

Emergency/Disaster Training Manual For Volunteer Lawyers

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Message to Volunteers

Dear Fellow Volunteer:

Thank you for volunteering your time to help those affected by a natural disaster. By championing the needs of those affected, you are improving our profession as well as the lives of those people you will help. On behalf of those individuals and the LSBA, please accept my thanks.

The purpose of this manual is to give you information you will need to provide assistance. The manual describes the legal assistance program that has been established by the ABA Young Lawyers Division (ABA/YLD), Federal Emergency Management Agency (FEMA) and the Louisiana State Bar Association (LSBA). The manual also provides an overview of FEMA and non-FEMA legal assistance; instructions on how to select the most appropriate source of legal services; and answers to frequently asked legal and non-legal questions. We anticipate that you may be asked questions on a variety of subjects including housing, insurance, unemployment compensation, and the availability of benefits. The manual will help you answer those questions or provide you with additional sources for the answers. For example, the manual's appendix includes information on the FEMA Disaster Assistance Process; Disaster Legal Services Forms; copies of relevant code articles and statutes; and telephone numbers for additional assistance including contact numbers for Legal Services Organizations and pro bono providers across the state.

As a volunteer you may be working as a lawyer in one of the following capacities: at a Disaster Relief Center or at your office by accepting a case referral.

Overview of Services Provided

There are several sources of help for disaster victims. This section provides you with an overview of those sources:

- (1) Disaster Hotline: The American Bar Association Young Lawyer Division and FEMA, in cooperation with The Louisiana State Bar Association, have established a toll-free telephone number for disaster victims. This hotline will provide legal referral information for individuals throughout the state. **Disaster legal advice will not be provided through the hotline.** If you are seeking information about disaster legal services, please dial the disaster response hotline at 1-800-310-7029.

FEMA has a contract with the ABA/YLD which mobilizes young lawyers in a state where a federal disaster is declared to provide free legal services to those disaster victims who are eligible for FEMA benefits. In Louisiana, the ABA/YLD acts in coordination with the Louisiana State Bar Association's Young Lawyers Division and its Access to Justice Committee to coordinate legal services to those disaster victims entitled to FEMA assistance. The hotline is physically located at the Louisiana Bar Center, with the Baton Rouge Bar Association serving as a back-up location. As is

explained in more detail elsewhere in this manual, the hotline provides legal referral information for low income callers facing disaster legal issues. Callers will be directed either to their local legal service office or their local pro bono program for direct legal assistance.

- (2) Pro Bono Volunteers: Established pro bono organizations as well as individual lawyers across the state have agreed to accept extended service cases.
- (3) Legal Service Organizations: The Louisiana legal services organizations throughout the state provide the backbone of free legal services in non-emergency situations. These organizations are also key in providing legal help now. These organizations have agreed to accept cases that meet the criteria imposed by their funding sources.

Time Commitment

Your first question may be: how much of my time will this project take? In many cases, the time required may be minimal – sitting at a Disaster Relief Center or accepting a case that may require writing a few letters on the victim’s behalf in a single day. Other cases may be more complex. But your service is not meant to be everlasting! If you find an individual needs extended representation, you can: continue to represent them; refer him/her to the organization through which you volunteered; or refer him/her to the nearest legal services organization, provided the individual meets its criteria. Legal services groups are listed by parish in Appendix "C".

Limitations to Representation

There are several important limitations to your representation:

- 1.) **Your services are provided pro bono. You cannot charge for your services.** Chances are that if you are reading this, you knew that already. And, thank you, again;
- 2.) This program is open to those in a parish declared a federal disaster area and whose problems are related to that disaster;
- 3.) This program does not cover fee-generating cases. If the hurricane victim has a case that is potentially fee-generating, he or she should be referred to the local bar association’s attorney referral service. The Louisiana attorney referral service contact information is divided by geographic location as follows: Baton Rouge (225) 344-9926; Lafayette (337) 237-4700 or www.lafayettebar.org; (337) 497-0090; New Orleans (504) 561-8828; Shreveport area: (318) 222-3643 or <http://www.shreveportbar.com/>.
- 4.) Just like in your regular practice, you need to ascertain in your initial client contact whether you have a conflict of interest. Your client will be identified in any referred cases. If you have a conflict, please notify the referring association that you cannot take the case. Your client is the individual you are talking to if you are in a Disaster Relief Center. There, the needed conflict check if no ongoing representation is expected is

only that you are not aware of a conflict, since this is under the auspices of a non-profit. Rule of Professional Conduct 6.5.

- 5.) If after speaking to your client, you believe the case is beyond your expertise, you should contact the association that referred you the case and ask that it be re-assigned to another volunteer; and
- 6.) As a volunteer offering your services to disaster victims at no charge, you do not violate Rule of Professional Conduct 7.3 which prohibits solicitation of clients. Please be on the look-out for individuals engaged in the solicitation of hurricane victims and report this activity.

The people you will be helping are experiencing difficulties that resonate in every segment of their lives. Your efforts will really make a difference in the quality of their lives. You are a champion of our profession.

Sincerely,

Alainna R. Mire
2020-2021 President
Louisiana State Bar Association

CHAPTER I. The Role of the Volunteer Lawyer

A. Type of Legal Services Rendered. Based on past experiences with hurricanes and other natural disasters, volunteer attorneys are asked to provide advice on the following:

Assistance with filing for emergency assistance;

- Assistance with insurance claims (life, property, medical, etc.);
- Counseling on lessor-lessee, homeowner, and other housing problems;
- Assistance with home repair contracts;
- Assisting in consumer protection matters, remedies, and procedures;
- Counseling on mortgage foreclosure problems;
- Replacement of important legal documents destroyed in the natural disaster, such as wills/testaments, green cards, etc. (see Appendix "H1" and "H2" for information on how to obtain copies of lost documents);
- Drafting of powers of attorney;
- Estate administration (insolvent estates);
- Tax questions;
- Preparation of guardianships and conservatorships;
- Referring individuals to local or state agencies which might be of further assistance (e.g. consumer affairs).
- Heirs' Property issues
- Access to schools for those displaced from the area of their own school.

B. This Manual. This manual is a work in progress and will be updated as additional information becomes available. It includes a general introduction to some of the legal issues that volunteer attorneys are likely to be asked in an emergency situation. Obviously, the manual is intended only as a starting point for any legal research that volunteer attorneys may need to conduct to effectively assist their clients. The Louisiana State Bar Association thanks bar associations throughout the country who have provided assistance and materials in the preparation of this manual.

C. Websites. Helpful disaster websites are:

- **Louisiana State Government** (<http://louisiana.gov/>). In the event of an emergency or disaster in Louisiana, this site will have banners on the landing page for information on available assistance.
- **Get a Game Plan** (www.getagameplan.org). This site provides information on how to plan for disasters as well as pdf guides and podcasts.
- **Disaster Assistance** (<https://www.disasterassistance.gov/>). This site will ask for your city and state or zip code and provide information relevant to any declared disasters for

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that area. Even if a disaster has not yet been declared for that area, users are still able to apply for assistance.

- **Federal Emergency Management Agency** (www.fema.gov). This site will provide federal assistance information before, during, and after disasters.
- **Governor's Office of Homeland Security and Emergency Preparedness, GOHSEP** (<http://gohsep.la.gov>). GOHSEP works with local, State, Tribal and Federal authorities; private-sector partners; and private nonprofits (PNPs) so that we prepare for, prevent, respond to, recover from and mitigate against future emergencies and disasters.
- **Louisiana Law Help** (<http://louisianalawhelp.org>). Law Help is an online resource for people living on low-incomes and the legal organizations that serve them. It provides referrals to local legal aid and public interest law offices, basic information about legal rights, self-help information, court information, links to social service agencies, and more. Southeast Louisiana Legal Services Corporation administers Louisiana's Law Help Project, which is made possible by funding from Legal Services Corporation and the Louisiana Bar Foundation.
- **National Disaster Legal Aid Resource Center** (www.disasterlegalaid.org). the National Disaster Legal Aid Advocacy Center to help address a nationwide need to network public interest legal advocates working on disaster legal aid and share advocacy resources and tools across region. All advocates and volunteers from nonprofit legal aid organizations, bar associations, pro bono counsel from law firms and corporations, law school students and faculty, and allied nonprofits working on disaster legal aid are welcome to join.
- **Voluntary Organizations Active in Disaster, VOAD** (<http://lavoat.org>). The mission of Louisiana Voluntary Organizations Active in Disasters (Louisiana VOAD) is to enhance the effectiveness of service providers and stakeholders who help communities prepare for, respond to, and recover from disasters, with the overall purpose of lessening the impact of disasters on Louisianans.

CHAPTER II. Process of Providing Legal Services to Disaster Victims

A. Volunteer Assistance through your local Pro Bono Program (cases accepted from your local pro bono program)

1. **LSBA Hotline Call Handling.** The toll-free number set up by the Louisiana State Bar Association is 1-800-310-7029. When a victim calls into the toll-free number, the staff at the Louisiana State Bar Association will take down some initial information from the victim and fill out the intake information on the Disaster Legal Services Form, which is included in this packet as Appendix “A.” Staff will then determine whether the case is one in which lawyer assistance is required, and if so, whether the matter should be forwarded to a volunteer attorney through a participating local pro bono program. When a pro bono organization receives it, it will identify a volunteer attorney and place the case with that volunteer, sending them a copy of the Disaster Legal Services Form.
2. **Volunteer Attorneys – Case Handling.** While efforts will be made by the hotline and the pro bono program not to refer fee-generating cases, when the volunteer attorney receives the Disaster Legal Service Form, the volunteer attorney should immediately determine whether the legal service requested is a fee-generating matter, and if so refer the victim to the local bar association or the Louisiana attorney referral service. The Louisiana attorney referral service contact information is divided by geographic location as follows: Baton Rouge (225) 344-9926; Lafayette (337) 237-4700 or www.lafayettebar.org; (337) 497-0090; New Orleans (504) 561-8828; Shreveport area: (318) 222-3643 or www.shreveportbar.com. Additionally, in the event the volunteer attorney determines the case is beyond the attorney’s expertise, the volunteer attorney has a conflict of interest, or the volunteer attorney cannot handle the case for any other reason, the attorney should immediately call the pro bono organization from which they received the case and ask that the case be reassigned.

Once the volunteer attorney has made the decision to accept the matter, the volunteer attorney should call the victim within 24 hours of the time of receiving the case. The attorney should then help the victim with their legal needs, keeping careful notes regarding the intake, recommendations, and disposition of each case for her/his own benefit and the benefit of any lawyer who may subsequently be involved in the case. The Disaster Legal Services form received with the referral should be updated.

3. **Closing Cases and Reporting.** After completing the matter, the portion of the Disaster Legal Services Form (Appendix “B”) addressing case closure should be completed and returned to the pro bono organization that sent the case. If the matter is still open ninety (90) days after the assignment, a brief report on the anticipated closing date should be faxed to the pro bono organization. All volunteer attorneys should keep track of the

amount of time spent on each case and should include this information in the Disaster Legal Services Form.

B. Volunteer Assistance at a Disaster Recovery Center (DRC)

If a volunteer attorney is staffing a table at a Disaster Recovery Center the attorney should follow the same procedures stated above for cases completed at the DRC.

1. **Pro Bono Private Attorneys.** If a volunteer attorney has volunteered through a pro bono organization and is staffing a table at a [Disaster Recovery Center](#), the attorney should follow the same procedures for cases completed at the DRC. For cases that need more assistance than an attorney is capable of providing at the DRC, ideally, we would ask the attorney to complete the case later and return it to the pro bono organization. However, understanding time constraints, if an attorney is unable to complete a case at the DRC or later, we would ask that the uncompleted case be returned to the pro bono organization.
2. **Public Interest Attorneys.** If a volunteer attorney is an employee of a public interest law firm (legal aid attorney) and is staffing a table at a [Disaster Recovery Center](#), the attorney should bring all cases back to their office. The public interest law firm will determine which cases it can handle and return copies of all to Disaster Legal Services Forms to the Louisiana Civil Justice Center, noting which ones the program was unable to take but need to be placed with a pro bono attorney.
3. **Other Attorneys.** Any volunteers who would like to staff a table at a [Disaster Recovery Center](#) must confirm their interest with a partnering private firm or public interest law firm.

CHAPTER III. FEMA Assistance

This chapter provides a brief overview of the major Federal Emergency Management Administration programs. For FEMA resources, see Appendixes “E” and “F”.

A. Disaster Declaration - When the President of the United States declares a “major disaster” in the United States or its territories, federal assistance is made available to supplement the efforts and resources of state and local governments and voluntary relief organizations pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended 42 U.S.C. §5121, *et. seq.* Individuals, families and businesses in designated parishes may be eligible for federal assistance if they live, own a business, or work in a parish declared a Major Disaster Area. Help may also be available to those who have incurred sufficient property damage or loss and do not have insurance or other resources to meet their needs. **The most important thing a disaster victim must do to obtain FEMA assistance is to timely register with FEMA.** Victims should be encouraged to include information regarding disabilities or chronic health care needs on their FEMA applications in order to receive the full range of federal disaster relief assistance available to them. To register by phone with FEMA, call toll-free 1-800-621-FEMA (TTY: 1-800-462-7585). FEMA registration can also be achieved online at www.fema.gov.

B. FEMA Benefits Overview. FEMA has established a policy for preventing and for rectifying duplication of benefits under 44 CFR §206.191. FEMA’s duplication of benefits policy includes the concept of a sequence of delivery, which establishes the order in which the major forms of assistance should be provided. The agency that has the primary responsibility for delivering a certain type of assistance should provide that assistance first, and may do so without regard to other agencies with similar assistance that is lower in the sequence. Agencies are not prohibited from disrupting the sequence of delivery when it serves to expedite the recovery of an applicant. However, the agency that disrupts the sequence of delivery must take corrective action.

The sequence of delivery for major forms of assistance is as follows:

1. **Voluntary organizations** provide emergency assistance in the form of food, clothing, shelter, medical, and transportation needs;
2. **Private insurance benefits** – Insured applicants must file a claim with their insurance company before receiving federal assistance. They may be eligible to receive disaster assistance if they have insufficient coverage or have items not covered by their insurance policy.
3. **Small Business Administration (SBA)** provides low interest, long-term disaster loans for individuals to repair/replace real and personal property for non-farm businesses. If SBA determines that an applicant is ineligible for an SBA loan or if the loan amount is insufficient, SBA refers the applicant to FEMA for additional consideration.

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Borrowers are required to maintain appropriate hazard and flood insurance, where required. SBA can only approve a loan to an applicant with a reasonable ability to repay the loan. SBA does not make loans for rental assistance. See 42 U.S.C. §5174(a)(2). (The SBA application is not required before getting FEMA rental assistance.)

4. **FEMA Individuals and Households Program (IHP).** 42 U.S.C. §5174. This program can pay for short and longer-term housing, such as rental assistance, temporary housing (such as mobile homes), housing repairs, and grants to purchase new housing (though the amounts are too low to make this realistic). (See §5174(c)). IHP also covers replacement of necessary personal items (clothing, furniture, appliances, etc.), transportation and other expenses or “serious needs” (See §5174(e)(2)); and medical, dental, and funeral expenses. (See §5174(e)(1)). IHP is discussed at more length immediately below.
5. **Voluntary Organizations** provide assistance during recovery as well as during immediate emergency response. This includes national and local groups.
6. **Cora C. Brown Fund** – This fund, named after Cora Brown who died in 1979 and bequeathed part of her estate to the federal government to be used solely for human suffering caused by natural disasters, is used for disaster victims who have exhausted all avenues of assistance, but who still have unmet needs. FEMA uses these funds under the authority of 42 U.S.C. §5201(b) of the Stafford Act and 44 CFR §206.181. See [FEMA Cora Brown Fact Sheet](#).

C. The Individuals and Households (IHP) Program (42 U.S.C. §5174).

This program consists of two parts--housing assistance and financial assistance to address “other personal needs.” The maximum benefit is adjusted annually. For 2020 it is \$35,500. For more detailed information on these programs see FEMA’s “[Individual Assistance Program and Policy Guide](#)” (IAPPG).

1. **Housing Assistance under IHP.** This part of the IHP program is designed to provide disaster applicants with a grant for their housing needs when their primary residence is destroyed, inaccessible or is uninhabitable.

The forms of temporary housing, include:

- **Assistance to rent** or lease alternate dwellings including rental units for up to 18 months, if FEMA agrees the applicant’s ability to find or afford housing is affected by the disaster that long. Rental receipts showing the use of previous months of assistance must be presented to FEMA before more assistance will be approved. (see §5174(c)(1)(A)-(B));
- **Lodging expense reimbursement**- financial assistance may be provided for short term lodging expenses.

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- **Temporary housing** may be provided in temporary housing units (see §5174(c)(1)(B)); FEMA may provide in-kind assistance in the form of trailers, manufactured homes or other readily fabricated dwellings for use as temporary housing for up to 18 months subject to recertification of continuing eligibility (see §5174(c)(1)(A)).
 - **Money to make emergency repairs** to owner occupied dwellings (see §5174(c)(2)(A)). FEMA will refer those able to pay to SBA to obtain a loan for more extensive repairs. If a person can't afford to repay an SBA loan, they will be eligible for the repairs grant.
 - **Money to purchase alternate housing.** (Note: This can provide a down payment that can be combined with a SBA loan to buy a new home.) (see §5174(c)(3)).
 - **Money to make permanent repairs** and to construct permanent or semi-permanent housing in insular areas outside of the continental United States and in other locations, provided that the areas has no alternative housing resources available and the types of temporary housing options provided in §5174(c)(1)(B) are unavailable, infeasible, or not cost-effective (§5174(c)(4)).
 - **Insurance:** FEMA will require the person to show that their insurance policy won't cover these costs before providing assistance. In addition, if a homeowner can afford to repay a loan, he or she will be referred to SBA first for money to replace their home. (See below)
 - **Flood Insurance:** An individual that is in a flood zone may have problems receiving housing assistance, if they do not have flood insurance and the property they own was assisted in a previous disaster. (See 44 C.F.R. §206.113(b)(8)).¹
 - **Household Rule:** Usually, FEMA will determine who is in your household (all adults and children who lived together before the disaster) and will only make one payment per household. Individuals should be advised to indicate to the FEMA interviewer if they cannot continue to live with their previous household members.
2. **Other “financial needs”** Under IHP, FEMA will also assist individuals in replacing lost personal property and meeting other basic needs.
3. **Critical Needs Displacement Assistance:** Critical needs displacement assistance is intended to help victims meet life-saving and/or life-sustaining items such as: water,

Advocacy Tip

The “household rule” is a major bar to relief for many poor families and individuals. FEMA has authority to waive it, but currently does so only in very limited circumstances. See 44 C.F.R. § 206.117(b)(1)(i)(A). FEMA’s recognized exceptions to the rule, for households forced to separate by the disasters and those considered “roommates” or boarders, are set out in its Unified Guidance at pp. 57 -59.

https://www.fema.gov/sites/default/files/2020-07/fema_individual-assistance-program-policy-guide_2019.pdf

¹ There may a due process challenge to the application of this limitation if there has been no notice of the previous assistance and obligation to maintain flood insurance. The challenge would probably have to be taken into federal court.

clothing, food, personal hygiene items, prescriptions, and fuel for transportation. It will be deducted from their final grant amount. It is advisable to tell your clients to keep receipts showing how they spend this money.

4. **Other needs** that can be paid for include:

- Cars, transportation;
- Clothes (including school uniforms);
- Furniture, appliances, other household belongings;
- Work expenses;
- Tools;
- Durable medical equipment such as wheelchairs;
- Moving and storage expenses;
- Medical or dental expenses not covered by Medicaid or insurance;
- Funeral expenses.
- Child care

D. SBA Loans. Although counterintuitive to require non-businesses to apply for a Small Business Administration (SBA) loan, SBA disaster loans are not limited to businesses. Instead, the Small Business Administration simply administers this particular disaster loan program. Some applications for disaster assistance require you to also submit an SBA application before FEMA can determine your eligibility for assistance. Learn more about the home and property disaster loan application. After you apply for disaster assistance from FEMA, you may be contacted by the U.S. Small Business Administration (SBA). If you are asked to submit an application for a low-interest SBA disaster loan, please know it is an important step in the federal disaster assistance process.

If SBA determines you are eligible for a loan, **you do not have to accept it**. If you do not qualify for a home loan, SBA will refer you back to FEMA and you could be considered for other FEMA grants for Other Needs Assistance, which covers items like disaster-related car repairs, clothing, household items and other expenses. You cannot be considered for these grants unless you complete and return the SBA home loan application. Some types of Other Needs Assistance do not depend on completing the SBA application. These include rental housing, medical, dental and funeral expenses. It's not necessary to submit the application for those kinds of grants.

1. **Types of Disaster Assistance Loans**

- a. **Home and Property Disaster Loans-** If you are in a declared disaster area and have experienced damage to your home or personal property, you may be eligible for financial assistance from the SBA — even if you do not own a business. As a homeowner, renter and/or personal property owner, you may apply to the SBA for a loan to help you recover from a disaster.
- b. **Business loans** of up to \$2 million total. These include:

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- I. **Physical Disaster Loans** up to \$2 million to repair or replace property including inventory and equipment damaged in the disaster; and
- II. **Economic Injury Disaster Loans (EIDL)** of up to \$2 million for small businesses that had property or inventory damaged and that lost business as a result of the disaster.

2. **Home Loans:** If a homeowner is able to repay an Small Business Administration loan, they may be offered up to \$200,000 to assist with a new home purchase. For more information on SBA disaster loans, visit: https://disasterloan.sba.gov/ela/Documents/Three_Step_Process_SBA_Disaster_Loans.pdf

D. FEMA Appeals. If you got a letter, email, or text from FEMA denying your application for assistance and you disagree with the determination, you have the right to appeal. A person can appeal a denial of benefits, the amount of the benefit, or other adverse actions by FEMA. To do so, they must file a written appeal that is postmarked within 60 days of the date the notice of decision was sent. The appeal must be in writing and signed by them or their representative. Usually the appeals are decided based on any documents submitted with the appeal and, apparently, FEMA's review of the rest of the file. Telephonic hearings can be requested based on specific circumstances making it appropriate. FEMA has 90 days to issue a written decision, which is final. FEMA often fails to meet the 90-day standard. Final decisions are subject to limited judicial review under the federal Administrative Procedure Act. See 42 U.S.C.A. § 5148.

1. **Denial Reasons.** Once an applicant understands the reason for being ineligible, they can decide whether to appeal the decision. To do so, they need to submit all required information along with a letter describing in detail their reason (or reasons) for appealing. It's important to read the determination letter carefully to identify the reason for being declared ineligible. Some common reasons include:
 - The person is insured and needs to provide an insurance settlement or denial to be considered for assistance
 - Additional information is needed from the survivor, i.e. proof of identity, proof of occupancy, annual income, or a child care assistance letter
 - There were multiple registrations using the same address
 - Damages occurred to a secondary residence (where the survivor lives less than six months of the year)
 - The home is safe to occupy, and/or personal property had minimal or no damages
 - Missed inspections and no follow-up communication with FEMA
 - FEMA is unable to contact the applicant
 - Insufficient Coverage. It is also possible that FEMA may have provided insufficient assistance for the damages incurred.

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2. **60 Day Appeal.** If the applicant has received a letter from FEMA saying that they are ineligible for disaster relief or that the application is incomplete, they have the right to appeal the decision within 60 days of receiving the mailed notification. An appeal is a written request to review the file again with additional information provided by the applicant that may affect the decision. The ability to appeal is time-sensitive. The appeal must be faxed or postmarked within 60 days of the date of FEMA's decision letter. This term can be extended based on extenuating circumstances.
3. **Explaining the Fundamentals.** The letter should be clear as to whether FEMA provided assistance, the amount, and the date when the assistance was received. Whether it is a denial or an insufficient award for damages, the letter should explain why the determination is incorrect. It should include a narrative of the damages to the real estate and personal property. This mechanism may also be used to request a re-opening of a case closed for alleged inactivity.

It is also recommended to include information about the date of the application and the date of receipt of the negative determination letter (or of the other communications sent requesting the determination letter).

The appeal should explain in writing why the applicant disagrees with the decision. It may include documents which support the applicant's explanation: for example, a contractor's estimate showing how much it will cost to repair your home.

