

## Texas Department of Emergency Management: “Last Call” Application Deadline

October 01, 2020

### TAKEAWAYS

In an October 2 letter, [linked here](#), the Texas Department of Emergency Management (“TDEM”) released important deadlines impacting many Texas counties and municipalities that are eligible to receive distributions from the Coronavirus Relief Fund (“CRF”) through the State of Texas.

The October 16 cutoff is a hard deadline that cannot be overlooked by counties and municipalities. If the 20% allocation you receive is not used, you simply send it back to the State- no harm, no foul.

Most counties and municipalities can easily use their entire allocation to retroactively cover their public health and public safety payroll budgets dating back to March 1.

### DEADLINES

The deadline to submit the application for initial funding, which TDEM refers to as its “CRF Terms and Conditions,” **must be submitted by October 16**. This application consists of a short grant agreement and certification. This initial submission requires no supplemental documentation, and is a request to the State for 20% of a county or municipality’s designated allocation. [Check your city’s or county’s allocation here](#).

***Counties and municipalities must act quickly, especially if internal approval is required, as the deadline is only eight days away.***

Two additional deadlines were also discussed in the letter, setting November 13 as the deadline for the application of additional upfront funds, and December 15 as the deadline for submitting documentation for reimbursement (the remaining 80% of the county or municipality’s allocation).

### CARRINGTON COLEMAN’S SUGGESTION BUILDING UPON ITS PER SE RULE

Counties and Municipalities should submit the CRF Terms and Conditions, requesting their 20% allocation, as soon as possible. If the decision is made to not use the funds, it simply must be sent back to the State by December 15- no harm no foul.

Our guidance throughout the past several months has largely revolved around the Per Se Rule regarding payroll expenses for public health and public safety employees. This was derived from Treasury's initial Guidance and FAQs, which stated that payroll for employees "substantially dedicated" to mitigating COVID-19 was an eligible expenditure, that public health and public safety employees were presumed to be "substantially dedicated," and therefore public health and public safety payroll was eligible.

TDEM has relied on this guidance as well, and we advocate all counties and municipalities to apply their initial 20% allocation to these costs, as well as apply for reimbursement using these costs. 100% of a local government's allocation can be used to pay for public health and public safety payroll – and this can be applied retroactively. In essence, the allocation will be drawn down from the State, and applied to your previous payroll costs for these employees beginning on March 1, and extending until the allocation is exhausted. Due to the ratios of public health and public safety payroll budgets we have observed (where the payroll budget from March 1 – December 30 far exceeds a local government's total allocation), all funds will be exhausted.

