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PROGRAM MEMO

To: Area Agencies on Aging**No:** 21-20**DATE ISSUED:** October 14, 2021**SUBJECT:**

- Federal Consolidated Appropriations Act (CAA) [Older Americans Act], H.R. 133
- Coronavirus Response and Relief Supplemental Appropriations Act [Social Security Act Title XX Elder Justice], H.R. 6074
- Ombudsman Robotic Companion Pet Project
- Updates on Other Funding

EXPIRES: September 30, 2022**PROGRAMS AFFECTED:** Older Americans Act Title III-B, III-C-2, Title VII, and Social Security Act (SSA) Title XX Elder Justice**SUPERSEDES:** N/A**PURPOSE**

This Program Memo (PM) outlines the process, methodology, and timing for distribution of two federal funds via Fiscal Year (FY) 2021-22 Area Plan Amendment #2:

- The first is H.R.133, the federal Consolidated Appropriations Act (CAA). The CAA provides additional funding for existing Older Americans Act (OAA) programs.
- The second is via H.R 6074, the Coronavirus Response and Relief Supplemental Appropriations Act (Title XX Elder Justice). This is new funding for OAA that will be distributed to the Area Agencies on Aging (AAAs) network. We have attached federal [FAQ](#) explaining the purpose and allowable use of these funds that should be helpful to you. The program Point of Contact is Eden Rosales (Eden.Rosales@aging.ca.gov), the Acting State Long-Term Care Ombudsman.

In addition, this PM briefly addresses the Ombudsman Robotic Companion Pet Project, funded by the Coronavirus Aid, Relief, and Economic Securities (CARES) Act funding. Please see PM 21-16 for additional information.

Lastly, this PM also provides updates on new state funding, the American Rescue Plan (ARP) Act, and other federal distributions.

FUNDING DISTRIBUTION

CDA intends to disburse the federal CAA, Title XX Elder Justice, and Ombudsman Robotic Companion Pet Project funding to the AAAs within the 2021-22 Area Plan Amendment #2. This amendment is scheduled for release by mid-October 2021. The amendment is a package of COVID-19 funds that have been released from the Administration for Community Living (ACL) for COVID-19 response.

The CAA, Title XX Elder Justice, and Ombudsman Robotic Companion Pet Project funds are being placed into the 2021-22 Area Plan Amendment #2 contract to fulfill the California State Controller's Office (SCO) auditing and oversight requirements. The CAA, Elder Justice, and Ombudsman Robotic Companion Pet funds are distinct and separate from regular Older Americans Act Area Plan funds. Please see below for more detail on budget displays and reporting.

The CAA, Title XX Elder Justice, and Ombudsman Robotic Companion Pet Project funds, as well as Families First Coronavirus Response Act (FFCRA) and CARES, must be spent by September 30, 2022. Please keep in mind that ACL guidance states that the AAAs should utilize FFCRA, CARES, CAA, Title XX Elder Justice, and then OAA funds, in that order. Following this order will allow for full expenditure of the four emergency COVID-19 funds, which are not available for carryover. These four COVID-19 emergency funds are now covered by PM [20-18](#) although, note that due to federal extension on FFCRA and CARES until September 2022, the time frame for any needed reallocations has been extended **until the end of calendar year 2021**. Follow-up guidance with the CDA process for review of current spending, spending plans, and any needed reallocation process for these four funds will be issued soon.

FLEXIBILITIES

The CAA funds, which have been fully allocated in Title III-C-2, are available for full flexibility under California's Major Disaster Declaration (#DR-4482) of the Stafford Act (the Act). As such, the CAA Section 732 permits states to use any portion of the funds for disaster relief for older individuals. **AAAs have discretion to spend any Title III-C-2 CAA funding on disaster relief and will not be required to submit waivers or transfers to do so.**

Title XX Elder Justice and Ombudsman Robotic Companion Pet Project funding are not open to any flexibilities and must be expended on allowable services and activities.

BUDGET DISPLAYS

Separate and distinct Budget Displays will be released for the CAA, Title XX Elder Justice, and Ombudsman Robotic Companion Pet Project funding within the 2021-22 Area Plan Amendment #2 contract.

The Budget Displays for the CAA allocations reflect funding available between December 27, 2020 through September 30, 2022. The funding is reflected in Title III C-2 Home-Delivered Meals. AAAs can utilize up to 10% (maximum) of the funding for Administration.

“Administration” expenditures have a 25% match requirement. Any funding spent on program services and activities does not have a match requirement.

The Budget Displays for the Elder Justice allocations reflect funding available between April 1, 2021 through September 30, 2022. There is no administrative funding or match requirement.

The Ombudsman Robotic Companion Pet Project allocations reflect funding available April 1, 2020 through September 30, 2022. There is no administrative funding or match requirement.

ALLOCATION METHODOLOGY

CAA and Title XX Elder Justice funding has been allocated based on the FFY 2020 Interstate Funding Formula factors. CAA and Title XX Elder Justice funding is separate from the Area Plan funding and has no impact on previous Area Plan allocations.

AAAs will receive their CAA and Title XX Elder Justice allocations via check as soon as Area Plan Amendment #2 is signed, returned to CDA, and executed. A budget will not be required from the AAAs in order to expend funding.

Please refer to PM [21-18](#) for the Ombudsman Robotic Companion Pet Project allocation methodology.

EXPENDITURE REPORTS AND CLOSEOUT

This funding is separate from all other Title III C-2/Area Plan funding and must be tracked separately. Data and expenses for CAA funding should not be tracked in the NAPIS/SPR systems. ACL requires AAAs and providers to track these expenditures separately (e.g., per ACL Guidance, issued on [April 8, 2020](#), “At a minimum and where possible, States should be recording the number of clients to whom service is provided, the name or category of services provided, the number of units of service provided, and the expenditures related to providing such services.”).

AAAs are required to report expenditures monthly. To report expenditures, AAAs must use the “CAA Expenditure Report Form” ([CDA 7030](#)), “Elder Justice Expenditure Report Form” ([CDA 7031](#)), and the “Ombudsman Robotic Pets Expenditure Report Form” ([CDA 8001](#)). These documents are located under the [Fiscal Forms and Documents](#) page on CDA’s website.

These funds will end September 30, 2022 and the closeout will be must be completed by October 31, 2022. Closeout information will be forthcoming.

UPDATES ON ADDITIONAL FUNDING DISTRIBUTIONS: STATE AND FEDERAL

As a result of the new state budget for SFY 21-22, funding has been issued on Senior Nutrition (General Fund) and AAA Baseline Adjustment (General Fund). Additional guidance and information will be provided specific to the Older Adults Recovery and Resilience (OARR) and other Home and Community-Based Settings (HCBS) Spending Plan investments, pending CMS approval, on an ongoing basis.

In addition to the distribution of the federal CAA and Elder Justice funding, **CDA is working on guidance, process, and allocations for the distribution of the American Rescue Plan (ARP) Act funding, available through September 2024. We anticipate that ARP funding distribution will begin in December 2021**, to synch with the release of the one-time-only Area Plan funding from FY 20-21 Area Plan closeouts.

A new calendar of all current and upcoming funding has been shared with the network and is now posted on the [AAA - Contract Information](#) page of CDA's website. More tools will be posted on an ongoing basis and can be proposed to CDA's Division of Administrative Services.

INQUIRIES

For questions regarding this PM, please email: Nicole.Shimosaka@aging.ca.gov and/or Thomas.Cameron@aging.ca.gov.

/S/

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