4. **The Appeal Must Include:**

- Applicant's full name and signature
- Last 4 digits of the Social Security Number
- Date of Birth
- FEMA registration number
- Physical address of the damaged property
- Current mailing address
- Disaster number
- Request the FEMA File

5. **Request the Full File.** In addition to the appeal letter, the applicant should request a complete copy of their file. The determinations made by FEMA are made exclusively based on the applicant's file. This is particularly useful if letters have been lost documents or letters from FEMA were not received.
6. **Attachments.** The appeal letter is *not* usually enough. The letter should be accompanied by supporting documentation. For example, it should include the expenses incurred after the disaster to either repair your home or replace personal property. It should also include quotes related to the repairs and the corresponding sworn affidavits. This is

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especially important for applicants who were denied because FEMA did not accept their proof of ownership or occupancy.

FEMA recommends the following documentation, although this list is not exhaustive:

- Denial Reason Acceptable Documentation
 - ◆ Official government document (social security statement, etc.)
- Identity not verified
 - ◆ Copy of driver's license
- Ownership not verified
 - ◆ Deed, title, or official record
 - ◆ Real estate tax bill or receipt
 - ◆ Will or proof of inheritance
 - ◆ Mortgage statement
 - ◆ Proof of insurance coverage (settlement or denial), or statement from insurance provider
- Occupancy not verified
 - ◆ Official government document (social security statement, etc.)
 - ◆ Copy of driver's license
 - ◆ Landlord's statement or copy of lease
 - ◆ Rent receipts
 - ◆ Utility bill reflecting damaged residence address
 - ◆ Voter registration card or merchant's statement
- Insufficient damage/ Damage not disaster-caused
 - ◆ Contractor's statement or estimate
 - ◆ Mechanic's statement or estimate
 - ◆ Statement from local official
 - ◆ Receipts for expenses caused by the disaster
- Insurance may cover losses
 - ◆ Receipts for expenses caused by the disaster
 - ◆ Proof of insurance coverage (settlement or denial), or statement from insurance provider

7. Under Oath and Signed

- You can have your letter notarized. If you choose this option, please include a copy of a state-issued identification card.
- Or include the following statement: "I hereby declare under penalty of perjury that the foregoing is true and correct." You must sign the letter.

8. **Preparer Other than the Applicant.** If someone other than you is writing the letter, there must be a signed statement from you affirming that the person may act on your behalf. You should keep a copy of the appeal for your records.

9. Submit the Appeal

- To file an appeal, letters must be postmarked, received by fax, or personally submitted at a disaster recovery center within 60 days of the date you received the FEMA determination letter.
- 3 ways to submit it:
 - ◆ Online by uploading to your account.
 - ◆ By mail: FEMA – Individuals & Households Program National Processing Service Center, P.O. Box 10055, Hyattsville, MD 20782-7055.
 - ◆ By fax 800-827-8112, Attention: FEMA – Individuals & Households Program
- If you have questions, call the FEMA Helpline at 800-621-3362. Those who use 711 or Video Relay Services may call 800-621-3362. Those who use TTY may call 800-462-7585. Operators are available from 7 a.m. to 10 p.m. local time seven days a week

F. Other Disaster Benefits - Other forms of programs available to individuals hurt in the disaster include:

1. **Disaster Unemployment Assistance.** DUA is available to unemployed workers or self-employed individuals, both agricultural and nonagricultural, who become unemployed as a direct result of a disaster. DUA is also available to those individuals who become the breadwinner, or major support, due to the death of the head of the household as a direct result of the disaster. See Chapter IX (A) of this manual for more information.

Note: People should apply as soon as possible for unemployment benefits since there is a 30 day deadline to do so without having to explain your delay. People can call 1-866-783-5567. Online guidance is available at www.laworks.net.

2. **Mental Health Crisis Counseling Funds** are provided by FEMA as a grant to state and local mental health agencies to provide crisis counseling to help relieve grieving, stress, or mental health problems resulting from the disaster or its aftermath. Services from Louisiana's mental health agency are arranged through regional entities, listed at <https://ldh.la.gov/index.cfm/directory/category/100>.

The Federal Substance Abuse and Mental Health Services Administration call center can be reached toll-free at 1-877-726-4727 (TDD 800-487-4889).

Services provided include screening, diagnostic testing, counseling, and outreach services such as disseminating public information and community networking. Two types of grant programs are funded:

- a. Immediate services to help state and local agencies to respond to immediate mental health needs of a victim of a disaster. This funding is provided for up to 60 days post disaster declaration; and

CHAPTER III. FEMA Assistance

- b. Regular services designed to provide up to nine months of services to victims of a disaster. Other national, state, and local voluntary agencies have similar programs and coordinate with the Center for Mental Health Services to reduce or eliminate duplication of efforts.
3. **Expanded welfare and food programs for survivors.** In a disaster the Executive branch, Congress and federal agencies often expand existing programs such as Medicaid, welfare, food stamps and food programs to meet the new increased needs for this help. See [CHAPTER IX. Programs that Can Help with Food, Income, & Children](#) of this manual for more information.
4. **Payments to Victims of Violent Crimes.** If a person was a victim of a violent crime, he or she may be eligible for up to \$10,000 for damages (\$25,000 for permanent disability). To learn the rules and procedures for this program, see <http://lcle.la.gov/programs/cvr.asp>.

CHAPTER IV. Emergency Information

A. Locating Missing Family and Friends. To register or find a displaced person, a missing relative, or a friend, visit the American Red Cross's Safe and Well List, available online at <http://safeandwell.communityos.org/cms/index.php>

B. What Should Hurricane Victims Know Before Returning Home after a Hurricane?

1. General Precautions:

- a. Find out if the authorities have declared the area safe.
- b. If your area is under a curfew, allow travel time to and from your home. If your area is under martial law, obey all orders by authorities.
- c. Watch for debris on the road while driving;
- d. Return to your pre-determined assembly point and/or contact your pre-established out-of-area contact person. Make sure all family members have been accounted for and let others know of your status;
- e. Make sure the main electrical switch to your home is off before entering the structure;
- f. Be careful when entering a structure that has been damaged;
- g. If you suspect a gas leak, leave immediately and notify the gas company;
- h. If possible, listen to the radio or contact authorities to find out if sewage lines are intact before turning on the water or using the toilet;
- i. Report utility damage to the proper authorities;
- j. Continue to monitor your radio or television for up-to-date emergency information.

2. Inspecting the Damage. During a hurricane and the subsequent cleanup process, injuries occur. To avoid injury, use common sense and wear proper clothing, including clothes with long sleeves, long pants, and safety shoes or boots.

Upon returning to dwellings evacuated before a hurricane's arrival, be aware of possible structural, electrical, or gas-leak hazards. Electrical power and natural gas or propane tanks should be shut off to avoid fire, electrocution, or explosions. Try to return to your home during the daytime so that you do not have to use any lights. Use battery-powered flashlights and lanterns, rather than candles, gas lanterns, or torches.

3. Gas Leaks. If you smell gas or suspect a leak, turn off the main gas valve, open all windows, and leave the house immediately. Notify the gas company, the police, fire departments, or State Fire Marshal's office, and do not turn on the lights, light matches, smoke, or do anything that could cause a spark. Do not return to the house until you are told it is safe to do so.

CHAPTER IV. Emergency Information

- 4. Electrical Damage.** Your electrical system may have been damaged. If you see frayed wiring or sparks when you restore power, or if there is an odor of something burning but no visible fire, you should immediately shut off the electrical system at the main circuit breaker.

You should consult your utility company about using electrical equipment, including power generators. Be aware that it is against the law and a violation of electrical codes to connect generators to your home's electrical circuits without the approved, automatic-interrupt devices. If a generator is on-line when electrical service is restored, it can become a major fire hazard. In addition, the improper connection of a generator to your home's electrical circuits may endanger line workers helping to restore power in your area.

All electrical equipment and appliances must be completely dry before returning them to service. It is advisable to have a certified electrician check these items if there is any question.

PLEASE NOTE: Several deaths following past hurricanes have occurred due to fires. In many cases, fires were caused by the careless use of candles to light homes without electrical power. Use battery-powered lanterns, if possible, rather than candles. If you use candles, make sure they are in safe holders away from curtains, paper, wood, or other flammable items. Never leave a candle burning when you are out of the room.

- 5. Downed Power Lines.** If power lines are lying on the ground or dangling near the ground, do not touch the lines. Notify your utility company as soon as possible that the lines have been damaged, or that the power lines are down. Do not attempt to move or repair the power lines.

Do not drive through standing water if downed power lines are in the water. If a power line falls across your car while you are driving, continue to drive away from the line. If the engine stalls, do not turn off the ignition. Stay in your car and wait for emergency personnel. Do not allow anyone other than emergency personnel to approach your vehicle.

- 6. Animals.** Wild or stray domestic animals can pose a danger during or after the passage of a hurricane. Remember, most animals are disoriented and displaced, too. Do not corner an animal. If an animal must be removed, contact your local animal control authorities.

If you are bitten by any animal, seek immediate medical attention. If you are bitten by a snake, first try to accurately identify the type of snake so that, if poisonous, the correct anti-venom can be administered. Do not cut the wound or attempt to suck the venom out.

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Certain animals may carry rabies. Although the virus is rare, care should be taken to avoid contact with stray animals and rodents. Health departments can provide information on the types of animals that carry rabies in your area. For more information, see <http://www.cdc.gov/rabies/>.

Rats may also be a problem during and after a hurricane. Take care to secure all food supplies, and remove any animal carcasses in the vicinity by contacting your local animal control authorities.

7. **Drowning.** Although hurricane winds can cause an enormous amount of damage, wind is not the biggest killer in such a storm. Nine of every ten hurricane fatalities are drownings associated with swiftly moving waters. People who enter moving water with their cars, or who get on boats on lakes or bays when a hurricane strikes the area are at grave risk of drowning, regardless of their ability to swim. Even very shallow water that is moving swiftly can be deadly. Cars or other vehicles do not provide adequate shelter, and can be swept away or may break down in moving water. Be alert and follow hazard warnings on roadways or in media broadcasts. Police and public works departments should be contacted for up-to-date information regarding safe roadways.
8. **Chemical Hazards.** Be aware of potential chemical hazards you may encounter when returning to your home, especially if the hurricane is accompanied by flooding. Floodwaters and high winds may have moved or buried hazardous chemical containers of solvents or other industrial chemicals. Contact your local fire department about inspecting and removing hazardous chemical containers. Avoid inhaling chemical fumes.
9. If **any** propane tanks (20-lb. tanks from a gas grill or household propane tanks) are discovered, do not attempt to move them yourself. These represent a real danger of fire or explosion, and if any are found, the fire department, police, or your State Fire Marshal's office should be contacted immediately.

Car batteries, while flooded, may still contain an electrical charge and should be removed with extreme caution by using insulated gloves. Avoid coming in contact with any acid that may have spilled from a damaged car battery.

10. **Knowing Where and When It's Safe.** Continue to monitor your radio or television for up-to-date emergency information and to find out when roads, areas, and buildings have been designated as safe for return. You can get this information from public announcements or public authorities. Avoid moving water, regardless of depth or speed. Do not drive through flooded roads. Cars can be swept away or break down.
11. **Building Safety.** Buildings may no longer be safe following a hurricane or flood. There are a number of dangers that you need to be aware of as you return to and begin cleaning up your home or other building. In general, return to buildings during the daytime so

CHAPTER IV. Emergency Information

that you don't have to use any lights and be aware of possible structural, electrical, or gas-leak hazards.

12. Utility Hazards.

- a. Before entering a building, make sure the main electrical switch is off. Shut off electrical power and natural gas or propane tanks to avoid fire, electrocution, or explosions.
- b. Make sure that all electrical equipment and appliances are completely dry before you use them.
- c. Stay away from downed power lines. Notify the power company immediately.
- d. If you suspect a gas leak, leave immediately and notify the gas company. Do not do anything that could cause a spark, such as turn on lights, light matches, or smoke.
- e. Report utility damage to the authorities.

13. Other Injury-Prevention Measures. To avoid other hurricane-related injuries, you should:

- a. learn proper safety procedures and operating instructions before operating any gas-powered or electric chain saw;
- b. with an electric chainsaw, use extreme caution to avoid electrical shock;
- c. when using any power equipment, always wear a safety face shield or eyeglasses, and gloves;
- d. avoid all power lines, particularly those in water;
- e. Avoid wading in water. Broken glass, metal fragments, and other debris may be present in the water; and
- f. Be careful of nails and broken glass when removing boards covering the windows.

Contact your state or local health department or utility company if you need additional safety information.

14. Cleanup. Once you have established that no structural, electrical, or gas-related hazards exist in your home, dry and disinfect all materials inside the house to prevent the growth of mold and mildew.

Walls, hard-surfaced floors, and many other household surfaces should be cleaned with soap and water and disinfected with a solution of one cup of bleach to five gallons of water. Be particularly careful to thoroughly disinfect surfaces that may come in contact with food, such as counter-tops, pantry shelves, refrigerators, etc. Areas where small children play should be carefully cleaned. Wash all linens and clothing in hot water or dry clean them. For items that cannot be washed or dry cleaned, such as mattresses and upholstered furniture, air dry them in the sun and then spray them

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thoroughly with a disinfectant. Steam clean all carpeting. If there has been a backflow of sewage into the house, wear rubber boots and waterproof gloves during cleanup.

Remove and discard contaminated household materials that cannot be disinfected such as wall coverings, cloth, rugs, and drywall.

CHAPTER V. Rental Housing and Mortgage Issues

- A. Housing Issues** - Lawyers can assist disaster victims with housing and consumer law issues by educating them about their rights, negotiating with creditors, financial institutions, and collection agencies for moratoriums and extensions of loan and bill payments, and advising clients about their rights regarding consumer contracts and collection agency activities.
- B. HUD Programs and Questions.** During a natural disaster, HUD may grant a 90-day moratorium on foreclosures and forbearance on foreclosures of Federal Housing Administration-insured homes. HUD has information on its website providing general information on its [Disaster Recovery Assistance](#) programs.

HUD's [Section 203\(k\) loan program](#) enables homebuyers and homeowners who have lost their homes to finance both the purchase and/or refinancing of a house and the cost of its rehabilitation through a single mortgage. It also allows homeowners who have damaged houses to finance the rehabilitation of their existing single-family home. This program encourages lenders to make mortgages available to borrowers who would not otherwise qualify for conventional loans on affordable terms and to residents of disadvantaged neighborhoods.

HUD has a special mortgage insurance program under [Section 203\(h\)](#) of the National Housing Act to assist disaster victims. Under this program, individuals or families whose residences were destroyed or damaged to such an extent that reconstruction or replacement is necessary are eligible for 100 percent financing.

HUD will offer state and local governments federally guaranteed loans for housing rehabilitation, economic development and repair of public infrastructure, under its Section 108 loan guarantee assistance program.

HUD has an obligation under [Section 504](#) of the Rehabilitation Act to make a minimum of 5% of units or at least one, whichever is greater, accessible to people with mobility impairments and 2% or at least one unit, accessible for people with visual or hearing impairments if that housing is built or renovated with federal funds.

Tenants with [Housing Choice Vouchers](#) generally have a right to move and use the Vouchers in a new location. Disabled tenants who are disabled generally should be allowed additional time to find new housing, and may, in some circumstances, be eligible for higher rent payments, and should be granted reasonable accommodations in complying with some of the Housing Choice Voucher rules to afford them an equal opportunity to participate in the program.

- C. Housing for Disabled Individuals.** People needing accessible housing because of disability or who are denied housing because of disability specifically, can contact

CHAPTER V. Rental Housing and Mortgage Issues

Disability Rights of Louisiana at 1-800-960-7705 (TTY 1-866-935-7348) for referrals or disability rights information.

The Louisiana Department of Health, Office for Citizens with Developmental Disabilities has established procedures to facilitate the handling of requests from people with disabilities, their families, providers, employees and the community. The Office for Citizens with Developmental Disabilities can be contacted at: (225) 342-0095 or toll-free at 1-866-783-5553. For a complete listing of agencies and their phone numbers, please visit this [resource](#).

The Office for Citizens with Developmental Disabilities can help locate people with developmental disabilities and their families who have been displaced; handle requests and questions regarding relocation of people with developmental disabilities; locate employees of developmental centers who have been displaced; and field offers of donations of funds, staff or volunteers who would like to assist people with developmental disabilities.

This includes requests regarding ICF/MRs, waiver supports and services and state-funded services. Hurricane victims seeking information may call the Department of Children and Family Services at 1-888-LAHELPU (524-3578) during regular business hours.

D. Hiring Contractors for Disaster Repairs. It is also critical for the volunteer lawyer to educate the client about avoiding scams and choosing reputable people to do needed repairs and services. FEMA provides the following warnings when hurricane victims hire contractors for disaster repairs:

1. **Get a written estimate.** Compare services and prices before making a final decision. Also, read the fine print. Some contractors charge a fee for a written estimate, which is often applied to the price of subsequent repairs they make.
2. **Do not sign** any contracts for major repairs until the insurance representative has determined how much damage there is and how much the company will pay.
3. **Check references.** Contractors should be willing to provide the names of previous customers.
4. **Call several former customers** who had similar work done to make sure they were satisfied with the job.
5. **Ask for proof of insurance.** Make sure the contractor carries general liability insurance and workers' compensation. If the contractor is not insured, the homeowner may be liable for accidents that occur on the property.
6. **Use reliable, licensed contractors.** Call your local Better Business Bureau to inquire about a business before signing a contract.

CHAPTER V. Rental Housing and Mortgage Issues

7. **Be especially alert** for phone or door-to-door solicitors who hand out flyers and promise to speed up the insurance or building permit process, and those who ask for large cash deposits or advance payments in full.
8. **Be wary** of anyone claiming to be 'FEMA certified,' because FEMA does not certify or endorse any contractor.
9. **Insist on a written contract.** A complete contract should clearly state all the tasks to be performed, all associated costs and the payment schedule. Never sign a blank contract or one with blank spaces. Make sure the contract clearly states who will apply for the necessary permits or licenses. Have a lawyer review the contract if substantial costs are involved, and keep a copy for your records.
10. **Get any guarantees in writing.** Any guarantees made by the contractor should be written into the contract. The guarantee should clearly state what is guaranteed, who is responsible for the guarantee and how long the guarantee is valid.
11. **Obtain a local building permit** if required. Permits may be required for site work, other than demolition, and for reconstruction. Contact your local government for permit information.
12. **Make final payments when the work is completed.** Do not sign completion papers or make the final payment until the work is completed to your satisfaction. A reputable contractor will not threaten you or pressure you to sign if the job is not finished properly.
13. **Pay by check.** Avoid on-the-spot cash payments. The safest route is to write a check to the contracting company. A reasonable down payment is 30 percent of the total cost of the project, to be paid upon initial delivery of materials. Federal law gives consumers a three-day "cooling off" period for unsolicited door-to-door sales of more than \$25.
14. **Canceling a contract.** This should be done within three business days of signing. Follow the procedures for cancellation that are set out in the contract. Send the notification by registered mail with a return receipt to be signed by the contractor.
15. **Report problems** with a contractor or suspected fraud to your state Office of the Attorney General.

E. Commonly Asked Housing Questions

- **My house was damaged and I cannot live in it - do I need to pay my mortgage?**
Yes, you must pay your mortgage even if your house is damaged and you cannot live in it. However, check with your lender since many companies may offer a grace period of several months to delay payments (although interest may continue to be added).

HUD has previously instructed FHA-approved lenders to provide foreclosure relief, including a 90-day moratorium on foreclosures of FHA-insured properties in a disaster area. HUD and some lenders may have forgiveness programs under which they will suspend your payments for a period of time. Call your lender to find out if it has such a program. NOTE: Under previous moratoriums, the mortgage company may want one payment equal to the three “missed” installments at the end of the 90 days.

- **What if I cannot pay my mortgage?** If you have received a written foreclosure notice as a result of a disaster related financial hardship, you may be eligible for Federal Emergency Management Agency (FEMA) payments to help you with your mortgage payments. FEMA benefits are explained in [Chapter CHAPTER III. FEMA Assistance](#) of this manual. HUD and some lenders may have forgiveness programs under which they will suspend your payments for a period of time (call your lender to find out).

See [Chapter CHAPTER X. Financial & Banking Issues](#), Section A of this manual for information on Bankruptcy.

- **What if I live in a condominium?** If you live in a condominium or pay maintenance to any type of homeowners’ association, you still need to pay your maintenance fees even if your homeowners’ association has not repaired the common areas or you do not like the way they are doing repairs. You should attend the homeowners’ association meetings to voice your concerns, and talk with other homeowners and members of the board about your complaints. A group of you may want to seek legal advice. However, if you just stop paying maintenance, you risk losing your home to foreclosure.
- **I have homeowner’s insurance, but I was told it will take months for an adjuster to look at my house and then it will take longer for a check to be issued - am I eligible for any type of assistance because my house needs lots of expensive repairs and I’m not even sure I can live there until it’s repaired?** If you have homeowner’s insurance, you may be eligible for money for living expenses while you cannot live in your house, depending on the terms of your contract. You need to contact your insurance company. If you did not have homeowner’s insurance then you may be eligible for assistance under the

CHAPTER V. Rental Housing and Mortgage Issues

Assistance for Individuals and Households program to pay for necessary repairs to essential parts of your home. You may apply for assistance by telephone through FEMA at 1-800-621-3362 or online at www.fema.gov. FEMA provides limited property damage assistance for damage that is not covered by insurance. But it does not make up the gap, where there was insurance coverage for the damage but insurance payments are too low to provide full relief.

- **The apartment I live in is in really bad shape from the hurricane, but the landlord told me that if I want to stay, I must pay full rent - what should I do?** Your landlord may also be experiencing financial hardship until his/her insurance money comes through for repairs. Talk to your landlord to see if the rent can be reduced until the apartment is repaired. See if the landlord will allow you to move to another unit in the building that is livable.
- **What if my landlord is unwilling to negotiate?** You have the right to reduce rent in proportion to the damage to the unit. If the unit is unlivable you can move out. In either case, you should send a letter to your landlord notifying him/her of your actions. If the landlord is unwilling to accommodate you, consult an attorney as Louisiana law may allow a rent abatement, or you may be allowed to dedicate the rent to necessary repairs.
- **All my stuff was destroyed when the roof fell in on the place I rent - what help can I get?** If you had renter's insurance at the time of the hurricane, contact your insurance company. If your situation is desperate, make sure you describe your situation to the insurance company. If the company agrees that there is coverage, you can ask for an advance payment to cover a part of your loss. Read the information in the insurance section of this handout (section F) about how to prepare for the adjuster's visit, and how to handle your claim.
- **What if I do not have any insurance on my property?** If you did not have renter's insurance, see if your landlord had insurance to cover your belongings. If your losses are not covered by any insurance policy, you may be able to get help from FEMA's Individuals and Households Program (IHP) grant for replacement of necessary items of personal property. You may apply for these benefits through FEMA at 1-800-621-3362 or online at www.fema.gov. See [Chapter CHAPTER III. FEMA Assistance](#) of this manual for more information.
- **My landlord told me to move out the next day because he wants the apartment for his daughter who lost her house in the hurricane, and told me if I wasn't out, he'd change the locks - do I have to move?** No. When there is a written lease, the landlord must honor the lease unless the dwelling is totally unusable or the lease contains an express provision allowing the landlord to terminate in the event of fire, flood, or similar casualty. However, if you have a month to month lease, and if the landlord provides sufficient notice of termination (10 calendar days before the end of that month), the lease will terminate and you must vacate the premises.

In Louisiana, the landlord does not have the right of self-help evictions and cannot turn off utilities, change the locks, etc. to force out a tenant. Instead, the landlord must file an eviction proceeding. If you get any eviction court papers, you can call the LSBA Hotline number at 1-800-310-7029 to locate free legal services in your area and for information on how to file your answer to the eviction lawsuit. If the landlord does lock you out, you can call the police, and you should consult a lawyer regarding an action for damages.

