter offers a number of activities generally considered eligible community center functions, it is, first and foremost, a recreation center. In contrast to the definition of an eligible community center, it is neither established nor primarily used as a "gathering place for a variety of social, educational enrichment, and community service activities," even though it does offer some of these. The vast majority of activities are athletic and recreational, which as



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stated in the definition “Facilities established or primarily used for . . . athletic (or) recreational . . . activities . . . are not eligible community centers.”

It is not necessary to calculate the percentage of time or space devoted to community activities versus athletic and recreational activities, because Westover is overwhelmingly athletic and recreational. This is abundantly evident in the listings for Westover RECenter contained in the in-house periodical “Westover Once-over” which are almost entirely of an athletic nature. For these reasons, a private, nonprofit facility similar to Westover would not be an eligible community center.

Faith Community Center

Faith Community Center is operated by a national religious charity. It is open to the public, charges no fees, and does not require participants to belong to any particular religious faith nor proselytize during activities. No worship services or other religious activities are held at the center at any time. Classes and workshops are offered in arts and crafts, needlework, English as a second language, humanities, and consumer education. It provides health screening, blood pressure monitoring, and support groups for seniors, along with a daily lunch. Information and referral services for housing, health, leisure and social services are offered. Center staff makes home visits and telephone calls to homebound persons. It also sponsors trips to museums and parks, choir participation, holiday parties, gardening, theater, games and intergenerational programs. It has an active volunteer recruitment and development program.

ANALYSIS

Faith Community Center would be an eligible community center, since it meets all the requirements of the definition. Although associated with a specific religion, it accepts members without regard to faith and is not used for religious activities.

Parklawn Community Center

Parklawn Community Center is one of 5 similar centers operated by the Blackstone Conservancy, a nonprofit community association located in Blackstone, a planned community. Every resident of Blackstone is automatically a member of the Conservancy, which provides a variety of community services and facilitates the participation of Blackstone residents in community activities and government. The Conservancy also operates to preserve the community environment and natural surroundings, and keep up property values through various restrictions and covenants on exterior appearances of homes and lawns.



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Parklawn Community Center is available to all Blackstone residents. Residents may schedule courses, meetings, and neighborhood cluster parties at this center or rent it for private, social, or professional gatherings. Rental fees are \$15 per hour on weekdays and \$30 per hour (4-hour minimum) on weekends. The center is often used for events to which the entire community is invited.

The building has a large front porch and a rear deck overlooking a duck pond. Inside are two large stone fireplaces, one at each end of the building. There are two rooms on the main floor, approximately 600 and 800 square feet respectively, in addition to a 700-square-foot loft and a large hallway opposite the sliding doors leading to the deck. A warming kitchen, closets, restrooms, and tables and chairs occupy the remaining space.

On the grounds of the facility are a large outdoor pool, toddler pool, and 4 tennis courts.

Recent activities offered by the Blackstone Conservancy include “Music and Me” (a children’s summer camp program), art camp, CPR classes, sports first aid, finishing and modeling, patchwork and appliqué baskets, fine hand quilting, hatha yoga, self defense and tae kwon do, and a farmers market on Saturday mornings. However, none of these activities is scheduled for the Parklawn Community Center; instead they will be held at the other 4 centers and a local parking lot.

ANALYSIS

Parklawn Community Center would not be an eligible community center for a number of reasons. First, it is open to Blackstone residents, not the general public. Second, although the pool and tennis courts are outdoors, they are not only part of the facility, but the part most used. The center is primarily a recreational facility and for this reason alone is not eligible. The few activities offered by the Blackstone Community Conservancy cannot be credited to Parklawn Community Center because none are held there.

Riverdale Community Center

Indoors, Riverdale Community Center consists of a gymnasium/basketball court, a recreation room with billiards and table tennis equipment, and several small rooms for meetings. One of these is used for seniors activities, including lectures, card games, and socials.

Outdoors, the center has a playground with swings, slides, and similar equipment.

The center is most heavily used in the summer months when it sponsors a recreation program for children in grades 1-6. Participants enjoy a variety of activities, including fun and fitness,



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indoor and outdoor games, team sports, nature, crafts, storytelling, field trips, sports festivals, talent shows, and supervised play sessions. Some activities are also offered for young adults in grades 6-12.

Center activities decrease in the fall, although the seniors' room continues operations at about the same level with classes in advanced Spanish, nutrition, chair exercises, and line dancing.

ANALYSIS

Riverdale Community Center is primarily a recreation center. The gymnasium and game room occupy over 75% of the indoor space and the outdoor area is a playground. Although the senior activities are appropriate for a community center, the space and time scheduled for them are insignificant. Therefore, this would not be an eligible community center.

Somerset Community Center

Somerset Community Center consists of a number of meeting rooms, a lending library, social services room, health services room, dining room, activity area with games and wide-screen TV, a darkroom, pianos for practice, ceramics lab, woodshop, computer, sewing machines, exercise room, and a large foyer. Outside are a fitness trail, garden plots, an outdoor basketball court and softball field, a gazebo, and picnic area.

A nominal membership fee is charged, however, in lieu of payment, members may work as volunteers at the center or borrow hours from the volunteer hours bank. The center is partially supported through weekly bingo, thrift and gift shop sales, and other fundraising activities.

Classes are offered in piano, bridge, arts and crafts, and gourmet and microwave cooking. The center sponsors numerous seniors' activities, which include trips, luncheons, and recreational and educational activities. A lunch program is offered for seniors and their spouses. Some exercise classes are also offered.

Health screenings and immunizations are regularly offered. Door-to-door transportation is provided to those who need it.

ANALYSIS

By virtue of the wide range of community activities, Somerset Community Center would be an eligible community center. Although it does offer athletic and recreational activities, these are minimal in the time and space allocated to them; therefore, it is not a recreational center. The minimal fee (which can be earned through volunteer work) essentially make it open to the public.



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Hopewell Community Center

Hopewell Community Center is operated by a national organization which, in all its activities, affirms the tenets of a major religious denomination, but does not proselytize. Although the religious principles are an implicit part in the organization's charter, the center is not used for religious purposes. Any person, regardless of race, religious beliefs, etc., may join; however, membership is required in order to use the facility. Annual dues range from \$200 for youths and seniors to over \$500 for full family privileges. The center occasionally runs membership drives which allow new members to join without paying the normal \$25 to \$250 initiation fee. Nonmembers are allowed to participate in individual programs by paying a \$25 fee however, their access is limited to program participation.

Inside the facility are an Olympic pool, weight room, exercise room, and multipurpose room. A recent flier advertised the availability of swimming, aerobics, water exercise, karate, games, raffles, and day camp. A summer "Science & Technology" camp is offered to boys and girls ages 6 to 14. A Family Night involving swimming, a movie, and snacks is a typical offering.

ANALYSIS

Although there is an underlying religious affiliation, this itself is not a disqualifying factor, since religious services are not held at the facility, religion is not explicitly promoted, nor is adherence to any particular faith required.

What disqualifies the Hopewell Community Center is that it is primarily a recreation center, as evidenced by the pool and athletic facilities, and the lack of any substantial community programs. Additionally, it is not open to the public by virtue of its high initiation fee and annual dues. Accordingly, this would not be an eligible community center.