- **My apartment is so bad I cannot live in it and I am going to move. I want my security deposit returned - what are my rights?** If you have a written lease, read your lease to see what it says. If you do not have a written lease, or your lease does not say anything about deposits, then the landlord must either return your deposit or send you a letter within thirty (30) days, saying why he will not return all or part of your deposit and include an itemized list of damages. However, before you leave, you must turn in your keys and give your landlord your forwarding address. If you and your landlord disagree about whether you should get your deposit back, you can call the LSBA Hotline number at 1-800-310-7029 to locate free legal services in your area.
- **Must I continue paying rent even though my apartment or office has been completely destroyed or severely damaged?** Under Louisiana law, you are **not** required to pay rent if your property is destroyed or so damaged as to render it uninhabitable. However, if the property is livable, you are only entitled to a reduction of rent. If it is determined that a lessee does have the right to be relieved of liability for rent, in whole or part, the lessee must generally exercise the right with proper notice to the lessor and within a reasonable amount of time. In that case, the lessee should be entitled to a refund of any security deposit and should be given a reasonable opportunity to retrieve personal property. Of course, a valid written lease may control the respective liabilities when disaster strikes, particularly as to commercial property.
- **Can I sue my lessor for injuries I suffered in my apartment or office during the disaster?** In general, the answer is “no.” Where the injury results from the disaster itself and not from defects in the premises or negligence by the landlord, there is no liability of the lessor for such injuries.
- **Can I sue my neighbor whose property ran into or fell on my property during the hurricane?** The general rule is that a person is not liable for injuries or damages caused by a disaster or “Act of God” where there is no fault or negligence. However, in the case of *Allen v. Simon*, 888 So.2d 1140, 2004-4 (La. App. 3 Cir. 12/8/04), *writ denied*, 896 So.2d 1007, 2005-0047 (La. 3/18/05), the Louisiana Third Circuit held the homeowner responsible for removal of a tree that fell on a neighbor’s property.

- **What can I do with the property of my neighbor which the disaster carried over onto my land?** When personal property is carried away (e.g. by a hurricane or flood) and comes to rest on the land of another, it still remains the property of the original owner, who may enter and retrieve the property. If the landowner refuses to allow the original owner to enter, the original owner will have an action against the landowner.

On the other hand, the landowner has the right to possession against all others but the true owner, has no obligation to preserve the property, and may move the property if necessary, to use the land, provided such action is taken in a reasonable manner.

CHAPTER VI. Insurance Issues

A. Commonly Asked Insurance Questions

- **How can I preserve my claims and protect my right to repayment from insurance coverage?** If you have any insurance policy which you think may cover your damage, whether it is a homeowner's, renters, or car insurance policy, call your agent, broker, or insurance company as soon as possible, and report your loss. Do this even if you are not sure that there is coverage or if you do not know if the claim will exceed the deductible. Make sure you write down the name of the person you speak to and the claim number they will give you. Appendix "D" is a list of the telephone numbers of various insurance companies. Many companies have also established websites and local emergency claims offices as part of the disaster response. Further, some companies may provide additional contact points through newspaper or radio advertisements.

If you cannot get through to your insurance company by telephone, write them a letter telling them of your loss and keep a copy of it. If you cannot find the insurance policy, contact your agent, broker or insurance company. Ask for the entire policy, not just the cover page or declarations.

If you cannot stay in your home, make sure you give the insurance agent or representative your new address and telephone number.

- **What if I live in a condominium?** If you own a condominium, you should look at both the coverage provisions in your association insurance policy, and the coverage under your individual unit coverage owner's insurance policy.
- **How do I get an insurance adjuster out to my home to assess the damage?** You should ask your insurance company to send an adjuster to look at your property. It is best if this request is in writing. If necessary, you should contact the Louisiana Department of Insurance at 1-800-259-5300. However, this will not be done until public officials have declared it safe and have allowed such work to begin.
- **What can I do to prepare for the insurance adjuster?** If circumstances allow, make a list of all property damaged or destroyed, take pictures, collect names, addresses and telephone numbers of witnesses, obtain repair estimates, keep a record of expenses, such as alternative housing, etc., and locate original bills and receipts for lost items. If you do not have or cannot locate a complete household inventory, try to picture the contents of every room in your home and then list and describe all items that were damaged or destroyed. Include furniture, major appliances, electronic equipment, pictures or accessories in each room, as well as hobby items, tools, home maintenance items and seasonal items such as holiday decorations and outdoor furniture. As accurately as possible, try to remember when

and where you bought each item, how much you paid and the cost of replacement. It is also helpful to include brand names and model numbers where known. Submit these along with your claim to the insurance company.

- **What if I cannot wait for the insurance adjuster?** Some insurance policies provide for reimbursement for temporary housing relocation costs while your home is being repaired and for car rental costs while your car is being repaired or replaced. Check your policy or call your insurance company. If your situation is desperate, make sure that you let the insurance company know. If the insurance company agrees that there is coverage, ask for an advance payment toward your losses.

Due to the extreme amount of damage caused by a hurricane, you should make all necessary temporary repairs, such as boarding up windows, patching holes in walls or roofs, or tarping the roof, as soon as possible even if you have not yet seen the insurance company representative. You can also move your personal property to protected areas and begin cleaning and drying items damaged by water. You should get the company's permission before doing so whenever possible. You should also not dispose of any items you believe may be a complete loss until the insurance company representative has examined them. Many companies will also give you an emergency advance to cover some repair costs.

Take photos of the way things look before you begin cleaning and repairing and keep receipts for all clean-up and repair expenses.

- **Can I hire someone to make emergency repairs?** Probably. Most homeowners' policies cover materials and reasonable labor expenses for temporary and emergency repairs in addition to any final repairs. You should get several estimates if possible. You should also ask the insurance company representative whether you will be reimbursed for work you do yourself. Be sure to keep all the receipts.
- **A contractor told me he could do the job faster if I just sign my insurance check over to him. Is that a good idea?** No. If the repair work is extensive, the contractor may ask for periodic partial payments as the work progresses, but it is highly unlikely that a reputable contractor will request full payment in advance. The contract should specify that payments will be made as work is completed. If you have a mortgage on your home, the lending institution may also have specific requirements as to how the insurance funds are disbursed.
- **What if the insurance company offers to settle?** You should **consult a lawyer before** signing any release or waiver and before cashing any check from the insurance company which might be deemed full and final payment of your claim. Before you settle with the insurance company, be aware of the full extent of your damage and the full value of your claim. It may be important for you to get estimates or to actually have the work completed before you agree to a specific cost figure.

- **What if the insurance company denies my claim or offers me less than I think I am entitled to receive?** You should demand that the insurance company give you its reasons **in writing** for denying coverage or limiting your claim, and consult a lawyer. You should also ask for any reports prepared by the insurance company when examining the insured's property or evaluating the insured's claim.

Most insurance policies require that you bring suit against the insurance company for failure to pay a claim **within one year** from the date of the occurrence of the damage. If you do not file suit in time, you may be prevented from receiving any reimbursement.

- **Is the damage to my home covered under my insurance policy?** Hazard insurance (homeowners' policies or other fire and extended coverage policies) from the private sector generally covers the wind and water damage to the home caused by the hurricane, except for damage caused by flooding, which is generally specifically excluded. Victims should be asked whether they have separate flood insurance. **Review all applicable insurance policies.**
- **What if my insurance does not cover all of the damages to my home or personal property?** If parts of your damage are not under an insurance policy, you may be eligible for benefits under the FEMA program if you are unable to pay for repair or replacement of essential parts of your home or essential personal property. But FEMA will not make up the gap where there was insurance coverage but the insurance did not pay enough for your repairs. See the FEMA section of this manual in [Chapter CHAPTER III. FEMA Assistance](#). You may also keep all of your repair and replacement receipts and file your losses with the IRS on your income tax returns next year. For information, you may call the IRS weekdays 7:00 a.m. to 10:00 p.m. at 1-800-829-1040.
- **I know I have flood insurance, what do I do?** Call your insurance company. Appendix "D" is a list of the telephone numbers of various insurance companies.
- **I am not sure if I have flood insurance, what do I do?** Attempt to contact your bank or mortgage holder, or, if it is closed, check the [FDIC's website](#).
- **I have flood insurance, but my bank is closed – what do I do?** Banks having offices in the most devastated areas will make every attempt to establish temporary facilities to service customers.
- **I do not have flood insurance, is assistance available?** Contact [FEMA](#). You may be eligible for limited help from them. Apply as soon as possible.
- **Does my automobile insurance cover the damage to my car resulting from the disaster?** Normally, this type of damage will only be covered under comprehensive policy coverage, although the particular language and exclusions of the policy will

control. Even when there is a flood, wind, etc. exclusion, coverage may exist under a collision policy if the disaster and event causing the damage could be construed as a collision. The courts have reached mixed results on this issue.

- **Where can I live while my house is being repaired?** If your policy provides coverage for your loss, you will be insured for Additional Living Expense coverage which pays for the costs you incur in excess of your normal living expenses. For example, if you normally spend \$1,500 for mortgage/rent, utilities, food, etc. and you now spend \$2,000 due to the disaster, the insurance company will reimburse you \$500. Be sure to save all receipts.

You should also ask the company representative if there are any restrictions on where and how long you can stay and how much you are allowed for hotel rooms. If you stay with a relative or friend, the company may reimburse your host for lodging only if you can show proof of actual payment. Extra expenses, such as higher utility bills by the host, would definitely be considered. You can also submit a claim for the cost of storing your personal property until your home is ready for occupancy.

- **If a tree falls in my yard but does not damage my home or property, will insurance pay for clean-up and removal?** Generally, the fallen tree must cause damage to your home or property before the insurance company is obligated to pay for clean-up and removal. However, the insurance company will pay for removal of a tree that is on your house, deck furniture, or fence and some policies will pay for removal of trees that fall and block your driveway.
- **If a neighbor's tree falls on my property and hits my home, should my neighbor's insurance pay?** Generally, no. Unless negligence can be proven the neighbor's policy covers his/her house and your policy covers your house. However, see *Allen v. Simon*, 888 So.2d 1140, 2004-4 (La. App. 3 Cir. 12/8/04), *writ denied*, 896 So.2d 1007, 2005-0047 (La. 3/18/05), in which the court held that you are responsible for removal of your tree from your neighbor's property following a hurricane, even with no showing of negligence.
- **Is food spoilage covered?** Review your policy. While some policies cover food spoilage due to a natural disaster, others do not.

C. Some Cautions for the Insured

1. **Beware of "expeditors."** Beware of anyone who claims that they are working on behalf of the government, the Louisiana Department of Insurance, or your insurance company and asks for money to help expedite your claim. Demand to see official photo identification. Ask this person's name and immediately report this to your insurance company or the State of Louisiana Department of Insurance for verification.

- 2. Beware of “public adjusters.”** You may be approached by a "public adjuster" who will offer to assist you in handling or expediting your insurance claims in return for a percentage of your insurance benefit payments. Public adjusters are illegal in Louisiana. Only attorneys can represent third parties in claims against insurance companies and only attorneys are allowed to collect a percentage of your payments. Be sure this contract with your attorney is in writing and you understand exactly what expenses, if any, you are agreeing to pay over and above the contingency fee.
- 3. Be sure estimates for repairs are reasonable.** Most insurance companies will only reimburse for reasonable cost of repair. If prices quoted for repairs appear inflated, get another estimate and obtain your insurance company's agreement before undertaking repairs. Remember that your claim will only be approved to the extent that it does not exceed your policy limit. If you undertake repairs at an inflated price, you may reach your maximum policy limit very quickly.

CHAPTER VII. Public Education

A. Frequently Asked Questions

- **How can I send my children to school if their schools are closed?** The Louisiana Department of Education Call Center's toll-free helpline number is 1-877-453-2721. In addition, the [Louisiana Department of Education](http://www.louisianabelieves.com/) may post closures posted on its website: <http://www.louisianabelieves.com/>. If a child was receiving special education services at school in Louisiana and is denied these services in the new school contact Disability Rights of Louisiana at (800) 960-7705 for assistance.
- **How long will children be out of school and what can be done for students?** Visit <http://www.louisianabelieves.com/> to find out the current operational status of Louisiana schools.

If you are displaced and seeking temporary shelter, you should contact the local school district office concerning placement of your child.

If you are seeking temporary shelter out of state, you should contact the local county school system and inform it that your child has been displaced by a natural disaster. The [McKinney-Vento Act](#) requires that public schools provide education services to students who are homeless. All or most school districts have a “homeless liaison” who can help expedite placements and help overcome bureaucratic barriers for students who are homeless, including those who have lost their home due to a natural disaster. For more information about the McKinney-Vento Act, see <https://nche.ed.gov/determining-eligibility>.

In addition, the [Individuals with Disabilities Education Improvement Act of 2004](#) specifically requires States to identify, evaluate, and provide special education and related services, as appropriate to children who are homeless.

- **What about school uniforms?** All local school districts in Louisiana have previously been asked to provide flexibility for evacuee students in the area of uniforms. It is important that students be enrolled quickly with as little disruption as possible. School uniforms may be covered by the FEMA Individuals and Households Program (IHP) (See [CHAPTER III. FEMA Assistance](#)).
- **What should teachers and support workers in the impacted areas do about employment?** Teachers and support workers who have been displaced by a hurricane are being encouraged to apply for jobs in the areas where they are seeking temporary shelter. Teachers can also file for unemployment through the Louisiana by visiting local unemployment agencies or [filing on line with the](#)

[Department of Labor](#) (See [Chapter CHAPTER IX. Programs that Can Help with Food, Income, & Children](#)).

- **What about teacher and support worker pay?** During Hurricanes Katrina and Gustav, Orleans Parish school employees continued to receive health care benefits, including individuals who had recently received layoff notices.
- **Where can offers of assistance for students/teachers be made?** Those wanting to offer help, assistance, school supplies or monetary donations for the children of Louisiana should email the Department of Education at NonPublicFinanceHelpDesk@la.gov.
- **What about TOPS scholarship eligibility?** Information concerning Louisiana's TOPS scholarships can be found at <https://mylosfa.la.gov/> or by calling 1-800-259-5626, Ext. 1012, 8 a.m. to 4:30 p.m., Monday through Friday.
- **Additional contact information:**

Red Cross	1-800-HELP-NOW (1-800-435-7669)
FEMA	1-800-621-FEMA (3362)
Louisiana Dept. of Education	1-877-453-2721
- **I did not bring my children's immunization records with me when we evacuated. Can I still enroll them in new schools?** During Hurricanes Katrina and Gustav, the state temporarily waived the requirement for parents to present their children's immunization records to enroll them in schools. The Department of Health and Hospitals—Office of Public Health used its internal LINKS system to track immunizations records and shared the information with the appropriate education officials.
- **I need to enroll my child at a new school following my family's evacuation and do not have the birth card he/she will need to do so. Where can I obtain one?** During Hurricanes Katrina and Gustav, the Department of Health and Hospitals offered no-cost birth cards (small versions of birth certificates) to evacuees and their children. Birth cards were obtained from parish health units in the following regions: East Baton Rouge, Lafayette, Lake Charles, Alexandria, Shreveport and Monroe. Also, clerk of court offices in Acadia, Allen, Ascension, Assumption, Bienville, Catahoula, Claiborne, East Baton Rouge, East Carroll, East Feliciana, Franklin, Grant, Jackson, Lafayette, Livingston, Madison, Morehouse, Natchitoches, Plaquemines, Richland, Sabine, St. Charles, St. Helena, St. James, St. John the Baptist, St. Landry, St. Tammany, Tensas, Terrebonne, Union, Vernon, Washington, Webster, West Carroll and West Feliciana parishes.

CHAPTER VIII. Medical Issues - Getting Health Care

A. Frequently Asked Questions on Medical Care

- **I need medical help. How can I get it?** Call 1-888-342-6207 for information on local medical services and Medicaid. And, if you need information on other disaster relief programs call 1-800-LAHELPU (524-3578).
- **What if I don't have health insurance: can I still get medical help?** You and your family may be able to qualify for publicly funded health insurance programs like Medicaid, especially if you don't have any income now. If you don't qualify for these programs, you can still get help/referrals by calling 1-888-342-6207.
- **How can I enroll in Medicaid or enroll my child in the children's health insurance program?** Medicaid and the children's health insurance program (LaCHIP) are together in Louisiana a federal health insurance program that helps many low-income children, families, single persons, seniors and persons with disabilities. Eligibility for both is considered when you apply for Medicaid. You can apply for Medicaid online, by phone, by mailing or faxing a paper application, or through an "application center" associated with many hospitals and other non-profits. For all of these ways to apply, see <https://ldh.la.gov/index.cfm/page/237>.
- **I'm enrolled in Medicaid, or my child is enrolled in LaCHIP (SCHIP), but we had to leave our home state: can we use our Medicaid or SCHIP in another state?** Maybe. Your Louisiana Medicaid card can remain turned on while you are out of state, until you decide to change your state of residence. But the Louisiana Medicaid card only works with providers who are enrolled with Louisiana Medicaid. Few out of state providers, other than hospitals, are enrolled with Louisiana Medicaid.

If your Medicaid is under Healthy Louisiana, first call your plan to see if they have any providers in your area. If they do not, but you have found some providers that are enrolled with Louisiana Medicaid, but not in your Healthy Louisiana plan, call Louisiana Medicaid and ask to be immediately discharged from Healthy Louisiana based on your evacuation and the lack of medical care under your plan. You should also file a change of address form with Louisiana Medicaid by mailing it or faxing it to 1-877-523-2987. Hurricane and Natural Disaster victims should also update their address with the U.S. Postal Service at www.usps.com.

- **Will Medicaid or SCHIP providers in the state I currently reside in get paid if they provide me with medical services, even though my family and I are enrolled in a different state?** Only if they are enrolled with the Medicaid program

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that issued your Medicaid card. If you are under Healthy Louisiana, they also need to be enrolled with your particular Healthy Louisiana plan.

- My family and I were enrolled in a Medicaid or an SCHIP HMO prior to the disaster, but we had to flee our home state. Can we get medical care from hospitals or doctors other than the ones we were limited to seeing back home? As discussed above, call Louisiana Medicaid and ask to be immediately discharged from Healthy Louisiana based on your evacuation and the lack of medical care under your plan if you can find a provider that will accept Louisiana Medicaid but is not enrolled in your health plan.
- I am enrolled in Medicaid, or my child is enrolled in SCHIP, but we lost our cards in the disaster and I don't know the numbers or our social security numbers. Can we still get medical care through Medicaid or SCHIP? Yes, call 1-888-342-6207, or visit the online Medicaid Self-Service Portal (<https://sspweb.lameds.ldh.la.gov/selfservice>) to get proof of coverage sent to you. (If you can't provide your social security number, you should call for help). You will also need a card from your Healthy Louisiana plan within Medicaid. Their contact information is at <https://www.myplan.healthy.la.gov/choose/compare-plans>.
- Where can I apply for Medicaid or SCHIP? Call 1-888-342-6207 to apply or find a location near you to apply at. Applications can also be filed online. See <https://ldh.la.gov/index.cfm/page/220>.
- **Will my child be able to get emergency medical care if I cannot be reached by telephone?** Yes. A licensed doctor can provide emergency medical care or treatment to any minor who has been injured in an accident or who is suffering from an acute illness, disease, or condition if delay in providing the care would endanger the child's health. The care must be provided in a licensed facility. Care may also be provided in the pre-hospital setting by paramedics and emergency medical care technicians. This will apply if:
 - a. The minor can't give the name of his parent(s), guardian or legal custodian; or
 - b. The parent(s), guardians, or legal custodian can't be immediately located by telephone at their place of residence or business.
- **My child is living with a relative.** Will my child be able to get medical care if I cannot be reached by telephone? Yes. After a reasonable attempt to contact you has been made, any of the following people may consent to non-emergency medical care or treatment of a minor (unless that child is under the care of the Department of Children and Family Services or the Department of Juvenile Justice):
 - a. A person with power of attorney to provide medical consent for the minor;
 - b. your child's stepparent;
 - c. your child's grandparent;

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- d. your child's adult brother or sister; or
 - e. your child's adult aunt or uncle.
- **I have a child in my home who was placed by the [Department of Children and Family Services](#) (DCFS).** What will happen during an emergency if the child requires medical care? You should contact the agency that placed the child in your home for specific instructions as to how the child is to receive medical care during an emergency. Hurricane victims seeking information may call 1-888- LAHELPU (524-3578).

B. Frequently Asked Questions on Mental Health Counseling

- **Is it possible to do something about violence in our home?** A natural disaster causes a great deal of stress for everyone, which can lead to increased tension and violence in families and households. The law offers protection for victims of acts of violence. Victims have the right to take legal action against the person who is causing the violence by seeking an injunction. If you require immediate assistance, you should contact law enforcement. If you need assistance with obtaining an injunction for protection, contact the Louisiana Statewide Domestic Abuse Hotline 1 (888) 411-1333 Free, 24hrs, Confidential.
- **How can I get counseling for myself or my family?** There are numerous providers of ongoing counseling services. After a natural disaster, additional providers will be available. Information on disaster counseling is usually made available through public information announcements. Check with hospitals and mental health agencies in your community about availability and cost of disaster counseling. If needed services are denied, contact [Disability Rights of Louisiana](#) at 1-800-960-7705 (TTY 1-866-935-7348) and Louisiana Statewide Domestic Abuse Hotline 1(888) 411-1333 Free, 24hrs, Confidential. Orleans Parish Hotline (504)866-9554; National Hotline 1(800)799 7233.

In Louisiana, you may call the Louisiana Department of Children and Family Services at 1-888-LAHELPU (524-3578) from 7 a.m. to 7 p.m. [The Substance Abuse and Mental Health Services Administration](#) has a call center referral line at 1-800-662-HELP (4357) in addition to a [Disaster Distress Helpline](#) at 1-800-985-5990, among others.

CHAPTER IX. Programs that Can Help with Food, Income, & Children

NOTE: FEMA and other disaster benefits **should not count as income or resources in any "means-tested" programs**. Federal, state, local and private disaster benefits should not be counted as a resource or income against any federally funded assistance program such as SSI, FITAP (TANF), Medicaid, and Food Stamps. ([42 U.S.C. §5155\(d\)](#)).

A. Unemployment Benefits

1. **Disaster Unemployment Assistance (DUA)** ([42 U.S.C. §5177\(a\)](#)) Disaster Unemployment Assistance provides financial assistance to individuals whose employment or self-employment has been lost or interrupted as a direct result of a major disaster declared by the President of the United States. Before an individual can be determined eligible for Disaster Unemployment Assistance, it must be established that the individual is not eligible for regular unemployment insurance benefits (under any state or federal law). The program is administered by states as agents of the federal government.

- **Eligibility.**

In order to qualify for the benefit your employment or self-employment must have been lost or interrupted as a direct result of a major disaster and you must have been determined not eligible for regular state unemployment insurance. Payment will be made to unemployed U.S. nationals and qualified aliens, who as a direct result of a major disaster:

- ◆ No longer have a job.
- ◆ Are unable to reach their place of work.
- ◆ Were to commence work and do not have a job or are unable to reach the job.
- ◆ Have become the breadwinner for the household because the head of household has died or become incapacitated (If you became a breadwinner due to the death of a self-employed individual, you are considered an unemployed worker for DUA purposes).
- ◆ Cannot work because of a disaster-incurred injury.

With exceptions for persons with an injury and for self-employed individuals performing activities to return to self-employment, individuals must be able to work and available for work, which are the same requirements to be eligible for state unemployment insurance benefits.

2. **Benefits.** Disaster Unemployment Assistance is available to individuals for weeks of unemployment beginning with the first week following the date the major disaster began and for up to 26 weeks after the major disaster was declared by the

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President, as long as their unemployment continues to be a result of the major disaster. The maximum weekly benefit amount is determined under the provisions of the state law for unemployment insurance in the state where the disaster occurred.

3. **Filing a Claim.** Claims should be filed in accordance with the state's instructions published in announcements about the availability of Disaster Unemployment Assistance.
4. **Call the IRS to get lost earnings records:** Individuals who need to verify their earnings for DUA claims can contact IRS at 1-800-829-1040 from 7 a.m. - 10 p.m. for assistance.
5. **Retraining/Employment Services:** DUA recipients should familiarize themselves with additional rights and responsibilities described in "Disaster Unemployment Assistance Benefit Rights," which is also available at any [Career Center in Louisiana](#). Individuals are eligible for help finding jobs and with retraining for new jobs through the Career Centers.
6. **Regular Unemployment Benefits** Louisiana offers 26 weeks of regular [Unemployment Insurance Benefits](#) (UIB) for workers who have become unemployed through no fault of their own and who are still able and available to seek employment. This may include workers who lost their job as a direct result of a hurricane, but also includes workers who lost their jobs for reasons not directly related enough to the disaster to qualify for Disaster Unemployment Assistance (DUA) Benefits. **Note:** If a victim is not eligible for regular Louisiana Unemployment Benefits, he or she may be entitled to disaster unemployment assistance under FEMA.
7. **How to Apply:** Regular Louisiana Unemployment Benefits and federal Disaster Unemployment Benefits may be simultaneously applied for:
 - [Online](#);
 - In person at a One-Stop Career Center (use the [service locator](#) to find the Center nearest the individual's residence)
 - By phone, though lines can get backlogged. 1-866-783-5567.
8. **Retraining/Re-employment Help:** ([42 U.S.C. §5177\(b\)](#)). Individuals who lost their jobs can also get help from the job centers whether they apply for DUA or not. Available assistance includes training, job referrals, and other help obtaining suitable employment. See [20 CFR §625.3](#).

Advocacy Tip

Unemployed workers should always apply for both regular Unemployment and Disaster Unemployment by the applicable deadline.

B. Cash Aid for Poor Families—FITAP (TANF)

1. **Temporary Assistance to Needy Families: TANF**--Louisiana's cash aid program for children and their parents is the Family Independence Temporary Assistance Program (FITAP), available at dss.louisiana.gov/page/139. This program, along with the Food Stamp program, is administered by the [Louisiana](http://www.louisiana.gov) Department of Children and Family Services. For information call 1-888-524-3578 or go to the DCFS website: <http://www.dcf.louisiana.gov>.

The FITAP cash grants range from \$122 for a one person to \$512 for a family of 10 and can be found on the above referenced website. Louisiana will consider the family or household of the individual applying for aid to consist of the people living together right now, regardless of living arrangements prior to the disaster.

2. **Kinship Care Subsidy Program (KCSP).** The Kinship Care Subsidy Program (KCSP), available at: <http://www.dss.state.la.us/138>, is Louisiana's cash aid program for children whose caretaker relatives who are not the parents (such as aunts, uncles, or grandparents) is the Kinship Care Subsidy Program (KCSP). The cash grants are \$222 per month for each eligible child living with qualified relatives. Benefits are issued on Electronic Benefits (EBT) cards. (See Section C (below) for more on EBT.)

C. Electronic Benefits Cards and Problems

1. **Electronic Benefits (EBT) card:** A family receiving FITAP, KCSP, and/or Food Stamps will receive both cash and food stamp benefits on an Electronic Benefits (EBT) card. People who were receiving benefits before a disaster should continue to receive electronic payments and should be able to access their benefits at ATMs or Point of Service Devices (POS) in stores. They should be able to use their cash aid and Food Stamps in other states. However, cash access will depend on the compatibility of the EBT cards with ATMs and POSs in these out of state locations. People encountering problems using their EBT card should check the banking symbols on the backs of their cards and/or call the Louisiana Department of Children and Family Services Disaster Food Stamp hotline at 1-888-LAHELPU or 1-866-334-8304 (this number is typically activated within 48 hours of a disaster).

For questions regarding cash aid or Food Stamp benefits, as opposed to problems using the EBT card itself, call the Louisiana Department of Children and Family Services, Office of Family Support at 1-888-524-3578 or online at www.dss.state.la.us.

2. **Lost EBT Cards:** People who get benefits, but have lost their EBT cards, can go to any Louisiana Department of Children and Family Services office and request a new EBT card. Picture I.D. is NOT required. They need to provide their name,

Social Security Numbers, and date of birth. During a disaster many phone lines may be down, people can expect to have a difficult time getting through.

3. **Other EBT Questions/Problems:** For EBT card problems only, people should be able to get through to EBT Customer Service Helpline/J.P. Morgan: 1-888-997-1117.

D. Food Stamps and Other Food Programs

1. **Disaster Food Stamps** (7 U.S.C. § 2014(h) (3)): [Disaster Food Stamps](#) (“D-SNAP”) are available to people not receiving regular Food Stamps. Disaster victims may be eligible even if they are over the usual income or resource limits (e.g. have too many cars, too much in their bank accounts, etc).

People who may be able to get Disaster Food Stamps include those who have:

- Had damage to their homes from a disaster or its aftermath;
- Lost a job;
- Lost income/wages; or
- Have no access to their bank accounts.

The best way to pre-register is online at <http://www.dcss.louisiana.gov/page/360#registration>. However, following an emergency, typically those in need can also pre-register by phone at 1-888-LA-HELP-U (1-888-524-3578) daily between 7 a.m. and 7 p.m. In most disasters, you will still have to provide documents verifying your eligibility at mass sites on very limited dates. The state and news stations widely announce these events.

The application period for Disaster Food Stamps may be limited to 30 days from the time the area was declared a disaster— but it could be extended.

2. **Regular Food stamps (“SNAP”):** For individuals already getting Food Stamps, an extra month of benefits will be added to their account on their EBT card automatically.

Those whose incomes are newly low enough to need regular SNAP can apply online, by fax, or by mailing in an application. You may or may not be able to get and file an application at a local DCFS office. For information about these ways to apply, see <http://www.dss.state.la.us/page/93>.

Advocacy Tip

To improve the state’s systems, advocates should push for additional benefits and a longer application period, dependent on the scope of the disaster, even when FEMA has not yet implemented the full range of benefits.

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Though the agency will request it, if not available, a picture I.D. is NOT required. If you can, you may have a friend, relative, or religious leader verify your identity (called a collateral contact). During massive destruction, applicants should be able to simply tell the agency who they are and where they live, at least for the first month of eligibility. The federal government may also relax normal verification requirements for benefit programs. For more information you can try to call 1-888-LAHELPU (1-888-524-3578). The number may be overwhelmed during a disaster.

You cannot get both regular SNAP and Disaster-SNAP. To see if you are likely to qualify for regular SNAP, see <https://slls.org/snap-who-should-not-apply>.

3. **New "Expedited" Food Stamp Applicants:** Individuals who have lost their jobs, homes, or income, or whose housing costs exceed their income, might want to apply for regular Food Stamps even if they were not eligible for or were not receiving Food Stamps prior to the disaster. These applicants should get "expedited" help which should be available within seven calendar days of application (called expedited Food Stamps).

Also, in areas of Louisiana for which Disaster Food Stamps have not been authorized, evacuees can apply for regular Food Stamps. Special rules, which are more generous, will be used for them as well:

- Evacuees can get their own benefits separate from anyone they live with; and,
- People won't have to do the usual work/workfare program to get this benefit.

NOTE: Now Food Stamps can be used to buy hot (prepared) food: These new benefits (including disaster Food Stamps) can also be used to buy prepared hot meals (usually prohibited).

4. **Replacement Food Stamp coupons:** If any individuals in the state used stamps, rather than an EBT card, they may be able to get them replaced. ([7 U.S.C. §2014\(h\)](#))

Advocacy Tip

Work with local food banks and USDA to make sure the word gets out that this help is available; If necessary, ask for an extension of the application deadline;
Ask FEMA to translate and disseminate disaster food stamp flyers in all relevant languages
Find out who is on the food stamp disaster task force in your state and let them know what your clients need.

([3](#)); [7 CFR §280.1](#)). This is most likely not an issue since people now use electronic benefits cards (see EBT Section above).

E. WIC Benefits- Food for Pregnant Women, Mothers and Infants

1. **What is WIC?** WIC is the Special Supplemental Nutrition Program for Women, Infants, and Children. It is a 100% federally funded program that provides nutritious food (via vouchers), individual counseling, breastfeeding promotion and support, and referrals to health care. These benefits are available to high-risk, low income (up to 185% of poverty) pregnant or postpartum women, women who are breastfeeding, and children up to the age of five. The purpose of the WIC Program is to prevent poor birth outcomes, such as infant mortality and low birth weight, and to improve the nutrition and health of infants and their mothers.

The Department of Health has established a hotline number for WIC program recipients to find out how to obtain WIC items at their current locations. Call **1-800-251-BABY (2229)** for this information or any pregnancy related questions. Hurricane Victims seeking information may also call 1-888-LAHELPU (524-3578).

WIC is Provided in Addition to Food Stamps and other food programs. The following individuals may also qualify for WIC coupons to purchase certain nutritious foods:

- Pregnant women;
- Women who have had a baby in the last 60 days;
- Women who are breastfeeding; or
- Children under age six years.

For certain newborns and infants, special **medical formulas** are also provided by WIC. These formulas are usually distributed by pharmacies or clinics. To get paid by WIC for special infant formulas, the clinic will need to get information from a medical professional, such as a nurse or doctor, showing the infant's medical need for the formula. If the need is urgent, this medical proof can be given over the phone by a nurse or doctor or other medical professional located anywhere in the U.S., but they will have to follow up with written documentation by letter or fax within two weeks in order for the pharmacist or clinic distributing the formula to be paid by WIC.

The same documentation rules apply for special medical foods for women or older children.

2. **Frequently Asked Questions:**
 - **I was evacuated due to a hurricane or disaster. Can I still receive my WIC foods and nutritional information?** Yes.

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- **I had WIC in the state I fled. Can I use WIC here?** Yes, but you will have to re-apply if you have lost your WIC vouchers. If you are from Louisiana or Alabama and you still have your food vouchers, you should be able to use them with any provider who participates in the WIC program anywhere in the U.S. for a limited time. You should also be able to pick up your voucher and/or exchange them out of state. There is a listing of all state agencies at on the [USDA's Food and Nutrition Service website](#). To continue using WIC after that time, you will need to re-apply.
- **I've lost all of my papers and I don't have any identification or other kinds of proof for myself or my children: can I still get WIC?** Yes, although when you apply for WIC you will have to sign a statement explaining why you have no proof of identity or of state residence.

If you have any income at all, you'll also have to sign a statement about your source and amount of income when you apply for WIC.

If you just arrived in this state, you can still self-certify your identity, residence and income here, even if you plan to return home to another state when you can.

F. Social Security and SSI Issues.

1. **Ongoing Monthly Payments.** The [Social Security Administration](#) is attempting to ensure that all Social Security Benefit Checks are received by beneficiaries affected by hurricanes.

If you did not receive your regularly scheduled payment from Social Security as a result of a hurricane, you can go to any open Social Security office and request an immediate payment.² To find the nearest open Social Security office, call 1-800-772-1213 (TTY 1-800-325-0778).

2. **For Paper Checks:** The United States Postal Service (USPS) may have suspended or limited mail service in some damaged areas. To help prevent identity fraud, USPS will ask you for a photo ID when someone attempts to pick up mail. If you are not able to go to a temporary mail delivery station, you can go to any open Social Security office and request an "Immediate Payment."³

² Please note that health emergencies may have closed public offices for this agency prior to a weather event. Be sure to review agency guidelines frequently.

³ *Id.*

CHAPTER IX. Programs that Can Help with Food, Income, & Children

3. **For Direct Deposit:** If you receive your Social Security payment by direct deposit, your Social Security payment should be deposited to your account as usual. However, if you experience any difficulty getting your payment, you can go to any open Social Security office and request an “Immediate Payment.”⁴
4. **Social Security Offices.** The Social Security Administration maintains a list, updated daily, on closed Social Security offices and offices with extended hours. To find the nearest open Social Security office, call 1-800-772-1213 (TTY 1-800-325-0778).⁵
5. **Survivor Benefits When Family Members Have Died.** When a worker dies, certain family members may be eligible for Social Security survivor’s benefits if the worker had enough Social Security earnings credits. Any worker with more than 40 earnings credits (10 years of work) is fully insured for their survivors to receive benefits.

Social Security survivor’s benefits can be paid to:

- A widow/widower-full benefits at 65 years of age, or reduced benefits as early as age 60. A disabled widow/widower may receive benefits as early as age 50;
- A widow/widower at any age, if he or she takes care of the deceased's child. The child must be either under age 16 or disabled and receiving Social Security benefits;
- Unmarried children under 18, or up to age 19 if they are attending elementary or secondary school full time. **Note:** A child can receive benefits at any age if he or she was disabled before age 22 and remains disabled. Under certain circumstances, benefits can also be paid to stepchildren, grandchildren, or adopted children; or
- Dependent parents at 62 or older.

A former spouse can receive benefits under the same circumstances as a widow/widower if the marriage lasted 10 years or more.

Please note that in general, a widow/widower cannot receive benefits if they remarry before the age of 60 (50 if disabled) unless the latter marriage ends, whether by death, divorce, or annulment. However, remarriage after age 60 (50 if disabled) will not prevent payments on a former spouse's record.

6. **Survivors Benefits for Parents.** A parent of a deceased worker is entitled to survivor’s benefits if all of the following requirements are met:

⁴ *Id.*

⁵ *Id.*

CHAPTER IX. Programs that Can Help with Food, Income, & Children

- The deceased worker had worked at least 40 quarters (10 years) at the time of death; and
 - The parent of the deceased worker is 62 or older; and
 - The parent is not entitled to other Social Security benefits equal to or larger than the amount of the survivor's benefits; and
 - The parent was receiving at least one-half support from the deceased worker; and
 - The parent has not remarried since the worker died; and
 - The parent is either a natural parent or legally adopted the deceased worker before he/she turned 16; or the parent became the deceased worker's stepparent before the deceased worker turned 16.
7. **Amount Of Survivors Benefits:** The amount of the survivor's benefit is based on the earnings of the person who died. The more the worker paid into Social Security, the higher the benefits will be. The amount a survivor receives is a percentage of the deceased's basic Social Security benefit. However, benefits may be lower if the family maximum, which limits the total amount that can be drawn on one worker's account each month, is reached.

The following provides the most typical situations:

- Widow or widower full retirement age or older- 100 percent;
- Widow or widower age 60 to 64-about 71 – 94 percent;
- Widow or widower at any age with a child under age 16 – 75 percent; or
- Children – 75 percent.

To file for benefits, you should call 1-800-772-1213.⁶

A person can qualify for widow's or widower's benefits if he or she was married to the deceased worker for at least nine months just before the worker died. (A surviving divorced spouse must have been married to the worker for 10 years immediately before the date the final divorce became effective.) If the insured worker's death was caused by a hurricane, the 9-month requirement may be waived.

8. **Social Security Death Benefit.** A lump-sum death benefit of \$255 may be paid upon the death of a person who has worked long enough to be insured under the Social Security program. A worker is insured if she has at least 40 earnings credits (10 years of work). The lump-sum death benefit can be paid upon the death of the insured person even if they were not receiving retirement or disability benefits at the time of death.

This payment goes to a spouse who was living with the worker at the time of death, or to a spouse who, in the month of death, is eligible for certain Social Security

⁶ *Id.*

benefits based on the worker's record. Surviving children can only receive a death benefit if no spouse is entitled to the benefit and in the month of death **and** the child is eligible for a Social Security benefit based on the worker's record. If no spouse or child meeting these requirements exists, then the lump sum death payment will not be paid.

The lump sum death payment can no longer be paid to funeral homes for funeral expenses.

To file for the benefit, call 1-800-772-1213.

G. Supplemental Security Income (SSI)

1. **SSI Applications.** The [SSI program](#) provides monthly income to people who are age 65 or older, or are blind or disabled, and have limited income and financial resources. Effective January 2020 the maximum SSI payment for an eligible individual is \$783 per month (but only \$1,175 per month for an eligible couple if both spouses are eligible). These amounts apply in most states including Louisiana, Mississippi, and Alabama. If you are married, and only one person is eligible, your benefits may be less if a portion of your spouse's income is counted against you. In addition, your financial resources (savings and assets you own) cannot be more than \$2,000 (\$3,000 if married). Note that any benefits from FEMA should not count towards this resource limit. You can be eligible for SSI even if you have never worked in employment covered under Social Security. Generally, to be eligible for SSI, an individual also must be a resident of the United States and must be a citizen or a person lawfully admitted for permanent residence. Non-citizens can only get SSI under certain circumstances.

A person can start an application by calling the Social Security Administration's toll-free telephone number 1-800-772-1213. Once Social Security has all the necessary documentation, such as proof of age and medical evidence of disability, it will send a written decision. If an applicant wants to appeal a denial she must go through the appeals process. At this point she should obtain legal advice and/or representation from Legal Services or the private bar.

For disability applications, the process can stretch out over a couple of years. Destitute applicants should be referred to the welfare office for cash aid and/or Food Stamps while the application is pending.

2. **SSI Emergency Advance Payments.** SSI applicants who appear to be eligible for SSI and who are having a financial emergency can get an advance payment to help them get through the emergency. This expedited procedure is called Emergency Advance Payments (EAP). It is available for applicants who have been found eligible but for whom the paperwork is not yet complete or who are very likely to

CHAPTER IX. Programs that Can Help with Food, Income, & Children

be eligible for SSI. SSI Emergency Advance Payments (EAP) are only available to SSI applicants, not to recipients.

3. The applicant may also be eligible for other kinds of Social Security or SSI benefits, on his/her account, or on the account of another if they want to retire, or they are an aged or disabled widow or widower, or are the dependent family member of a disabled, retired or deceased worker. If you think your client is eligible for any of these benefits, you should contact the Social Security Administration and apply.

H. Medicaid Benefits - Louisiana Medicaid Office

Disaster victims seeking information may call 1-888-342-6207. See Chapter VIII of this manual for more detailed information.

I. Other Social Service Programs

Should you have questions about other social service programs, including Foster Care Program, Addictive Disorders, child support, DHH Optional State Supplement Checks for long-term care personal needs, and Louisiana Rehabilitation Services, please call 1-888-LAHELPU (524-3578) from 7 a.m. to 7 p.m.

J. Louisiana Workers' Compensation Benefits.

Injured workers receiving workers' compensation benefits can call the [Louisiana Workforce Commission](#) to report their location to continue receiving their benefit checks. A database has been established to connect the benefit recipients with their insurance company, attorneys, self-insured employers and third-party administrators. All parties involved in this process should contact the Louisiana Department of Labor, with their names and location.

K. Visitation

Pleadings can request special considerations due to a disaster to set alternative child visitation arrangements.

Useful Phone Numbers

Louisiana Disaster Support Line: 1-888-524-3578 (LAHELPU).

Food Stamp information: Louisiana Department of Children and Family Services at (225) 342-0286 or 1-888-524-3578 (LAHELPU).

Cash Aid/TANF (Family Independence Temporary Assistance Program) information: Louisiana Department of Children and Family Services at (225) 342-0286 or 1-888-524-3578 (LAHELPU).

Medicaid: 1-888-342-6207

EBT Problems: Louisiana Children and Family Services at (225) 342-0286 or 1-888-524-3578 (LAHELPU) or Customer Service Helpline/J.P. Morgan: 1-888-997-1117

Social Security: 1-800-772-1213 (TTY 1-800-325-0778)

WIC: 1-800-251-2229

Legal Help or Other Problems: Legal Response Hotline 1-800-310-7029 (Appendix "C")

CHAPTER X. Financial & Banking Issues

- A. Bankruptcy.** Disaster victims concerned about their ability to pay their mortgage or other debts may have questions about bankruptcy. If you have income and you want to keep your house, you may be able to file a Chapter 13 bankruptcy. In this type of bankruptcy, the homeowner proposes a plan to make the regular mortgage payments, pay all other necessary living expenses, and also pay an additional amount every month toward the mortgage arrears. If you think you may want to file a Chapter 13 bankruptcy, you should consult a bankruptcy attorney.

If you are current on your house payment, you may also be able to keep it by filing a Chapter 7 bankruptcy and “re-affirming” the debt on your house. It will be up to your mortgage company whether or not they want to agree to let you reaffirm. Contrary to popular belief, you do not lose all of your belongings in a Chapter 7 bankruptcy. Many items are exempt under Louisiana law. You should talk with an attorney about all available disaster assistance before proceeding with a decision to file bankruptcy.

B. Frequently Asked Banking Questions

- **The local banks are not cashing my checks or letting me withdraw money from teller stations, what can I do?** If you do not have an account relationship with the bank, they may be concerned about whether there are sufficient funds in your account. Ask the bank to call your bank to determine your account balance. You can also establish an account with a bank in your new area by asking your bank to wire funds from your account to the financial institution in your new area. If a merchant cannot verify that you have an available balance, they more than likely will not accept your check.
- **My direct deposit is not showing up in my account, and I need money. Is there somebody who can help me clear this up with the bank?** Sometimes there are delays in the processing of transactions, including direct deposits, as banks activate back up plans. The banks will process the transactions once the plans are implemented.

Talk to your bank about the problem. You can also contact the individual or company that originated the deposit to see if they have any information about the status of your deposit.

- **My ATM card does not work, what should I do?** If your ATM card does not work, it is probably because your bank’s verification system is not working. You may consider other options, such as cashing a check in the area where you are located or using a credit card. You may also contact one of the emergency service organizations, such as FEMA or the Red Cross, and request assistance.

- **ATM fees are piling up, why aren't the banks waiving these fees?** Contact your bank and explain your situation. Some banks will waive these fees for individuals hit hardest by the disaster.
- **I cannot reach my bank by phone or internet, what should I do?** If your bank is located in the heavily storm damaged area and is not a part of a major regional or national institution, it may not be open for some time. You should contact one of the emergency service organizations, such as FEMA or the Red Cross, and request assistance.
- **What about the contents of my safe deposit box?** Most safe deposit boxes are held in the bank's vault, which are fireproof and waterproof. If possible, contact the branch or office where your box was located to determine the condition of your box.
- **My bank has lost my records.** Banks are required to have extensive contingency plans for all types of disruptions to operations, including natural disasters. Banks have backup systems of records and other built-in duplicates that are housed in safe locations so that financial records can be reconstructed and restored.
- **My local bank was destroyed, is my money still insured?** Yes, your money is still insured by the Federal Deposit Insurance Corporation. Deposits with a FDIC insured bank or savings institution will continue to be protected up to \$250,000. You should retain any financial records that you have in order to help reconstruct your accounts.
- **How can consumers deposit or cash any insurance checks they may receive?** By the time emergency relief and insurance payments are received, the affected institutions should be prepared to process these payments for their customers. Should a customer's primary financial institution not be ready to receive these payments it is anticipated arrangements will be made with neighboring institutions to handle these special consumer needs.
- **Will there be enough cash?** The Federal Reserve System has and will continue to meet the currency needs of the banking industry. The banking industry nationwide has more than sufficient resources to fill any shortfall.
- **Is my bank safe? Do you believe the affected banks will survive?** We are unaware of any bank that has closed permanently due to the impact of a natural disaster. Consumers can also rely upon the guarantees provided by the FDIC, which oversees the insurance funds that back deposits in banks and thrifts, and the National Credit Union Share Insurance Fund, which protects credit union depositors. These depositors can rest assured that deposit insurance is in full force.
- **How can I wire money to a family member?** First, contact the institution where you want to send to or retrieve money from and make sure they are able

to accept or send wire transfers. You can find specific bank information on the FDIC's Bank Find. You will need to give the following information so it is good to get it all together before contacting the bank: the bank's routing number (located in the lower left hand corner of your check or deposit slip) and either your account number or the account of the individual who is to receive the money (located in the middle of the check or deposit slip). If you cannot find a bank's routing number, call the bank or go to its webpage. It is usually listed there. You will also want their bank's address if you are wiring to someone else. Make sure you get a confirmation letter. If you are doing this transfer over the internet ask them to fax or email you a confirmation so the person receiving the money has it.

Make sure you know the identification verification process at the receiving institution. Some institutions will accept incoming wires for non-customers but will require some form of proof of who you are before they release the funds. Make sure you have the identification required or explain up front what you do have and ask the bank if that is acceptable.

Be aware there are often charges for wiring money so make sure you are aware of the charges up front and while many institutions are currently waiving those fees make sure you know exactly what and if you are going to be charged. You don't want to be surprised.

Never wire money to someone unsolicited or give out your account information to an unknown party.

C. Loan Forgiveness and Similar Questions

- **I am no longer working and do not have the income for living expenses and to meet my payments. If I miss some loan payments, how will this affect my credit? Will I be charged late fees?** The FDIC is encouraging financial institutions to work constructively with borrowers who are experiencing difficulties beyond their control because of damage caused by these disasters. Extending repayment terms, restructuring existing loans or easing terms for new loans, if done in a manner consistent with sound banking practices, can contribute to the health of the community and serve the long-term interests of the lending institution. Before skipping payments or changing the terms of the loan, contact your bank.
- **I need term financing until insurance checks come in and I can find another job, will banks help?** Not all banks provide short-term, unsecured loans, but regulators have encouraged banks to consider making loans on a short-term basis to help consumers.
- **Where can I find a list of banks that are working with displaced people?** The FDIC had a list of such banks after Hurricane Katrina, but it has not been updated since then: www.fdic.gov/news/katrina/katrinastatus.pdf.

- **Who can I contact for more information?** The FDIC's toll-free Call Center is open from 8:00 am to 6:00 pm CDT can be reached at 1-877-ASK-FDIC (1-877-275-3342). The FDIC also has an [e-mail form](#) for customers and bankers to submit questions.

D. Tax Relief

People affected by hurricanes or similar disasters who need help with tax matters can call the IRS Disaster Hotline at 1-866-562-5227 Monday through Friday from 7 a.m. to 10 p.m. local time. Additional information for affected taxpayers is provided at www.irs.gov.

CHAPTER XI. Immigration Issues & Immigrant Eligibility for Benefits

A. Disaster Relief

All immigrants, regardless of status, are eligible for short-term, non-cash, in-kind, emergency disaster relief. Other ongoing disaster assistance programs are available to categories of eligible immigrants and citizens. Please see Appendix “K”

- B. USCIS Offices** Customers May Seek Assistance at any [United States Citizenship and Immigration Services Office](#) (USCIS), formerly the Immigration & Naturalization Service (INS). The USCIS New Orleans District Office is located at 1250 Poydras Street, Suite 1800, New Orleans, LA 70113. You must have an appointment to enter the office. Call 800-375-5283 to get one.

Immigration officers will verify the identity and immigration status of all customers before re-issuing any immigration-related documents. Therefore, immigrants with criminal record problems or immigration-related violations should contact non-profit immigration advocacy agencies before contacting (USCIS).

For up-to-date information on USCIS operations in the wake of a hurricane or for specific case processing information, call the [National Customer Service Center](#) at 1-800-375-5283.

- C. Immigrants in Court Proceedings.** The [New Orleans Immigration Court](#) and [Oakdale Immigration Court](#) are currently open, although restrictions are in place due to the ongoing COVID-19 pandemic. An immigrant with court proceedings can get recorded information about their individual court case by calling 1-800-898-7180 and entering their Alien Registration number, commonly known as their "A" number. Immigrants may also contact the court clerk where they are in proceedings.

[New Orleans Immigration Court](#)

One Canal Place, Suite 2450
New Orleans, LA 70130
(504) 589-3992

[Oakdale Immigration Court](#)

1900 E. Whatley Road
Oakdale, LA 71463
(318) 335-0365

[Free](#) Legal Services Providers for immigrants in court proceedings include:

[Catholic Charities – New Orleans](#)

1000 Howard Ave – 6th Floor
New Orleans, LA 70113

(504) 523-3755

Catholic Charities – Baton Rouge

P.O. Box 4213
Baton Rouge, LA 70821
(225) 242-0337

Loyola Law Clinic

7214 St. Charles Ave, Box 902
New Orleans, LA 70118
(504) 861-5590

D. Immigrants in Detention. If you have a family member in detention, you may contact the Oakdale Immigration and Customs Enforcement Office at (318) 335-7500. Below is contact information for Detention Centers:

Oakdale Federal Detention Center

P.O. Box 5010
Oakdale, LA 71463
(318) 335-4466
Fax: (318) 215-2046

LaSalle Correctional Center (Jena)
830 Pinehill Road, Jena, LA 71342
(318) 992-7800

Tensas Detention Center
Street: 8606 Hwy 65, Waterproof, LA 71375
Mailing: HC-62 Box 500, Waterproof, LA 71375
(318) 749-5810

South Louisiana Correctional Center, Basile
3843 Stagg Ave, Basile, LA 70515
(337) 432-5493

E. Frequently Asked Questions

- **Do I need to be a U.S. resident or citizen to apply for emergency disaster relief?** All immigrants, regardless of status are eligible for short-term, non-cash, in-kind, emergency disaster relief. Other ongoing disaster assistance programs are available to categories of eligible immigrants and citizens. See Appendix “K.”
- **Will I be considered a public charge and denied residency if I apply for emergency disaster relief?** No. Acceptance of emergency disaster relief will

not be considered public cash assistance preventing you from becoming a resident.

- **How can I get a replacement green card or work permit?** For a replacement green card you need to fill out immigration [form I-90](#) and file it with the appropriate immigration office. You can obtain the immigration form by calling 1-800-870-3676 or visiting www.uscis.gov.

For a replacement work permit you need to fill out immigration [form I-765](#), and file it with the appropriate immigration office. You can obtain the immigration form by calling 1-800-870-3676 or visiting www.uscis.gov.

- **Do I need to let the U.S.C.I.S. or immigration court know if I have moved as a result of the hurricane?** If you have a **pending** case, you are required to inform the immigration court of any change of address or telephone within 5 days of moving, using the [EOIR-33 Change of Address Form](#).

You may also download a change of address form from the following websites:
[New Orleans Immigration Court](#)
[Oakdale Immigration Court](#)

If you are not in immigration proceedings, but have a pending application with U.S.C.I.S., you will need to send notification of your change of address within ten days of the change, using an [AR-11 form](#) and sometimes you will have to file additional paperwork. Call 1-800-375-5283 for more information.

More information about immigration matters may be obtained online at www.USCIS.gov.

CHAPTER XII. Lost Document Issues

Assistance may be requested in obtaining documents lost or damaged during the hurricane. The following documents may be destroyed, lost, or damaged during national disasters:

- A. Bank and investments accounts (checkbooks, savings, stocks, money markets).** Contact your local bank or the nearest branch for help getting copies of statements, etc. If you ask the bank to waive its usual fee they may do that for you.
- B. Birth, death, and marriage certificates, divorce decrees:** The Louisiana Department of Health may offer no-cost birth cards (small versions of birth certificates) to evacuees and their children.
- C. Birth and death certificates** will be available through vital check at www.vitalcheck.com, 1-877-605-8562. Outside of Orleans Parish, check with the parish clerk of court or www.vitalrec.com/la.html#county.
- D. Court documents (such as deeds).** It is unclear as of this writing how lost court documents can be recreated. If you had an attorney, try contacting them to see if he or she has copies. You can find their new office number in the Louisiana State Bar Association's online Membership Directory <https://www.lsba.org/Public/MembershipDirectory.aspx> or by calling 1-800-421-5722 (LSBA).
- E. Miscellaneous Documents.**
 - 1) Driver's license, identification card, vehicle registration, and ownership (title records). Driver's licenses may be obtained by calling 1-877-DMV-line (368-5463) or on the [Office of Motor Vehicles website](#). See Appendix "H2".
 - 2) United States Passports may be obtained through the [Department of State's website](#) or by calling 1-877-487-2778. For a foreign passport contact your country's nearest consulate. See Appendix "H2."
 - 3) Food Stamps and Food Stamp Cards or EBT cards. See, Chapter IX, Sections C and D of this manual for more information.
 - 4) Immigration documents—see [Chapter CHAPTER XI. Immigration Issues & Immigrant Eligibility for Benefits](#) of this manual and Appendix "H2".
 - 5) Insurance Documents—contact your insurance company for help (See Appendix "D")

CHAPTER XII. Lost Document Issues

- 6) Medicare/Medicaid cards—See [Chapter CHAPTER VIII. Medical Issues - Getting Health Care](#) of this manual and Appendix “H1” for information on replacement cards.
- 7) Social Security cards— See [Chapter CHAPTER IX. Programs that Can Help with Food, Income, & Children](#), Section F of this manual, and Appendix “H1” for information on replacement cards.
- 8) Credit cards—Contact the nearest bank or institution that issued your card.
- 9) Wills or other estate planning documents. If you can, contact your lawyer's office if you had a lawyer help you prepare these. You can find their new office number on the [Louisiana State Bar Association's website](#), or by calling 1-800-421-LSBA (5722).
- 10) Birth/Death Certificates – Contact the Department of Health and Hospitals, [Vital Records](#) and see Appendix "H2."

CHAPTER XIII. Estate Issues and the Heirship Affidavit

Assistance may be needed in establishing clear title to homes that have been passed down through generations by family agreement, but not through the legal system. Without clear title, individuals eligible for Federal and State aid for property damage may have difficulties obtaining the needed relief. If eligible for free legal services, their attorneys may be able to advise if there is a work-around for your situation.

Establishing Clear Title through and Heirship Affidavit:

An Heirship Affidavit to clear title to their property if the estate is valued at less than \$125,000. Additionally, property owners can use the Heirship Affidavit to clear title for estates of any value where the record property owner died over 25 years ago. See <https://bit.ly/3hszM5P>.

Components of an Heirship Affidavit:

An Heirship Affidavit is a statement under oath by 2 or more heirs (including the surviving spouse, if any) as to certain facts. The affidavit can only be used if the property owner died without a valid testament. Out-of-state property owners who have a testament can also use the affidavit in limited circumstances. The affidavit can only be filed after 90 days from the property owner's death

The Heirship Affidavit must provide:

1. Date of death of the deceased, and his/her home address at the time of death.
2. Marital status of the deceased, and the name and address of the surviving spouse, if any.
3. Names and last known addresses of the heirs, and their relationship to the deceased, and
4. A legal description of the property at issue.

Repair of an immovable, co-owners and disaster relief

Prior law required that inheritance issues be resolved before a government entity could release disaster-related funds. In 2012, however, Louisiana Appleseed, through its attorney volunteer Malcolm A. Meyer, helped the legislature recognize the delay in recovery that has been caused by this requirement. Now, in times of disaster, Louisiana law allows a public entity to work with eligible co-owners who have resided in the house for at least a year if it: (1) qualifies as a [small succession](#) and (2) has been "damaged by a disaster or catastrophe for which a declaration of emergency or federal declaration of disaster or emergency was issued." [La. CCP 3422.1.](#)

Additional Steps to Protect Your Property:

CHAPTER XIII. Estate Issues and the Heirship Affidavit

- **Make sure property taxes are paid.** Visit your parish tax office to make sure your property taxes are paid up and that the office has the correct name and address of the person responsible for the taxes. Some offices have this information on their web pages.
- **Prepare a valid testament.** Consult an attorney to prepare a valid testament that ensures that your property will be legally passed down according to your wishes.
- **Make a family tree.** Create a family tree to help family members identify relatives.

DISASTER MANUAL APPENDICES

**Information in appendices is subject to change. In the case of a natural disaster, please verify or ask client to verify the information. Updated August 2020.*

Appendix A – Disaster Legal Services Intake Form

Appendix B – Disaster Legal Services Case Closure Form

Appendix C – Non-Profit Agencies in Louisiana (list)

Appendix D – Credit, Property and Casualty Insurance Company Phone Numbers
(list pulled August 2020)

Appendix E – FEMA “Help After a Disaster” (brochure)

Appendix F - FEMA disaster assistance process (flyer)

Appendix G – Louisiana Residential Landlord-Tenant law (outline)

Appendix H1 – Replacing Lost Documents – Social Security, Medicare

Appendix H2 – Replacing Lost Documents – OMV, Aliens, Passport, Birth
Certificates, Vital Records

Appendix I – Disaster Legal Assistance Interview Checklist (list)

Appendix J – Emergency Programs for Hurricane Victims (flyer)

Appendix K – Disaster Assistance for Immigrants (book excerpt)

Appendix L – SBA Disaster Loans (fact sheet)

Appendix M – Florida Bar Foundation’s Disaster Legal Assistance Manual
(excerpt)

Appendix N – Disaster Unemployment Assistance (fact sheet)

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YOUNG LAWYERS DIVISION, AMERICAN BAR ASSOCIATION
DISASTER LEGAL SERVICES INTAKE FORM

(Legal services are delivered under terms of agreement between YLD and FEMA)

DATE:

DISASTER NUMBER: FEMA-1603-DR (LA)

NAME OF APPLICANT:

**COUNTY OF RESIDENCE AT TIME OF
DISASTER:**

CURRENT TEL. NO.:

BEST TIME TO CALL:

CURRENT ADDRESS:

(Street, City, Zip)

PRE-DISASTER ADDRESS (if different):

(Street, City, Country, Zip)

LEGAL PROBLEMS (use reverse if needed)

MISCELLANEOUS

1. Has the caller registered for FEMA services? (not required but encouraged) Yes No
2. Does the caller otherwise have access to legal services? Yes No
3. Is the request related to the disaster? Yes No
4. Does the request involve a fee-generating case? Yes No
5. Will this call be referred to a volunteer lawyer? Yes No
6. Area(s) of law for referral:

INTAKE VOLUNTEER NAME: *(Print)*

INTAKE VOLUNTEER SIGNATURE:

YOUNG LAWYERS DIVISION, AMERICAN BAR ASSOCIATION

DISASTER LEGAL SERVICES

CASE CLOSURE FORM

(Legal services are delivered under terms of agreement between YLD and FEMA)

DATE:

DISASTER NUMBER: FEMA-1603-DR A1

NAME AND ADDRESS OF
APPLICANT:

NAME OF ATTORNEY WHO PROVIDED
ASSISTANCE AND TELEPHONE NUMBER:

WHERE YOU ABLE TO MAKE
CONTACT: YES NO
IF NO, WHY NOT?

DATE ASSISTANCE FROM ATTORNEY BEGAN:

DATE ASSISTANCE ENDED:

AMOUNT OF TIME SPENT
PROVIDING ASSISTANCE:

ANY FOLLOW-UP WITH TIDS INDIVIDUAL NEEDED

YES NO

LEGAL ADVICE GIVEN/NOTES

PLEASE RETURN THIS FORM TO:

LEGAL SERVICE ORGANIZATIONS

Acadiana Legal Services Corporation, 6 Locations

1808 Jackson Street
Alexandria, Louisiana 71301
Ph: 318-443-7281
Fax: 318-443-9516
www.la-law.org

020 Surrey Street
Lafayette, Louisiana 70501
Ph: 337-237-4320
Toll Free: 800-256-1175
Fax: 337-237-8839
www.la-law.org

1 Lakeshore Drive, Suite 800
Lake Charles, Louisiana 70629
Ph: 337-439-0377
Fax: 337-439-0636
www.la-law.org
3016 Cameron Street
Monroe, Louisiana 71201
Ph: 318-699-0889
Toll Free: 800-259-6591
www.la-law.org

134 St. Denis Street
Natchitoches, Louisiana 71457
Ph: 318-352-7220
Toll Free: 800-960-9109
www.la-law.org

720 Travis Street
Shreveport, Louisiana 71101
Ph: 318-222-7186
Toll Free: 800-826-9265
Fax: 318-221-1901
www.la-law.org

Baton Rouge Bar Foundation Pro Bono Project

P.O. Box 2241
Baton Rouge, LA 70821
Phone: (225) 344-4803
Fax: (225) 344-4805

Central Louisiana Pro Bono Project, Inc.

1605 Murray Street
P.O. Box 1324
Alexandria, LA 71309-1324
Phone: (318) 449-9778
Fax: (318) 798-1121
www.clpbp.net/

Chez Hope, Inc.

P.O. Box 98 Franklin, LA 70538
Phone: (337) 923-4537
(800) 331-5303
Fax: (337) 828-4202

Disability Rights

8325 Oak Street
New Orleans, LA 70118
Phone: (504) 522-2337
(800) 960-7705
Fax: (504) 522-5507
www.advocacyla.org

Domestic Abuse Resistance Team (DART) of Lincoln

P.O. Box 1223
Ruston, LA 71273
Phone: (318) 513-9373
Shelter: (318) 251-2255
Fax: (318) 254-8230
www.dartla.org/

Faith House, Inc.

P.O. Box 93145
Lafayette, LA 70509
Phone: (337) 267-9422
Crisis Line: (337) 232-8954
Toll Free: (877) 430-SAFE
Fax: (337) 232-2770
womenshelt@aol.com

Lafayette Volunteer Lawyers

600 Jefferson Street, Suite #505
Lafayette, LA 70501-6948
Phone: (337) 237-4700
Fax: (337) 237-0970
lv1@lafayettebar.org

Louisiana Coalition Against Domestic Violence

P.O. Box 77308
Baton Rouge, LA 70879-7308
Phone: (225) 752-1296
Crisis Hotline: (888) 411-1333
Fax: (225) 751-8927
mclcadv@aol.com

Loyola Law School Clinic

7214 St. Charles Avenue
New Orleans, LA 70118
Phone: (504) 861-5590
Fax: (504) 861-5440

Mental Health Advocacy Service

150 Third Street, Suite #812
Baton Rouge, LA 70802
Phone: (225) 342-6678
Toll Free: (800) 428-5432
Fax: (225) 342-6658

Mental Health Advocacy Service

New Orleans Adolescent Hospital
210 State Street, Annex 601
New Orleans, LA 70118
Phone: (504) 568-8678
Fax: (504) 568-8680

Metropolitan Battered Women's Program

P.O. Box 10775
Jefferson, LA 70181
Phone: (504) 837-5455
Crisis Hotline: (504) 837-5400
Fax: (504) 828-2893

Safe Harbor Shelter for Battered Women

P.O. Box 402 Slidell, LA 70459
Phone: (504) 643-0496
(504) 649-1071
Fax: (504) 847-1187

**Safety Net for Abused Person, Inc.
(SNAP)**

P.O. Box 10207
New Iberia, LA 70562
Phone: (337) 367-7627
Fax: (337) 367-7696

St. Bernard Battered Women's Program, Inc.

2011 Jackson Boulevard
Chalmette, LA 70043
P.O. Box 645
Arabi, LA 70032
Phone: (504) 278-7788
Fax: (504) 278-7673

Shreveport Bar Association Pro Bono Project

509 Marshall Street, Suite #800
Shreveport, LA 71101 Director: Ruth Moore
Contact for services: Dana Southern Phone:
(318) 221-6283
(318) 226-4553
probonoshrvprt@bellsouth.net

Southeast Louisiana Legal Services Corporation, 7 Locations

715 St. Ferdinand St.
Baton Rouge, LA 70802
Toll Free: (855) 512-3980
Local: (225) 448-0080
Fax: (225) 383-1197
Intake Line: (225) 448-0331
www.slls.org

23 N. Florida St.
Covington, LA 70433
Toll Free: (800) 891-0076
Local: (985) 893-0076
Fax: (985) 893-6774
Mailing address: P.O. Box 2330, Covington, LA 70434
www.slls.org

200 Guidry Drive
Hammond, LA 70403
Toll Free: (800) 349-0886
Local: (985) 345-2130
Fax: (985) 345-2686
Mailing address: P.O. Drawer 2867, Hammond, LA 70404
www.slls.org

Manhattan Place Building
2439 Manhattan Blvd., Suite 103
Harvey, LA 70058
Toll Free: (800) 624-4771
Local: (504) 374-0977
Fax: (504) 374-0991
www.slls.org

521 Roussell Street
Houma, LA 70360
Toll Free: (800) 256-1660
Local: (985) 851-5687
Fax: (985) 851-5695
www.slls.org

1340 Poydras, Suite 600
New Orleans, LA 70112
Toll-Free: (877) 521-6242
Local: (504) 529-1000
Fax: (504) 596-2241
www.slls.org

171 Keller Street
Hahnville, LA 70057
M, W, Th 9:00 a.m. – 2:00 p.m.
Phone: (985) 331-3034
StCharlesATJ@slls.org
www.slls.org

The Pro Bono Project
615 Baronne Street, Suite #201
New Orleans, LA 70130
Phone: (504) 581-4043
Fax: (504) 566-0518
probono@probono-no.org

Tulane Law School Clinic
(Only accepts clients through court order in
Orleans Parish)
6329 Freret Street
New Orleans, LA 70118
Phone: (504) 865-5153
Fax: (504) 862-8753

Turning Point Battered Women's Shelter
P.O. Box 1908
Alexandria, LA 71309
Phone: (318) 442-7196
(318) 445-2022
(800) 960-9436
Fax: (318) 442-3801

Volunteer Lawyers Project
P.O. Box 3325
200 Washington Street
Monroe, LA 71210-3325
Phone: (318) 325-3558
Fax: (318) 323-8856

**YWCA of Northwest Louisiana Family
Violence Program**
710 Travis Street
Shreveport, LA 71101
Phone: (318) 222-2117
Fax: (318) 429-4665

Current active insurance companies in the State of Louisiana offering credit, property, and casualty insurance in LA. For more complete directory, go to <https://www.lds.la.gov/onlineServices/ActiveCompanySearch/>.

List Updated August 2020

OfficialName	Phone	TollFree
Acadia Insurance Company	(207) 772-4300 x1672	
ACCREDITED SURETY AND CASUALTY COMPANY,	(407) 629-2131	
ADM Insurance Company	(215) 444-5393	
Admiral Indemnity Company	(201) 518-2500	
Allied World National Assurance Company	(857) 288-6000	
ALLMERICA FINANCIAL BENEFIT INSURANCE COMI	(508) 853-7200 x4476	
ALLSTATE INSURANCE COMPANY	(847) 402-5000	
ALLSTATE NORTHBROOK INDEMNITY COMPANY	(847) 402-5000	
ALLSTATE PROPERTY AND CASUALTY INSURANCE	(847) 402-5000	
ALLSTATE VEHICLE AND PROPERTY INSURANCE C	(847) 551-2000	
America First Insurance Company	(617) 357-9500	(800) 443-2534
AMERICAN BANKERS INSURANCE COMPANY OF FI	(305) 253-2244	
AMERICAN FAMILY HOME INSURANCE COMPANY	(800) 543-2644	(800) 543-2644
AMERICAN FEDERATED INSURANCE COMPANY	(601) 992-6886	
AMERICAN GUARANTEE AND LIABILITY INSURANC	(847) 605-6000	(800) 364-3941 x7721
American Hallmark Insurance Company of Texas	(817) 348-1600	
AMERICAN MODERN HOME INSURANCE COMPANY	(800) 543-2644	(800) 543-2644
AMERICAN NATIONAL GENERAL INSURANCE COMI	(417) 887-4990	
AMERICAN NATIONAL PROPERTY AND CASUALTY	(417) 887-4990	
AMERICAN RELIABLE INSURANCE COMPANY	(480) 483-8666	(800) 535-1333 x325
AMERICAN SECURITY INSURANCE COMPANY	(770) 763-1000	
AMERICAN WESTERN HOME INSURANCE COMPAN	(800) 543-2644	(800) 543-2644
AMERICAN ZURICH INSURANCE COMPANY	(847) 605-6000	(800) 364-3941 x7721
Amerisure Insurance Company	(248) 426-7939	(800) 257-1900
AMERISURE MUTUAL INSURANCE COMPANY	(248) 615-9000	(800) 257-1900 x67917
Amerisure Partners Insurance Company	(286) 426-7939	
AmGUARD Insurance Company	(570) 825-9900 x3071	(800) 673-2465
AmTrust Insurance Company	(214) 360-8000	(800) 777-2249
ANPAC LOUISIANA INSURANCE COMPANY	(985) 727-7787	
Arch Insurance Company	(201) 743-4000	
Ascot Insurance Company	(212) 373-1800	
Assured Guaranty Corp.	(212) 974-0100	
ATLANTIC SPECIALTY INSURANCE COMPANY	(781) 332-7000	
Atradius Trade Credit Insurance, Inc.	(410) 568-3862	(800) 423-6624
Berkley Casualty Company	(205) 870-3535	
BERKLEY INSURANCE COMPANY	(203) 542-3800	
Berkley National Insurance Company	(972) 719-2400	(800) 934-9150 x5425
BERKLEY REGIONAL INSURANCE COMPANY	(203) 629-3000	
Berkshire Hathaway Homestate Insurance Company	(402) 393-7255	
CALIFORNIA CASUALTY INDEMNITY EXCHANGE	(650) 574-4000	
CENTRAL STATES INDEMNITY COMPANY OF OMAH	(402) 997-8000	
CENTURION CASUALTY COMPANY	(515) 557-2131	
CHARTER OAK FIRE INSURANCE COMPANY, THE	(860) 277-0111	
Clear Spring Property and Casualty Company	(206) 269-8500 x8513	
Clermont Insurance Company	(201) 518-2500	
COASTAL SELECT INSURANCE COMPANY	(800) 785-2658	(800) 785-2658
Continental Western Insurance Company	(515) 473-3000	(800) 934-9150 x5425
COURTESY INSURANCE COMPANY	(954) 429-2150	
Crestbrook Insurance Company	(614) 249-1545	
CUMIS Insurance Society, Inc.	(608) 238-5851	
Digital Affect Insurance Company	(212) 415-8421	

Digital Edge Insurance Company	(802) 246-4707	
EastGUARD Insurance Company	(570) 825-9900 x3071	(800) 673-2465
ECONOMY FIRE AND CASUALTY COMPANY	(401) 827-2400	(800) 638-4208
ECONOMY PREFERRED INSURANCE COMPANY	(401) 827-2400	(800) 638-4208
ECONOMY PREMIER ASSURANCE COMPANY	(401) 827-2400	(888) 645-4408
ENCOMPASS INDEMNITY COMPANY	(847) 402-5000	
Encompass Insurance Company of America	(847) 402-5000	
Encompass Property and Casualty Company	(847) 402-5000	
ESURANCE INSURANCE COMPANY	(415) 875-4500	
Euler Hermes North America Insurance Company	(410) 753-0753	
Everest Denali Insurance Company	(908) 604-3000	
Everest Premier Insurance Company	(908) 604-3000	
Falls Lake National Insurance Company	(919) 900-1200	
Federated Reserve Insurance Company	(507) 455-5200	
FIRST COLONIAL INSURANCE COMPANY	(904) 992-1776	
FIRST LIBERTY INSURANCE CORPORATION, THE	(617) 357-9500	
FOREMOST INSURANCE COMPANY GRAND RAPIDS	(616) 942-3000	
FOREMOST PROPERTY AND CASUALTY INSURANCE	(616) 956-8476	
FOREMOST SIGNATURE INSURANCE COMPANY	(616) 942-3000	
FREEDOM SPECIALTY INSURANCE COMPANY	(480) 365-4000	
General Insurance Company of America	(617) 357-9500	
GREAT AMERICAN ALLIANCE INSURANCE COMPANY	(513) 369-5000	
GREAT AMERICAN ASSURANCE COMPANY	(513) 369-5000	
GREAT AMERICAN INSURANCE COMPANY	(513) 369-5000	
GREAT AMERICAN INSURANCE COMPANY OF NEW	(513) 369-5000	
GREAT AMERICAN SECURITY INSURANCE COMPANY	(513) 369-5000	
GREAT AMERICAN SPIRIT INSURANCE COMPANY	(513) 369-5000	
Great Divide Insurance Company	(480) 951-0905	
Greenwich Insurance Company	(203) 964-5200	(866) 304-3079 x7076
Guarantee Company of North America USA, The	(248) 281-0281 x6012	
HARTFORD ACCIDENT AND INDEMNITY COMPANY	(860) 547-5000	
HARTFORD CASUALTY INSURANCE COMPANY	(860) 547-5000	
Hartford Insurance Company of Illinois	(860) 547-5000	
Hartford Underwriters Insurance Company	(860) 547-5000	(888) 203-3823
Heritage Casualty Insurance Company	(913) 982-3700	
HERITAGE INDEMNITY COMPANY	(303) 987-5500	
Incline Casualty Company	(817) 831-9900	
Insurance Company of the South	(904) 407-1097	
INTEGON NATIONAL INSURANCE COMPANY	(336) 435-2000	(877) 468-3466 x8066
Intrepid Insurance Company	(248) 991-6700	
Ironshore Indemnity Inc.	(646) 826-6600	
Key Risk Insurance Company	(336) 668-9050	(800) 942-0225
KnightBrook Insurance Company	(323) 692-8904	(877) 682-9429
LIBERTY INSURANCE CORPORATION	(617) 357-9500	
Liberty Mutual Fire Insurance Company	(617) 357-9500	(888) 731-4078
LIBERTY PERSONAL INSURANCE COMPANY	(617) 357-9500	
LM INSURANCE CORPORATION	(617) 357-9500	
LYNDON SOUTHERN INSURANCE COMPANY	(904) 350-9660 x8230	
MARKEL INSURANCE COMPANY	(804) 527-7992	(800) 431-1270
Maxum Casualty Insurance Company	(678) 597-4500	
MERITPLAN INSURANCE COMPANY	(949) 517-4008	
METROPOLITAN CASUALTY INSURANCE COMPANY	(401) 827-2400	(800) 638-4208

METROPOLITAN DIRECT PROPERTY AND CASUALTY	(401) 827-2400	(800) 638-4208
METROPOLITAN GENERAL INSURANCE COMPANY	(401) 827-2400	(800) 638-4208
METROPOLITAN GROUP PROPERTY AND CASUALTY	(401) 827-2400	(800) 638-4208
METROPOLITAN PROPERTY AND CASUALTY INSURANCE	(401) 827-2400	(800) 638-4208
Midvale Indemnity Company	(847) 320-2000	
MIDWEST EMPLOYERS CASUALTY COMPANY	(636) 449-7000	
Milford Casualty Insurance Company	(262) 207-8500	(800) 777-2249
MSIG Specialty Insurance USA Inc.	(847) 619-4928	
NATIONAL SPECIALTY INSURANCE COMPANY	(817) 265-2000 x1222	
NATIONAL SURETY CORPORATION	(312) 346-6400	(800) 428-5706
National Union Fire Insurance Company of Pittsburgh, F	(212) 770-7000	(800) 209-3515
Nationwide Agribusiness Insurance Company	(515) 508-3300	
Netherlands Insurance Company The	(617) 357-9500	
NorGUARD Insurance Company	(570) 825-9900 x3071	(800) 673-2465
NORTH AMERICAN ELITE INSURANCE COMPANY	(603) 644-6600	
NUTMEG INSURANCE COMPANY	(860) 547-5000	
Odyssey Reinsurance Company	(203) 977-8000	
OHIO CASUALTY INSURANCE COMPANY, THE	(617) 357-9500	
OHIO INDEMNITY COMPANY	(614) 228-2800	
OHIO SECURITY INSURANCE COMPANY	(617) 357-9500	
OLD REPUBLIC INSURANCE COMPANY	(724) 834-5000	
PARTNER REINSURANCE COMPANY OF THE U.S.	(203) 485-4200	
Peerless Indemnity Insurance Company	(617) 357-9500	
Peerless Insurance Company	(617) 357-9500	
PHOENIX INSURANCE COMPANY, THE	(860) 277-0111	
Plateau Casualty Insurance Company	(931) 484-8411	(800) 752-8328
Privilege Underwriters Reciprocal Exchange	(914) 328-8117	(888) 813-7873
PROGRESSIVE PALOVERDE INSURANCE COMPANY	(440) 461-5000	(800) 776-4737
PROGRESSIVE SECURITY INSURANCE COMPANY	(440) 395-4460	
Protective Property & Casualty Insurance Company	(636) 536-5600	
QBE INSURANCE CORPORATION	(212) 894-7547	
REPUBLIC FIRE AND CASUALTY INSURANCE COMPANY	(972) 788-6000	(800) 777-2249
REPUBLIC UNDERWRITERS INSURANCE COMPANY	(972) 788-6000	
Rush Fire Insurance Company	(318) 335-0500	
SAFECO INSURANCE COMPANY OF OREGON	(617) 357-9500	
SAGAMORE INSURANCE COMPANY	(317) 636-9800 x356	
Securian Casualty Company	(651) 665-3500	
SECURITY NATIONAL INSURANCE COMPANY	(214) 360-8000	(800) 777-2249
SHELTER GENERAL INSURANCE COMPANY	(573) 445-8441	
SHELTER MUTUAL INSURANCE COMPANY	(573) 445-8441	
SOUTHERN INSURANCE COMPANY	(800) 777-2249	(972) 788-6000
SOUTHERN UNDERWRITERS INSURANCE COMPANY	(972) 788-6000	
Southern Vanguard Insurance Company	(713) 621-9393	
Spinnaker Insurance Company		(888) 221-7742
STANDARD GUARANTY INSURANCE COMPANY	(770) 763-1000	
STARNET INSURANCE COMPANY	(203) 542-3800	
Starr Indemnity & Liability Company	(646) 227-6523	
Starr Specialty Insurance Company		
STATE NATIONAL INSURANCE COMPANY, INC.	(817) 265-2000 x1222	
TECHNOLOGY INSURANCE COMPANY, INC.	(212) 220-7120	
The American Insurance Company	(415) 899-2000	(800) 428-5706
Tokio Marine America Insurance Company	(212) 297-6600	

Transamerica Casualty Insurance Company	(319) 355-8511	
Transverse Insurance Company	(305) 234-1771	
TRAVCO INSURANCE COMPANY	(860) 277-0111	
Travelers Casualty Insurance Company of America	(860) 277-0111	
TRAVELERS COMMERCIAL CASUALTY COMPANY	(860) 277-0111	
TRAVELERS HOME AND MARINE INSURANCE COM	(860) 277-0111	
TRAVELERS INDEMNITY COMPANY OF AMERICA, T	(860) 277-0111	
TRAVELERS INDEMNITY COMPANY OF CONNECTIC	(860) 277-0111	
TRAVELERS INDEMNITY COMPANY, THE	(860) 277-0111	
Travelers Property Casualty Company of America	(860) 277-0111	
Tri-State Insurance Company of Minnesota	(515) 473-3000	
Trisura Insurance Company		
TRITON INSURANCE COMPANY	(817) 348-7541	(800) 316-5607
TRUMBULL INSURANCE COMPANY	(203) 547-5000	
U.S. SPECIALTY INSURANCE COMPANY	(713) 462-1000	
Union Insurance Company	(515) 473-3000	(800) 934-9150 x5425
UNITED STATES FIRE INSURANCE COMPANY	(973) 490-6600	
UNITED WISCONSIN INSURANCE COMPANY	(262) 787-7700	
Universal Fire & Casualty Insurance Company	(616) 662-3900	
Vantapro Specialty Insurance Company	(860) 284-1300	
VIRGINIA SURETY COMPANY, INC.	(312) 356-3000	
WASHINGTON INTERNATIONAL INSURANCE COMP	(603) 644-6600	
Watford Insurance Company	(616) 456-8899 x1375	
WESCO INSURANCE COMPANY	(212) 220-7120	
WEST AMERICAN INSURANCE COMPANY	(513) 603-2400	
XL Insurance America, Inc.	(203) 964-5200	(866) 304-3079 x7076
XL Specialty Insurance Company	(203) 964-5200	(866) 304-3079 x7076
YOSEMITE INSURANCE COMPANY	(812) 424-8031	
ZALE INDEMNITY COMPANY	(972) 580-4039	
ZURICH AMERICAN INSURANCE COMPANY	(847) 605-6000	(800) 364-3941 x7721
ZURICH AMERICAN INSURANCE COMPANY OF ILLII	(847) 605-6000	(800) 364-3941 x7721

Help After a Disaster

Applicant's Guide to the Individuals & Households Program

FEMA 545 / July 2008



The Federal Emergency Management Agency (FEMA) under the authority of section 408 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. §5174, and Title 44 of the Code Federal Regulations (CFR) may provide financial assistance and, if necessary, direct services to eligible individuals and households who, as a direct result of a major disaster, have necessary expenses and serious needs and are unable to meet such expenses or needs through other means.

Dear Applicant:

As part of our ongoing efforts to clearly communicate FEMA's Individuals and Households Program (IHP) requirements, documentation, and processes, we are providing you this booklet. This booklet contains useful program information about IHP. For disaster-specific questions, it is always best to visit our website at www.fema.gov or contact the FEMA Helpline at 1-800-621-FEMA (TTY 1-800-462-7585 for the hearing impaired).

In response to the Post Katrina Emergency Management Reform Act of 2006, FEMA is in the process of updating our policies and programs to include new authorities delegated to FEMA by Congress. As the new policies and procedures are put into place, updated versions of this applicant guide will be made available to the public on FEMA's website, in our Disaster Recovery Centers, and by mail for all applicants applying by phone or online.

FEMA's programs are designed to help meet essential needs and assist individuals and their households in taking the first steps toward recovery. FEMA programs are not intended to return all homes or belongings to their pre-disaster condition.

We look forward to partnering with you in the recovery process as you and your community rebuild after a disaster.

With Regards,

FEMA Disaster Assistance Directorate

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Overview of the Individuals and Households Program (IHP)

PURPOSE: When disasters take place, the **Individuals and Households Program (IHP)** provides money and services to people in the disaster area when losses are not covered by insurance and property has been damaged or destroyed.

This program guide provides information that will help you understand IHP and explains how to apply. You must meet specific eligibility conditions to qualify for help.

IHP is designed to help you with critical expenses that cannot be covered in other ways.

LIMITATIONS: IHP will not cover all of your losses from damage to your property (home, personal property, household goods) that resulted from the disaster.

IHP is not intended to restore your damaged property to its condition before the disaster. In some cases, IHP may only provide enough money, up to the program limits, for you to return an item to service.

IHP does not cover business-related losses that resulted from the disaster.

By law, IHP cannot provide money to you for losses that are covered by your insurance.

While some money is available through IHP, most disaster aid from the Federal government is in the form of loans from the **Small Business Administration (SBA)** that must be repaid. Applicants to IHP may be required to seek help from SBA first, before being considered for certain types of IHP help. You do not have to submit an SBA loan application to be considered for FEMA rental assistance.

Types of Assistance

The following list shows the types of assistance that are available through IHP and what each provides.

Temporary Housing (a place to live for a limited period of time): Money is available to rent a different place to live, or a government provided housing unit when rental properties are not available.

Repair: Money is available to homeowners to repair damage from the disaster that is not covered by insurance. The goal is to make the damaged home safe, sanitary, and functional.

Replacement: Money is available to homeowners to replace their home destroyed in the disaster that is not covered by insurance. The goal is to help the homeowner with the cost of replacing their destroyed home.

Permanent/Semi Permanent Housing Construction: Direct assistance or money for the construction of a home. This type of help occurs only in insular areas or remote locations specified by FEMA, where no other type of housing assistance is possible.

Other Needs: Money is available for necessary expenses and serious needs caused by the disaster. This includes medical, dental, funeral, personal property, transportation, moving and storage, and other expenses that are authorized by law.

Your Civil Rights and Disaster Assistance

The Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act) is the law that authorizes Federal assistance when the President declares a State to be a disaster area. Section 308 of the Stafford Act protects individuals from discrimination on the basis of their race, color, religion, nationality, sex, age, or economic status in all disaster assistance programs. Section 309 of the Stafford Act applies these non-discrimination provisions to all private relief organizations participating in the response and recovery effort.

In addition, Title VI of the Civil Rights Act of 1964 also protects individuals from discrimination on the basis of their race, color, or national origin in programs that receive Federal financial assistance. Section 504 of the Rehabilitation Act of 1973 is a Federal law that protects individuals with disabilities from discrimination in all programs receiving funds from the Federal government or operated by the Federal government. Section 508 of that law prohibits discrimination against persons with disabilities in regard to Federally operated technology systems.

Disaster Assistance Process

To be used by people in Presidentially declared disaster areas:

1. **Apply online by visiting www.fema.gov or by phone by calling 1-800-621-FEMA (3362) (hearing/speech impaired ONLY—call 1-800-462-7585).** In addition to having a pen and paper, please have the following information ready:

- ñ Your Social Security Number.
- ñ A description of your losses that were caused by the disaster.
- ñ Insurance information.

- ñ Directions to your damaged property.
- ñ A telephone number where you can be contacted.

When you apply over the phone, the information you provide is put into the computer and an application is generated. When your application is complete, you will be provided a FEMA application number.

If you have questions AFTER you have applied for assistance or if the information you provided has changed, call the FEMA Helpline at 1-800-621-FEMA (3362) (hearing/speech impaired ONLY—call 1-800-462-7585). When you call, have your application number ready. This number will be given to you when you apply and will be on all mail sent to you from IHP.

2. When will I be contacted by an inspector? If you are uninsured or lack the appropriate insurance coverage, an inspector will call to schedule an appointment to visit your property. In some cases, you may be contacted the same day you apply. However, in most cases the inspector will call within the next several days, but usually no later than 10 days.

The inspector will assess disaster-related damage for your real and personal property. There is no fee for the inspection. Inspectors are contractors, not FEMA employees, but your inspector will have picture identification. You or someone 18 years of age that lived in the household prior to the disaster must be present for your scheduled appointment.

The inspector will need to see your identification and you must provide proof of ownership (for homeowners) and occupancy to show the inspector.

The inspector will ask you to sign a form authorizing FEMA to verify that the information you have given is correct. **Inspectors file your report but do not determine your eligibility.**

3. Within about 10 days of the inspector's visit, you will receive a letter from IHP informing you of the decision on your request for help.

- ñ **If you are eligible for help,** the letter will be followed by a U.S. Treasury/State check or there will be a transfer of cash to your bank account. The letter will explain what the money can be used to pay for. You should use the money given to you as explained in the letter.
- ñ **If you are *not* eligible for help,** the letter will give the reason for the decision. You will be informed of your appeal rights in the letter.

- ñ If you were referred to the Small Business Administration (SBA) for help from the SBA Disaster Assistance Program, you will receive an SBA application.

Program Eligibility

To receive money or help for Housing Needs that are the result of a disaster, all of the following must be true:

- ñ You have filed for insurance benefits and the damage to your property is not covered by your insurance. You may be eligible for help from IHP to repair damage to your property.
- ñ You or someone who lives with you is a citizen of the United States, a non-citizen national, or a qualified alien.
- ñ Your home is in an area that has been declared a disaster area by the President.
- ñ The home in the disaster area is where you usually live the majority of the year.
- ñ You are not able to live in your home now, you cannot get to your home due to the disaster, or your home requires repairs because of damage from the disaster.

To receive money for Needs Other than Housing that are the result of a disaster, all of the following must be true:

- ñ You have losses in an area that has been declared a disaster area by the President.
- ñ You have filed for insurance benefits and the damage to your personal property is not covered by your insurance. You may be eligible for help from IHP to repair damage to your property.
- ñ You or someone who lives with you is a citizen of the United States, a non-citizen national, or a qualified alien.
- ñ You have necessary expenses or serious needs because of the disaster.
- ñ You have accepted assistance from all other sources for which you are eligible, such as insurance proceeds or SBA loans.

You may not be eligible for money or help from IHP if:

- ñ You have other, adequate rent-free housing that you can use (for example, rental property that is not occupied).
- ñ Your home that was damaged is your secondary or vacation residence.
- ñ Your expenses resulted only from leaving your home as a precaution and you were able to return to your home immediately after the incident.
- ñ You have refused assistance from your insurance provider(s).
- ñ Your only losses are business losses (including farm business other than the farmhouse and self-employment) or items not covered by this program.
- ñ The damaged home where you live is located in a designated flood hazard area and your community is not participating in the National Flood Insurance Program. In this case, the flood damage to your home would not be covered, but you may qualify for rental assistance or items not covered by flood insurance, such as water wells, septic systems, medical, dental, or funeral expenses.

Types of Eligible Losses

IHP only covers repairs or replacement of items that are damaged as a direct result of the disaster that are not covered by insurance. Repairs or rebuilding may not improve your home above its pre-disaster condition unless such improvements are required by current building codes.

Housing Needs: Money to repair your home is limited to making your home safe and sanitary so you can live there. IHP will not pay to return your home to its condition before the disaster. You may use your money provided for housing needs to repair:

- ñ Structural parts of your home (foundation, outside walls, and roof).
- ñ Windows, doors, floors, walls, ceilings, and cabinetry.
- ñ Septic or sewage system.
- ñ Well or other water system.
- ñ Heating, ventilating, and air conditioning system.
- ñ Utilities (electrical, plumbing, and gas systems).
- ñ Entrance and exit ways from your home, including privately owned access roads.

- ñ Blocking, leveling, and anchoring of a mobile home and reconnecting or resetting its sewer, water, electrical and fuel lines, and tanks.

Other than Housing Needs: Money to repair damaged personal property or to pay for disaster-related necessary expenses and serious needs is limited to items or services that help prevent or overcome a disaster-related hardship, injury or adverse condition. IHP will not pay to return or replace your personal property to its condition before the disaster. You may use your money provided for other than housing needs to repair or pay for:

- ñ Disaster-related medical and dental costs.
- ñ Disaster-related funeral and burial cost.
- ñ Clothing; household items (room furnishings, appliances); tools (specialized or protective clothing and equipment) required for your job; necessary educational materials (computers, school books, and supplies).
- ñ Fuels for primary heat source (heating oil, gas, firewood).
- ñ Disaster-specified clean-up items (wet/dry vacuum, air purifier, and dehumidifier).
- ñ A vehicle damaged by the disaster.
- ñ Moving and storage expenses related to the disaster (moving and storing property to avoid additional disaster damage while disaster-related repairs are being made to the home).
- ñ Other necessary expenses or serious needs as determined by FEMA.

Important Information About Disaster Help

Money received from IHP for Housing and Other than Housing Needs must be used for eligible expenses only, as identified by FEMA:

- ñ **If you do not use the money as explained by FEMA, you may not be eligible for any additional help and may have to give the money back.**
- ñ Is usually limited to up to 18 months from the date the President declares the disaster.
- ñ Does not have to be repaid.
- ñ Is tax-free.

ñ Is not counted as income or a resource in determining eligibility for welfare, income assistance, or income-tested benefit programs funded by the Federal government.

ñ Is exempt from garnishment, seizure, encumbrance, levy, execution, pledge, attachment, release, or waiver.

ñ May not be reassigned or transferred to another person.

ñ *You must keep receipts or bills for 3 years to demonstrate how all of the money was used in meeting your disaster-related need.*

Before you begin any repairs, check with your local building department to find out what local permits or inspections are required.

If You Are Eligible For Help

If your application for help under IHP has met the required conditions and has been approved, the money or help you receive must be used as described below. Money from this program may **not** be used to pay for staying with family or friends. Below is an explanation of the categories.

Dental: Money to address the cost of dental treatments due to dental injuries received during the disaster.

Funeral: Money to address the cost of funeral services, burial or cremation, and other funeral expenses related to a death caused by the disaster.

Home Repair: Money, available to homeowners, to address the cost of labor and materials to make repairs to your home to make it safe, sanitary and/or functional.

Housing Assistance: Help with the cost of disaster-related housing needs.

Medical: Money to address the cost of medical treatment or the purchase of medical equipment required because of physical injuries received as a result of the disaster.

Moving and Storage: Money to address the costs of moving and storing personal property from the disaster-damage dwelling to avoid additional disaster-related damage.

Other: Money to address the cost of other specific disaster-related needs approved for the disaster.

Permanent/Semi Permanent Housing: Due to a lack of rental resources, the infeasibility of home repair and replacement housing assistance and the lack of available building contractors in your area, FEMA will have your home rebuilt.

Personal Property: Money to address the cost of repairing and/or replacing disaster-damaged items, such as furniture, bedding, appliances, and clothing.

Rental Assistance: Money to address the cost of renting another place to live. For homeowners, this money may be provided in addition to Home Repair, if needed.

Replacement Housing: Money to help with the cost of replacing your home, up to the limits allowed by law, because it is not safe, sanitary, and/or functional.

Transient Accommodations: Money to address the cost of temporary lodging expenses (hotel or motel) related to the disaster.

Transportation: Money to address the cost of repairing and/or replacing your vehicle that is no longer usable because of disaster-related damage.

Information About Insurance and Disaster Help

If you have not already contacted your insurance agent to file a claim, please do this as soon as possible. Failure to file a claim with your insurance company may affect your eligibility for assistance from IHP. After filing your claim, if any of the following situations occur, please call the FEMA Disaster Helpline at 1-800-621-FEMA (3362) for additional information.

- ñ **Your insurance settlement is delayed.** If a decision on your insurance settlement has been delayed longer than 30 days **from the time you filed the claim**, you will need to write a letter to FEMA explaining the circumstance. You should include documentation from the insurance company proving that you filed the claim. If you filed your claim over the telephone, you should include the claim number, date when you applied, estimated time of how long it will take to receive your settlement. Any help awarded to you by FEMA would be considered an advance and must be repaid to FEMA once an insurance settlement is received.

- ñ **Your insurance settlement is insufficient to meet your disaster-related needs.** If you have received the maximum settlement from your insurance and still have an unmet disaster-related need, you will need to write a letter to FEMA indicating the unmet disaster-related need. You will also need to send in documentation from your insurance company for review.
- ñ **You have exhausted the Additional Living Expenses (ALE) provided by your insurance company.** If you have received the maximum settlement from your insurance for Additional Living Expenses (Loss of Use) and still need help with your disaster-related temporary housing need, write a letter to FEMA, indicating why you continue to have a temporary housing need. You will also need to provide documentation to prove exhaustion of the housing portion of your ALE from insurance, and a permanent housing plan.
- ñ **You are unable to locate rental resources in your area.** The FEMA Helpline has a list of rental resources in the disaster area. If no resources are available in your county, then the Helpline agent can provide you with resources in an adjacent county.

You have up to twelve (12) months from the date you registered with FEMA to submit your insurance information for review. By law, IHP cannot provide money to individuals or households for losses that are covered by insurance.

I Want to Have My Case Reviewed Again (Appeal)

You may appeal any decision. Appeals may relate to your eligibility, the amount or type of help provided to you, late applications, requests to return money, or questions regarding continuing help. When you appeal a decision, you are asking IHP to review your case again. Before you appeal a decision, please refer to the specific information in this guide about qualifying for help or refer to the letter sent to you about your eligibility for assistance. This guide should answer most of your questions about the expenses covered under this program.

If, after you review this guide, you still do not agree with the decision about your application or help received, **follow these steps below to appeal the decision:**

Steps for filing an Appeal:

1. Explain in writing why you think the decision about the amount or type of assistance you received is not correct.

- ñ **When submitting your letter**, please include your full name, date and place of birth, and address. In addition, your letter must be either notarized, include a copy of a state issued identification card, or include the following statement, “I hereby declare under penalty of perjury that the foregoing is true and correct.” You must sign the letter.
 - ñ **If someone other than you or the co-applicant is writing the letter**, then a statement must be included saying that that person may act for you.
2. Include the FEMA application number and disaster number (shown at the top of your decision letter) in your letter of appeal.
 3. Mail your appeal letter to:

FEMA
National Processing Service Center
P.O. Box 10055
Hyattsville, MD 20782-7055
 4. You can fax your appeal letter to:

(800) 827-8112
Attention: FEMA

IMPORTANT: To be considered by IHP, your appeal letter must be postmarked within 60 days of the date of the individual or household decision letter’s date. Remember to date your letters.

Requesting your file:

If you need information about your case, you or the co-applicant on your application may request a copy of the information in your file by writing to:

FEMA – Records Management
National Processing Service Center
P.O. Box 10055
Hyattsville, MD 20782-7055

To help protect the privacy of your personal information, whenever you write an appeal or request letter to FEMA you should include your full name, date and place of birth, damaged dwelling address, FEMA application number, and disaster number. In addition, your letter must be either notarized, include a copy of a state issued identification card, or include the following statement, “I hereby declare under penalty of perjury that the foregoing is true and correct.” You must sign the letter.

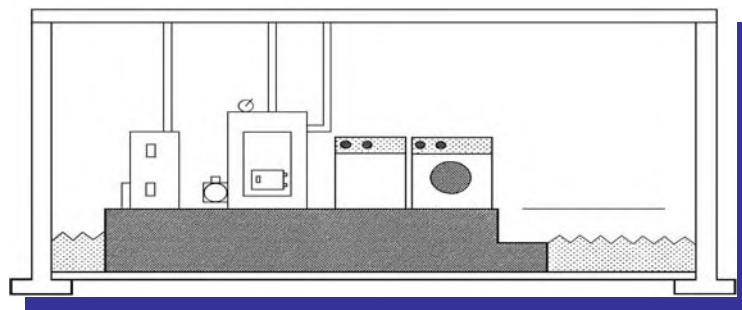
If someone other than you or the co-applicant is submitting your appeal or requesting a copy of your file, then the request also must contain a statement from you giving that person your authorization to request this information.

Rebuilding and Repairing— Mitigation Measures

Mitigation measures are building improvements that reduce the risk of damage in future events. After a major disaster, you will make many decisions as you rebuild or repair property that was damaged. Some of these decisions could help protect your property from damage if another disaster occurs. For example, if appliances or major utilities are raised off the ground, the likelihood of damage from flooding is reduced.

A FEMA Mitigation Advisor at your local Disaster Recovery Center can give you more information about reducing future losses through mitigation. Listed below are a few examples of mitigation measures.

- ñ Elevate or relocate an electrical panel.
- ñ Elevate or relocate a clothes washer or dryer.
- ñ Anchor a fuel storage tank.
- ñ Level and anchor a mobile home.
- ñ Elevate, relocate, or strap a water heater.
- ñ Relocate a heating unit



Elevation of a hot water heater, furnace, washer and dryer.

For information about mitigation projects such as the one shown on this page, call or visit your local emergency management planning official, State Hazard Mitigation Officer, or FEMA staff at a Disaster Recovery Center. Information on mitigation also is available at: www.fema.gov.

To order publications about mitigation projects, call FEMA Publications at 1-800-480-2520.

Information About Additional Disaster Assistance Program Information

This section contains a general listing of the types of disaster help available during a Presidentially declared major disaster. During a major disaster if you feel you have disaster-related needs that can be addressed by an agency or service listed in this section, you should contact the FEMA Disaster Helpline at 1-800-621-FEMA (3362) (hearing/speech impaired ONLY — call 1-800-462-7585) for referral information.

Aging Services: Services are available to meet the needs of the elderly who have been directly affected by a declared disaster (i.e., transportation, meals, home care, etc.).

Agricultural Aid: The USDA Rural Development may make emergency loans to farmers and ranchers (owners or tenants) who were operating and managing a farm or ranch at the time of the disaster. These loans are limited to the amount necessary to compensate for actual losses to essential property and/or production capacity. Farmers and ranchers may also apply for cost sharing grants for emergency conservation programs such as debris removal from crop/pasture lands, repairs to land/water conservation structures, and permanent fencing. Further information is available from the USDA Farm Service Agency (FSA).

Assistance From Financial Institutions: Banks that are members of the Federal Deposit Insurance Corporation (FDIC), Federal Reserve System (FRS), or the Federal Home Loan Bank Board (FHLBB) may permit early withdrawal of time deposits, without penalty. Contact your financial institution to see if they have obtained a waiver from their regulatory agency.

Business Loan Program: Disaster loans through the Small Business Administration (SBA) are available to businesses to repair or replace destroyed or damaged business facilities, inventory, machinery, or equipment. The maximum loan amount is \$ 1,500,000. If you have been referred to this program you will be receiving an application package in the mail. For more information or help in completing this form, refer to your SBA application package or the SBA website at www.sba.gov.

Consumer Services: Counseling is available on consumer problems such as non-availability of products and services needed for reconstruction, price gouging, disreputable business concerns and practices, etc.

Crisis Counseling: Referral services and short-term intervention counseling is available for mental health problems caused or aggravated by the disaster.

Disaster Unemployment Assistance: This assistance provides weekly benefit payments to those out of work due to the disaster, including self-employed persons, farm and ranch owners, and others not covered under regular unemployment insurance programs.

Emergency Assistance: Emergency food, clothing, shelter, and medical assistance may be provided to individuals and families having such needs as a result of the disaster. The American Red Cross (ARC), the Salvation Army, church groups, and other voluntary organizations can provide assistance.

Financial Counseling: Provides financial and economic guidance and assistance to individuals and small businesses affected by disasters. **Hope Coalition America** offers free financial counseling and provides helpful documents such as the "Emergency Financial First Aid Kit" and the "Personal Disaster Preparedness Guide." These documents are available and can be downloaded for free from their website at www.operationhope.org. For more information you can call: 1-888-388-HOPE (4673).

Hazard Mitigation: You may receive funds to prevent future damage to your major utilities (i.e., furnace, water heater, and electrical service) by either elevation or relocation of these utilities in your home.

Home and Personal Property Loan Program: Disaster loans through the Small Business Administration (SBA) are available to homeowners and renters for restoring or replacing disaster damaged real and personal property. The maximum real estate portion of the loan is \$200,000 and for personal property \$40,000. The loan amount is limited to the amount of uninsured SBA verified losses. If you have been referred to this program you will find more information in the "Application Summary" on the back of the Disaster Assistance Application Form.

Insurance Information: Help and/or counseling is available on insurance problems and questions, which may include obtaining copies of lost policies, claims filing, expediting settlements, etc. If you have not been able to resolve your problem with your insurance company you may contact your State Insurance Commissioner. For flood insurance inquiries, contact the National Flood Insurance Program (NFIP).

Legal Services: Free or reduced legal services, including legal advice, counseling, and representation may be provided to low-income disaster victims.

Social Security: Help is available from the Social Security Administration (SSA) in expediting delivery of checks delayed by the disaster and for assistance in applying for Social Security disability and survivor benefits.

Federal Tax Assistance: The federal tax laws allow the Internal Revenue Service (IRS) to grant relief to taxpayers who are victims of a Presidentially declared disaster. This relief includes postponing tax deadlines to provide you with extra time to file and pay before you will be assessed any penalty, additional amount, or addition to the tax, or abating your interest for periods for which you received an extension of time to file tax returns and pay taxes because you were located in a Presidentially declared disaster area.

Generally, qualified disaster relief payments are not required to be reported in gross income. Qualified disaster relief payments include payments received from any source to pay reasonable and necessary personal, family, living, or funeral expenses incurred as a result of a Presidentially declared disaster. The IRS may allow casualty losses that were suffered on home, personal property, and household goods to be deducted on the income tax return if they are not covered by insurance. Taxpayers may also file an amended return to receive an early tax refund. More information, forms and publications can be found on the IRS web at <http://www.irs.gov/newsroom/article/0,,id=108362,00.html>.

Other Tax Assistance: County tax assessors may provide information and assistance on possible property tax relief.

Veteran's Benefits: The Veterans Administration (VA) can expedite delivery of information about benefits, pensions, insurance settlements, and VA mortgage loans.

Frequently Asked Questions and Answers

1. Disaster Awards: Federal Emergency Management Agency (FEMA)

What is FEMA? FEMA is the Federal Emergency Management Agency, which is responsible for providing and coordinating emergency services in Presidentially declared disaster areas. FEMA works as a partner with other parts of the Federal government and with State and local governments and voluntary organizations.

What types of disaster assistance programs are available in a disaster? There are two primary Federal programs that offer disaster assistance:

- ñ FEMA's **Individuals and Households Program** provides money and direct services to those affected by a major disaster. Requirements must be met to qualify for help from this program.
- ñ The **U.S. Small Business Administration** provides low-interest loans for damage to property owned by homeowners, renters, businesses and private non-profit organizations that are not fully covered by insurance.

Does disaster help have to be repaid? Money received through FEMA's Individuals and Households Program does not have to be repaid. Loans from the Small Business Administration must be repaid.

Can I apply for assistance for my damaged car? Yes. You will need to provide proof of ownership and insurance information.

Can I apply for assistance for food that has been lost because of the disaster? No. Food loss is not covered by IHP. Voluntary organizations in the disaster area may be able to help you with food needs.

Will any program pay for moving and storage expenses? Costs of moving and storage may be covered by IHP, if these costs are directly related to the disaster. Submit receipts to IHP to see if they are covered.

What happens after I apply for help with FEMA? Within about ten days of your application to FEMA, if you are uninsured or lack the appropriate insurance coverage, a qualified inspector will contact you to set up a time to see the damage to your property that was caused by the disaster. Your losses will be recorded and submitted to IHP. Within about ten more days, you should have a decision from IHP about whether you qualify for help from IHP. If you have been referred for a disaster loan from the U.S. Small Business Administration (SBA), SBA also will contact you and schedule an appointment to review your disaster-related losses.

How long will it take to get FEMA/State disaster help? If you are eligible for help, you should receive a U.S. Treasury/State check or notification of a deposit to your bank account within about ten days of the inspector's visit. Other types of assistance may be provided later, based on specific eligibility and need.

If I have questions about my application or need to change some of the information I provided, what should I do? Call the FEMA Disaster Helpline at 1-800-621-FEMA (3362) (hearing/speech impaired only: 1-800-462-7585) or visit our website at www.fema.gov.

If it has been more than 12 days since the FEMA inspector's visit and there has been no word from FEMA, what should I do? Call the FEMA Disaster Helpline at 1-800-621-FEMA (3362) (hearing/speech impaired only: 1-800-462-7585) visit our website at www.fema.gov to check on the status of your application. If there is a Disaster Recovery Center (DRC) in your area, you also may inquire there about your application.

If I do not agree with the results of the inspection or with the amount of money I received from FEMA, what should I do? You can appeal the decision. Appeal procedures are outlined in this guide (page 9), or you can call the FEMA Disaster Helpline at 1-800-621-FEMA (3362) (hearing/speech impaired only: 1-800-462-7585) for information about the appeal process.

What type of ownership documentation can I provide to support my application for help? Below are a few types of documents that may be provided to prove ownership:

- ñ Deed or Official record may be the original deed or deed of trust to the property listing you as the legal owner.
- ñ Title number which lists you on the actual escrow or title document for the purchase of the dwelling.
- ñ Mortgage payment book or other mortgage documents (i.e. late payment notice, foreclosure notice) may be used to verify the ownership when your name is listed along with the damaged dwelling address.
- ñ Real property insurance must be for the damaged dwelling with your name listed as the Insured.
- ñ Tax receipts or a property tax bill showing the damaged dwelling and listing you as the responsible party to the assessments.

What type of occupancy documentation can I provide to support my application for help? Below are a few types of documents that may be provided to prove occupancy:

- ñ Utility Bill for the damaged dwelling with your name (or name of co-applicant). The utility bill should be for one of the major utilities, such as electricity, gas, or water.
- ñ Merchant's Statement sent to the damaged dwelling with your name (or name of co-applicant). Merchant statements include: credit card bills, delivery notices, or other first class mail addressed to you and showing the damaged dwelling address.
- ñ Employer's Statement sent to the damaged dwelling with your name (or name of co-applicant). An employer's statement refers to pay stubs and similar documents sent to you and showing the damaged dwelling address.
- ñ Current Driver and Non-Driver's License showing the address of the damaged dwelling.

Where can I get information about flood insurance? Call a local, licensed casualty or property insurance agent or call the National Flood Insurance Program at 1-800-427-4661.

Should I begin cleaning my home before the inspection? You may clean before the inspection. If possible, take photos of the damage before you clean.

Should I keep my receipts? Yes, you should keep receipts for all of your expenses.

2. Disaster Loans: U.S. Small Business Administration (SBA):

Why did I receive a disaster loan application from SBA after applying with FEMA?

SBA is the primary source of federal funds for long-term recovery assistance for disaster victims. For disaster damage to private property owned by homeowners, renters, and non-farm businesses of all sizes, which is not fully covered by insurance, the basic form of Federal help is a low-interest disaster loan from the SBA. By making affordable loans, the SBA disaster loan program helps disaster victims pay for their repairs while keeping costs to the taxpayer reasonable.

How can I get help filling out the application for an SBA disaster loan? SBA has loan officers in SBA local disaster offices to provide face-to-face service to disaster victims. You may visit SBA at any of these locations, and without an appointment. An SBA representative will be glad to answer questions and to help complete your application. To find out where SBA disaster offices are located, call SBA toll-free at 1-800-488-5323.

If I have already received a check from FEMA, but it was not enough to pay for all the work needed to fix the disaster damages, can I get more help? Yes. SBA disaster loans are available to cover the amount of repair costs that have not already been fully

compensated. Application should be made to SBA for any additional amount needed to complete recovery.

I think I can pay for the repairs on my own, should I apply for a disaster loan? You may discover that the total costs to complete repairs on your own are more than you planned. With an approved SBA loan, you will know that the funds to make full repairs are available. While no one wants additional debt, a low interest loan with affordable payments is a better alternative than not making complete disaster repairs.

What happens if I cannot afford a loan to repair damaged property? If SBA determines you cannot afford a loan, SBA will automatically refer you back to FEMA for additional help. FEMA may be able to provide money for other than housing needs; however, this additional help is not available to businesses. FEMA's additional help is intended to help meet necessary expenses and serious needs not met by any other form of assistance, including insurance and SBA disaster loans. **Remember**, if you were sent an SBA disaster loan application, SBA will not refer you back to FEMA unless a completed loan application is returned to the SBA and SBA determines that you cannot afford a loan. You do not have to submit an SBA loan application to be considered for FEMA rental assistance.

3. Your Civil Rights and Disaster Assistance

What forms of discrimination do Civil Rights laws prohibit? There are many forms of illegal discrimination that can limit the opportunity of people to gain equal access to services and programs. Among other things, in operating a FEMA-assisted program, a recipient (state or local government agency that receives Federal disaster funds from FEMA) cannot, on the basis of race, color, religion, nationality, sex, age, or economic status, either directly or through contractual means:

- ñ Deny program services, aids or benefits;
- ñ Provide a different service, aid or benefit, or provide them in a manner different than they are provided to others; or,
- ñ Segregate or separately treat individuals in any matter related to the receipt of any service, aid, or benefit.

These prohibitions also apply to FEMA itself in its operation of federally conducted programs.

What if I have a Civil Rights complaint? Each Federal Agency that provides Federal financial assistance is responsible for investigating complaints of discrimination in the use of its funds. If you believe you or others protected by the Civil Rights laws have been discriminated against in receiving disaster assistance, you may contact one of

FEMA's Equal Rights Officers (ERO), who has the job of ensuring equal access to all FEMA disaster programs. The ERO will attempt to resolve your issues. You may reach the ERO by calling 1-800-621-FEMA (1-800-621-3362) or TTY 1-800-462-7585.

If the matter is not resolved, you may file a complaint with FEMA. A signed, written complaint should be sent to the Office of Equal Rights, generally within 180 days of the date of the alleged discrimination. The complaint must include:

- ñ Your name, address, and telephone number. Your complaint must be signed. If you are filing on behalf of another person, include your name, address, telephone number, and your relationship to that person (e.g., friend, attorney, parent, etc.)
- ñ The name and address of the agency, institution or department you believe discriminated against you.
- ñ How, why, and when you believe you were discriminated against. Include as much background information as possible about the alleged acts of discrimination. Include names of individuals whom you allege discriminated against you, if you know them.
- ñ The names of any persons, if known, that FEMA could contact for additional information to support or clarify your allegations about discrimination in the operation of federally conducted programs.

What will FEMA do with my complaint? Once a complaint is filed, it will be reviewed by FEMA to determine whether it has jurisdiction to investigate the issues you have raised. If your complaint is accepted, FEMA will investigate it and attempt to resolve any violations that are found. If negotiations to correct a violation are unsuccessful, enforcement proceedings may be instituted.

What if I am retaliated against for asserting my rights or filing a complaint? You should be aware that a recipient or a Federal agency is prohibited from retaliating against you or any person because he or she opposed an unlawful policy or practice, or made charges, testified, or participated in any complaint action under a Civil Rights law. If you believe that you have been retaliated against, you should immediately contact FEMA's Office of Equal Rights.

Description of Ineligible Reasons

1. Initial Decisions

I69B – Ineligible – Signature Not Obtained (90-69B): Based on FEMA records, no signed Declaration & Release Form (90-69B) for the application is on file. This form is required before FEMA can provide assistance.

IAW – Ineligible - Same Address: Based on FEMA records, at the time of the disaster the applicant was living at the same address as someone who already applied for FEMA housing assistance. FEMA can only provide assistance for one application per address.

IDUPA – Ineligible – Duplicate Registration: Based on FEMA records, an applicant already has an application for assistance on file for this disaster. FEMA can only consider a single application from an applicant.

IID – Ineligible – Insufficient Damage: Based on a FEMA inspection, it was determined that the disaster had not caused the applicant's home to be unsafe to live in. This determination was based solely on the damages to the home that are related to the disaster.

IIDV – Ineligible – Failed Identity Verification: Before we are able to consider an application for disaster assistance, FEMA is required to verify the information provided on an application. At this time we are unable to match the applicant name and social security number in order to verify identity.

IMI – Ineligible – Missed Inspection: Based on our records, the applicant did not keep appointments with the FEMA inspector. In order to be considered for FEMA housing assistance, the applicant (or another household member over the age of 18) must meet with the inspector to evaluate the disaster related damages to the home. At this time, the applicant is not eligible to be considered for FEMA housing assistance.

INCI – Ineligible – No Contact Inspection: A FEMA inspector has not been able to contact the applicant to schedule an appointment. In order to be considered for FEMA housing assistance, the applicant (or another household member over the age of 18) must meet with an inspector to evaluate the disaster related damages to the home. At this time, the applicant is not eligible to be considered for FEMA assistance.

INFI – Ineligible – Flood Insurance: Based on our records, the home that the applicant lived in at the time of the disaster is covered by flood insurance. At this time, the

applicant is not eligible for assistance for damages to the home that are covered by flood insurance.

INI – Ineligible – Insurance (with inspection): Based on our records, the home that the applicant lived in at the time of the disaster is covered by insurance. Any damages identified in the FEMA inspection should be covered by the applicant's insurance. FEMA cannot provide assistance which is available from another source, including insurance; therefore, the applicant is not eligible for FEMA home repair or replacement assistance at this time. The applicant should file a claim with their insurance agent as soon as possible because FEMA may be able to assist with losses not covered by insurance.

INO - Appeal – Ineligible – Insurance Covers Living Expenses: Based on the information the applicant submitted, the insurance he/she has on his/her home provides funds to rent a temporary place to live while repairs are being made to the home. We have not received documents that show the applicant has used all available funds for renting a temporary place to live or that the insurance settlement has been delayed longer than 30-days from when the applicant filed a claim. As a result, the applicant's appeal is denied and he/she is not eligible to receive rental assistance from FEMA.

INO – Ineligible – Not a Legal Resident: A signed Declaration and Release Form (90-69B) is required before FEMA can consider an applicant for any assistance he/she may be eligible to receive. Based on our records, the applicant has not indicated that he/she or a member of his/her household is a U.S. Citizen, Non-Citizen National, or a Qualified Alien. As a result, the applicant is not eligible for FEMA assistance.

INO – Ineligible – Ownership Not Proven: Our records indicate that the applicant has not proven that he/she owned the home at the time of the disaster. As a result, the applicant is not eligible for FEMA home repair or replacement assistance.

INONV – Ineligible – Occupancy Not Verified: When the applicant applied for FEMA assistance, he/she informed FEMA that the home damaged by the disaster was where he/she live the majority of the year. At the time of the FEMA inspection, the applicant was unable to provide documents that demonstrate that the home we inspected is where he/she live(d). Until we can verify that the applicant lived at the address provided, the applicant is not eligible for FEMA housing assistance.

INR – Ineligible – Will Not Relocate: Based on FEMA records, the applicant told the FEMA inspector that he/she is not going to move from his/her damaged home while repairs are being made. Since the applicant does not plan to move, he/she is not eligible for FEMA rental assistance at this time.

INS – Ineligible – Insured (with no inspection): Based on our records, the home that the applicant lived in at the time of the disaster is covered by insurance. Any damages reported at the time of the application for FEMA assistance should be covered by the applicant's insurance. FEMA cannot provide assistance which is available from another source, including insurance; therefore, the applicant is not eligible for FEMA home repair or replacement assistance at this time. The applicant should file a claim with his/her insurance agent as soon as possible because FEMA may be able to assist with losses not covered by insurance.

IOVR - Ineligible – Over Program Maximum: Based on FEMA's records, the maximum amount of FEMA financial assistance has already been provided to the applicant for housing and/or other disaster needs. As a result, the applicant is not eligible to receive additional financial assistance from FEMA.

ISC – Ineligible - Sanctioned Community in SFHA: Based on FEMA records, the home was damaged by flood and is located in a flood zone in a community that is not currently participating in the National Flood Insurance Program. Because the flood-damaged home is located in a special flood hazard area and the applicant's community is not participating in the National Flood Insurance Program, FEMA is not allowed to provide repair or replacement assistance at this time.

NCOMP - Noncompliant with Flood Insurance Requirement: Based on FEMA records, the applicant has a requirement to maintain flood insurance coverage on the property. Since the home was damaged by flood and the applicant does not have an active flood insurance policy on file with the National Flood Insurance Program, FEMA cannot provide repair or replacement assistance at this time. However, FEMA may be able to provide rental assistance if an inspector determined that the home is unsafe and the applicant needs to relocate while repairs are being made.

WVO – Withdrawn – Applicant Withdrew Voluntarily: Based on FEMA records, the applicant indicated that he/she did not want FEMA assistance. As a result, the FEMA application for disaster assistance was withdrawn.

2. Appeal Decisions

A-I69B – Appeal – Ineligible - Signature Not Obtained (90-69B): According to FEMA records, no signed Declaration & Release Form (90-69B) is on file for the applicant. FEMA can only provide assistance if the 90-69B form is signed, dated and in the file.

A-IAW – Appeal – Ineligible – Same Address: In a previous letter, we explained that our records showed that at the time of the disaster the applicant was living at the same address as someone who already applied for FEMA housing assistance. FEMA

reviewed the appeal and additional documents provided and were still not able to verify that the applicant lived at a different address than the person who applied. As a result, the appeal is not approved and the applicant is not eligible for housing assistance from FEMA.

A-IID – Appeal – Ineligible – Insufficient Damage – Owner: In a previous letter, we explained that the applicant was not eligible for FEMA housing assistance because when FEMA inspected the home it was determined that the disaster had not caused the applicant's home to be unsafe to live in. This determination was based solely on the damages to the home that are related to the disaster. We explained that although the disaster may have caused some minor damage, it was reasonable to expect the applicant or their landlord to make these repairs. We described the documents that could be submitted to show that the damage to the home was caused by the disaster and has caused unsafe or unlivable conditions. We have reviewed the appeal and determined that our initial decision was correct. The home did not suffer disaster related damage that made it unsafe for the applicant to live in after the disaster.

A-IIDV – Appeal – Ineligible – Failed Identity Verification: In a previous letter, we explained we needed additional information to verify the applicant's identification before we could consider the application for disaster assistance. FEMA is required to verify the information provided on an application and we were unable to match the applicant's name and social security number to verify the identity. We described the documents that might provide the needed verification. We have reviewed the applicant's appeal and additional documents provided and have still been unable to verify identity. FEMA is not able to provide any assistance to individuals without first verifying their identity. As a result, the appeal is not approved and we are not able to process the application further at this time.

A-IMI - Appeal – Ineligible – Missed Inspection: In a previous letter, we explained that in order to be considered for FEMA housing assistance, the applicant (or another household member over the age of 18) must meet with the inspector to assess the disaster related damages to your home, and that our records showed that the applicant did not keep appointments with the FEMA inspector. The applicant contacted the FEMA Helpline and another inspector was assigned to assess the home. Once again the applicant did not keep the appointment. As a result, we will not be able to assist the applicant further.

A-INCI – Appeal – Ineligible – No Contact Inspection: In a previous letter, FEMA explained that in order to be considered for FEMA housing assistance, the applicant (or another household member over the age of 18) must meet with an inspector to assess the disaster related damages to the home, and that a FEMA inspector had not been able to contact the applicant to schedule an appointment. The applicant contacted the FEMA

Helpline and another inspector was assigned to assess the home. After repeated attempts, that inspector has been unable to reach the applicant to schedule an inspection. As a result, we will not be able to assist the applicant further.

A-INFI - Appeal – Ineligible – Missing Flood Insurance Settlement or Denial Letter:

In a previous letter, we explained that the applicant was not eligible for FEMA home repair or replacement assistance because the applicant has flood insurance. We described the documents that could be sent to appeal our decision. We have reviewed the applicant's appeal and additional documents provided and we are still not able to verify the amount of the applicant's insurance settlement. As a result, the appeal is not approved and the applicant is not eligible for FEMA housing assistance.

A-INI, A-INS - Appeal – Ineligible – Missing Insurance Settlement or Denial Letter:

In a previous letter, we explained that the applicant was not eligible for FEMA home repair or replacement assistance because they have insurance on their home. That letter also described the documents that the applicant could send to appeal our decision. We have reviewed the documents that applicant provided and we are unable to process the appeal because we did not receive detailed insurance settlement documents or an insurance denial letter. If the applicant has questions about what documents are still needed, they should contact the FEMA Helpline.

A-INO - Appeal – Ineligible – After 60 Day Deadline: In a previous letter, we explained that any appeal of a FEMA decision must be submitted within 60 days of our decision letter. The applicant did not submit an appeal until after the 60 day deadline. As a result, the appeal will not be considered unless one of the following conditions prevented the applicant from completing an appeal: 1). Hospitalization, illness, disability, or death of an immediate family member; 2). Personal or business travel that kept the applicant out of the area for the full appeal period. If the applicant wants FEMA to consider an appeal, the applicant may send a letter of explanation and all related documents that clearly show why the applicant was unable to complete an appeal.

A-INO - Appeal – Ineligible – Insurance Settlement Exceeds FEMA Eligible Damage:

Unlike private insurance, FEMA housing repair program is limited only to essential repairs. As a result, it is not uncommon for insurance settlements to exceed what FEMA can provide for repair assistance. Because FEMA cannot duplicate assistance provided by insurance, the applicant's appeal is not approved.

A-INO - Appeal – Ineligible – Not a Legal Resident: In a previous letter, we explained that FEMA could not consider the applicant for any assistance that they may be eligible to receive until they indicate on a Declaration and Release Form (90-69B) that they or a member of their household is a U.S. Citizen, Non-Citizen National, or a Qualified Alien. We also suggested that the applicant complete and submit another form. We have

reviewed the applicant's appeal and the additional documents provided and we are still unable to determine that the applicant or a member of their household is a U.S. Citizen, Non-Citizen National, or Qualified Alien. As a result, the applicant's appeal is denied and they will not be considered for FEMA assistance.

A-INO - Appeal – Ineligible – Ownership Not Proven: In a previous letter, we explained that the applicant has not proven that he/she owned the home at the time of the disaster. We described the documents that applicant could submit which would show ownership of the damaged home. We have reviewed the applicant's appeal and the additional documents provided; however, we are still not able to verify that the applicant owned the home. As a result, the appeal is denied and the applicant is not eligible for FEMA home repair or replacement assistance.

A-INO - Appeal - Ineligible – Unable to Reimburse over Approved Rental Rate: Previously, we explained that the amount of FEMA monthly rental assistance is based on the number of occupied bedrooms in the applicant's home at the time of the disaster and is limited to rental rates determined by FEMA and the U.S. Department of Housing and Urban Development (HUD). We have reviewed the applicant's appeal and additional information provided. We have determined that the monthly rate we paid the applicant was the appropriate amount. As a result, the appeal is denied and we are not able to pay you a higher monthly rental rate.

A-INONV - Appeal - Ineligible – Occupancy Not Verified: In a previous letter, we explained that we could not verify that the home the applicant reported as damaged by the disaster was where he/she live(d). We have reviewed the applicant's appeal and additional documents provided and we are still not able to verify that the home the applicant reported was where he/she live(d). As a result, the applicant's appeal is not approved and they are not eligible for FEMA housing assistance.

A-IOVR - Appeal - Ineligible – Over Program Maximum: In a previous letter, we explained that the applicant was not eligible for further assistance from FEMA because the maximum amount of FEMA financial assistance had already been provided for housing and/or other disaster needs. We have reviewed the appeal and additional documents provided. Our records still show that the applicant has reached the FEMA maximum financial assistance limit. Therefore, we are unable to provide the applicant additional assistance from FEMA.

A-ISC - Appeal - Ineligible - Sanctioned Community in SFHA: In a previous letter, we explained the applicant was not eligible for FEMA home repair or replacement assistance because the home is located in a flood zone within a community that is not currently participating in the National Flood Insurance Program (NFIP). That letter also described the documents that the applicant could send to appeal our decision. We have

reviewed the appeal and additional documents provided. Our records still show that the applicant's home is located in a flood zone and that the damages to the home were caused by flood. As a result, the appeal is denied and the applicant is not eligible for FEMA housing assistance.

A-NCOMP - Appeal - Noncompliant with Flood Insurance Requirement: In a previous letter, we explained the applicant was not eligible for FEMA home repair or replacement assistance because they did not maintain the required flood insurance for their property. Since we have not received documentation to determine that the home was not damaged by flood and/or we have not received documents showing that the applicant does have an active flood insurance policy on the property, the appeal is denied.

Sample - FEMA Form 90-69B

Declaration and Release

DEPARTMENT OF HOMELAND SECURITY FEDERAL EMERGENCY MANAGEMENT AGENCY DECLARATION AND RELEASE		<i>O.M.B. No. 1660-0002 Expires May 31, 2010</i>	
DECLARATION AND RELEASE			
<p>In order to be eligible to receive FEMA Disaster Assistance, a member of the household must be a citizen, non-citizen national or qualified alien of the United States. Please read the form carefully, sign the sheet and return it to the Inspector, and show him/her a current form of photo identification. Please feel free to consult with an attorney or other immigration expert if you have any questions.</p>			
<p>I hereby declare, under penalty of perjury that (check one):</p> <div style="margin-left: 20px;"><input type="checkbox"/> I am a citizen or non-citizen national of the United States. <input type="checkbox"/> I am a qualified alien of the United States. <input type="checkbox"/> Print full name and age of minor child: I am the parent or guardian of a minor child who resides with me and who is a citizen, non-citizen national or qualified alien of the United States. Print full name and age of minor child: _____</div>			
<p>By my signature I certify that:</p> <ul style="list-style-type: none">* Only one application has been submitted for my household.* All information I have provided regarding my application for FEMA disaster assistance is true and correct to the best of my knowledge.* I will return any disaster aid money I received from FEMA or the State if I receive insurance or other money for the same loss, or if I do not use FEMA disaster aid money for the purpose for which it was intended. <p>I understand that, if I intentionally make false statements or conceal any information in an attempt to obtain disaster aid, it is a violation of federal and State laws, which carry severe criminal and civil penalties, including a fine up to \$250,000, imprisonment, or both (18 U.S.C. §§ 287, 1001, and 3571).</p> <p>I understand that the information provided regarding my application for FEMA disaster assistance may be subject to sharing within the Department of Homeland Security (DHS) including, but not limited to, the Bureau of Immigration and Custom Enforcement.</p> <p>I authorize FEMA to verify all information given by me about my property/place of residence, income, employment and dependents in order to determine my eligibility for disaster assistance; and</p> <p>I authorize all custodians of records of my insurance, employer, any public or private agency, bank financial or credit data service to release information to FEMA and/or the State upon request.</p>			
NAME (print)	SIGNATURE	DATE OF BIRTH	DATE SIGNED
INSPECTOR ID NO.	FEMA APPLICATION NO.	DISASTER NO.	
ADDRESS OF DAMAGED PROPERTY	CITY	STATE	ZIP CODE
PRIVACY ACT STATEMENT			
<p>The Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. §§ 5121-5206, Executive Order 12148, as amended, and Title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, 8 U.S.C. §§ 1601 et seq., authorize the collection of this information. The primary use of this information is to determine your eligibility to receive FEMA disaster assistance. Disclosures of this information may be made: Upon written request, to federal and state agencies providing disaster assistance, as well as to local governments or voluntary agencies from which you are seeking assistance, so that assistance efforts or benefits are not duplicated; to agencies, organizations and institutions as necessary for FEMA to obtain information from them in making eligibility determinations; to federal, state and local government agencies to promote hazard mitigation planning and enforcement; to law enforcement agencies or professional organizations where there may be a violation or potential violation of law; to a federal, state or local agency when we request information relevant to an Agency decision concerning issuance of a grant or other benefit, or in certain circumstances when a Federal agency requests such information for a similar purpose from us; to a Congressional office in response to an inquiry made at the request of the individual; to the Office of Management and Budget (OMB) in relation to private relief legislation under OMB Circular A-19; and to the National Archives and Records Administration in records management inspections conducted under the authority of 44 U.S.C. §§ 2904 and 2906. Your social security number is solicited during registration pursuant to the Debt Collection Improvement Act of 1996, 31 U.S.C. §§ 3325(d) and 7701(c)(1). Furnishing the social security number, as well as other information, is voluntary, but failure to do so may delay or prevent provision of disaster assistance.</p>			
PAPERWORK BURDEN DISCLOSURE NOTICE			
<p>Public reporting burden for this form is estimated to average 2 minutes per response. The burden estimate includes the time for reviewing instructions, gathering data, and completing and submitting the form. You are not required to complete this collection of information unless a valid O.M.B. control number is displayed in the upper right corner of this form. Send comments regarding the accuracy of the burden and estimate and any suggestions for reducing the burden to: Information Collections Management, U.S. Department of Homeland Security, Federal Emergency Management Agency, 500 C Street, SW, Washington, DC 20472, Paperwork Reduction Project (1660-0002). NOTE: Do not send your completed form to this address.</p>			

FEMA Form 90-69B, MAY 07 REPLACES ALL PREVIOUS EDITIONS

**IF YOU SUSPECT SOMEONE IS FILING
FALSE DAMAGE CLAIMS,
CALL THE FEMA FRAUD HOTLINE:**

1-800-323-8603

**HELP FEMA MAKE SURE
THAT DISASTER AID GOES
ONLY TO THOSE WHO
DESERVE IT.**

**IT IS A VIOLATION OF
FEDERAL LAW TO FILE A
FALSE CLAIM.**

FEMA assistance is available to any affected person or household that meets the conditions of eligibility.
No Federal, State, or local entity or official (or their agent) may discriminate against any individual
because of race, color, religion, sex, age, national origin, disability, or economic status.

FEMA DISASTER ASSISTANCE PROCESS

1. Call (800) 621-FEMA (3362) or for the hearing and speech impaired, call (800) 462-7585 or

www.FEMA.gov

Have the following information ready to give to the person who takes your call:

- Your Social Security number.
- A description of your losses that were caused by the disaster.
- Insurance information.
- Directions to your damaged property.
- A telephone number where you can be contacted.

This information is put into the computer and an application is generated. FEMA will then give you an application number.

If you have questions after you have applied for assistance or if the information you provided has changed, call the FEMA Helpline at (800) 621-FEMA (3362) or (800) 462-7585.

2. Within about 10 days after applying, if an inspection is required to process your application, an inspector will make an appointment to visit your property. There is no fee for the inspection. You must have proof of ownership and occupancy to show the inspector.

- Proof of ownership can be your deed, tax records, mortgage payment book or a copy of your insurance policy.
- Proof of occupancy can be a driver's license address, any first-class government mail sent to you within the last three months, or recent utility bills.

3. Within about 10 days of the inspector's visit, you will receive a letter on whether you will get help.

- If you are eligible for help, the letter will be followed by a U.S. Treasury/State check or there will be a transfer of cash to your bank account. The letter explains what the money can be used for. You should use the money given to you as explained in the letter.
- If you are not eligible for help, the letter will give the reason for the decision. It will tell of your appeal rights.

Appendix

Louisiana Code of Civil Procedure acts 1960, No. 15
Book VII. Special Proceedings
Title XI. Eviction of Tenants and Occupants
Chapter 1. General Dispositions

Art. 4701. Termination of lease; notice to vacate; waiver of notice

When a lessee's right of occupancy has ceased because of the termination of the lease by expiration of its term, action by the lessor, nonpayment of rent, or for any other reason, and the lessor wishes to obtain possession of the premises, the lessor or his agent shall cause written notice to vacate the premises to be delivered to the lessee. The notice shall allow the lessee not less than five days from the date of its delivery to vacate the leased premises.

If the lease has no definite term, the notice required by law for its termination shall be considered as a notice to vacate under this Article. If the lease has a definite term, notice to vacate may be given not more than thirty days before the expiration of the term.

A lessee may waive the notice requirements of this Article by written waiver contained in the lease, in which case, upon termination of the lessee's right of occupancy for any reason, the lessor or his agent may immediately institute eviction proceedings in accordance with Chapter 2 of Title XI of the Louisiana Code of Civil Procedure.

CREDIT(S)

Amended by Acts 1981, No. 713, § 1.

OFFICIAL REVISION COMMENTS

1998 Main Volume

(a) This article covers all cases of termination of lease, regardless of the cause, and fixes a notice period of five days. It represents a change in the prior law under which the notice was five, ten, or thirty days, depending upon the circumstances. The article also permits the lessor in the case of a lease having a fixed term to anticipate that the tenant will not vacate the premises at the end of the term and to give him the necessary notice prior to its expiration, so that he may take court action as soon as the term is over.

(b) The word "limitation", which appears in former R.S. 13:4918, has been omitted. See 2 La.L.Rev. 161 (1940). See, also, 21 Tul.L.Rev. 256 (1946).

(c) If the lease has already terminated and the tenant remains on the premises, the substantive problem of reconduction then enters the picture. See 21 Tul.L.Rev. 256

(1946). The above text applies to the "reconducted" lease, which is a new lease and not a continuation of the old lease. See 1 La.L.Rev. 439 (1939). The term of this reconducted lease is fixed by Civil Code Arts. 2686-2691, and it is not necessary to include these substantive provisions in an article on eviction. The notice of ten days provided for by Art. 2686 of the Civil Code is a device to prevent reconduction, and is not to be confused with the ten day notice of eviction, although presumably one notice could serve both purposes.

Art. 4702. Notice to occupant other than tenant to vacate

When an owner of immovable property wishes to evict the occupant therefrom, after the purpose of the occupancy has ceased, the owner, or his agent, shall first cause a written notice to vacate the property to be delivered to the occupant.

This notice shall allow the occupant five days from its delivery to vacate the premises.

OFFICIAL REVISION COMMENTS

1998 Main Volume

- (a) No change in the law is made by this article.
- (b) See Art. 3663, *supra*, which makes injunctive relief available against squatters.
- (c) In a judicial sale, the adjudicatee can obtain possession by eviction by use of the applicable provisions of R.S. 13:4346.
- (d) See Comments under Art. 4704, *infra*.

Art. 4703. Delivery or service when premises abandoned or closed, or whereabouts of tenant or occupant unknown

If the premises are abandoned or closed, or if the whereabouts of the lessee or occupant is unknown, all notices, process, pleadings, and orders required to be delivered or served on the lessee or occupant under this Title may be attached to a door of the premises, and this shall have the same effect as delivery to, or personal service on, the lessee or occupant.

OFFICIAL REVISION COMMENT

1998 Main Volume

This article effects no change in the law.

Art. 4704. Definitions

Unless the context clearly indicates otherwise, as used in this Title the following terms have the following meanings:

"Lease" means any oral or written lease, and includes a sublease;

"Lessee" includes a sublessee, whether the person seeking to evict is a lessor or sublessor; and an assignee of a lessee;

"Lessor" includes a sublessor, assignee, or transferee;

"Occupant" includes a sharecropper; half hand; day laborer; former owner; and any person occupying immovable property by permission or accommodation of the owner, former owner, or another occupant, except a mineral lessee, owner of a mineral servitude, or a lessee of the owner;

"Owner" includes a lessee; and

"Premises" includes the land and all buildings and improvements thereon leased by a tenant, or possessed by an occupant.

Art. 4705. Lessors' rights or real actions not affected

Nothing in this Title shall be construed to deprive any lessor of any remedy heretofore allowed him either for the payment of rent due to him or for the seizure of any furniture found on the leased premises; and nothing in this Title shall be construed to conflict with the provisions of Articles 3651 through 3664.

Chapter 2. Procedure

Art. 4731. Rule to show cause why possession should not be delivered; abandonment of premises

A. If the lessee or occupant fails to comply with the notice to vacate required under this Title, or if the lessee has waived his right to notice to vacate by written waiver contained in the lease, and has lost his right of occupancy for any reason, the lessor or owner, or agent thereof, may cause the lessee or occupant to be cited summarily by a court of competent jurisdiction to show cause why he should not be ordered to deliver possession of the premises to the lessor or owner. The rule to show cause shall state the grounds upon which eviction is sought.

B. After the required notice has been given, the lessor or owner, or agent thereof, may lawfully take possession of the premises without further judicial process, upon a

reasonable belief that the lessee or occupant has abandoned the premises. Indicia of abandonment include a cessation of business activity or residential occupancy, returning keys to the premises, and removal of equipment, furnishings, or other movables from the premises.

CREDIT(S)

Amended by Acts 1981, No. 713, § 1; Acts 1991, No. 684, § 1.

OFFICIAL REVISION COMMENTS

1998 Main Volume

(a) This article follows the source provisions and provides the procedure to be followed after the notice to vacate has been given.

(b) Under the provisions of R.S. 37:213, it is necessary for the agent to engage an attorney to institute the eviction proceeding.

Art. 4732. Trial of rule; judgment of eviction

A. The court shall make the rule returnable not earlier than the third day after service thereof, at which time the court shall try the rule and hear any defense which is made.

B. If the court finds the lessor or owner entitled to the relief sought, or if the lessee or occupant fails to answer or to appear at the trial, the court shall render immediately a judgment of eviction ordering the lessee or occupant to deliver possession of the premises to the lessor or owner. The judgment of eviction shall be effective for not less than ninety days.

CREDIT(S)

Amended by Acts 2001, No. 24, § 1.

OFFICIAL REVISION COMMENT

1998 Main Volume

The only change effected by this article is the clarification of the return day.

Art. 4733. Warrant for possession if judgment of eviction not complied with

If the lessee or occupant does not comply with the judgment of eviction within twenty-four hours after its rendition, the court shall issue immediately a warrant directed to and commanding its sheriff, constable, or marshal to deliver possession of the premises to the

lessor or owner.

OFFICIAL REVISION COMMENT

1998 Main Volume

This article follows the source provisions except that the language relating to the payment of costs "out of any goods and chattels of the defendant subject to seizure" has been deleted as unworkable and unrealistic.

Art. 4734. Execution of warrant

The sheriff, constable, or marshal shall execute a warrant rendered under Article 4733 in the presence of two witnesses, by clearing the premises of any property therein, in order to put the lessor or owner in possession of the premises.

If the sheriff, constable, or marshal finds the windows, doors, or gates of the premises locked or barred, he shall break open any of these when necessary to effect convenient entry into the premises.

Art. 4735. Appeal; bond

An appeal does not suspend execution of a judgment of eviction unless the defendant has answered the rule under oath, pleading an affirmative defense entitling him to retain possession of the premises, and the appeal has been applied for and the appeal bond filed within twenty-four hours after the rendition of the judgment of eviction. The amount of the suspensive appeal bond shall be determined by the court in an amount sufficient to protect the appellee against all such damage as he may sustain as a result of the appeal.

OFFICIAL REVISION COMMENTS

1998 Main Volume

(a) Heretofore, the source provision was applicable only where the lessor-lessee relationship existed. This article applies to all cases regardless of the relationship between the parties.

(b) This article codifies the jurisprudential rule that a suspensive appeal from the judgment must be taken within twenty-four hours. *Audubon v. Brounig*, 119 La. 1070, 44 So. 891 (1907); *State ex rel. Mallu v. Judge*, 128 La. 914, 55 So. 574 (1911).

Arts. 4736 to 4759. [Blank]

Louisiana Code of Civil Procedure acts 1960, No. 15
Book V. Summary and Executory Proceedings
Title I. Summary Proceedings

Art. 2591. Proceedings conducted with rapidity

Summary proceedings are those which are conducted with rapidity, within the delays allowed by the court, and without citation and the observance of all the formalities required in ordinary proceedings.

Art. 2592. Use of summary proceedings

Summary proceedings may be used for trial or disposition of the following matters only:

- (1) An incidental question arising in the course of judicial proceedings, including the award of and the determination of reasonableness of attorney's fees.
- (2) An application for a new trial.
- (3) An issue which may be raised properly by an exception, contradictory motion, or rule to show cause.
- (4) An action against the surety on a judicial bond after judgment has been obtained against the principal, or against both principal and surety when a summary proceeding against the principal is permitted.
- (5) The homologation of a judicial partition, of a tableau of distribution or account filed by a legal representative, or of a report submitted by an auditor, accountant, or other expert appointed by the court; and an opposition to any of the foregoing, to the appointment of a legal representative, or to a petition for authority filed by a legal representative.
- (6) A habeas corpus, mandamus, or quo warranto proceeding.
- (7) The determination of the rank of mortgages, liens and privileges on property sold judicially, and of the order of distribution of the proceeds thereof.
- (8) The original granting of, subsequent change in, or termination of custody, visitation, and support for a minor child; support for a spouse; injunctive relief; support between ascendants and descendants; use and occupancy of the family home or use of community movables or immovables; or use of personal property.
- (9) An action to annul a probated testament under Article 2931.
- (10) An action to enforce the right to a written accounting provided for in R.S. 9:2776.

(11) All other matters in which the law permits summary proceedings to be used.

Art. 2593. Pleadings

A summary proceeding may be commenced by the filing of a contradictory motion or by a rule to show cause, except as otherwise provided by law.

Exceptions to a contradictory motion, rule to show cause, opposition, or petition in a summary proceeding shall be filed prior to the time assigned for, and shall be disposed of on, the trial. An answer is not required, except as otherwise provided by law.

No responsive pleadings to an exception are permitted.

Art. 2594. Service of process

Citation and service thereof are not necessary in a summary proceeding. A copy of the contradictory motion, rule to show cause, or other pleading filed by the plaintiff in the proceeding, and of any order of court assigning the date and hour of the trial thereof, shall be served upon the defendant.

Art. 2595. Trial; decision

Upon reasonable notice a summary proceeding may be tried in open court or in chambers, in term or in vacation; and shall be tried by preference over ordinary proceedings, and without a jury, except as otherwise provided by law.

The court shall render its decision as soon as practicable after the conclusion of the trial of a summary proceeding and, whenever practicable, without taking the matter under advisement.

Art. 2596. Rules of ordinary proceedings applicable; exceptions

The rules governing ordinary proceedings are applicable to summary proceedings, except as otherwise provided by law.

Louisiana Civil Code

Book III. Of the Different Modes of Acquiring the Ownership of Things

Title IX. Lease

Chapter 1. General Provisions

Art. 2668. Contract of lease defined

Lease is a synallagmatic contract by which one party, the lessor, binds himself to give to the other party, the lessee, the use and enjoyment of a thing for a term in exchange for a rent that the lessee binds himself to pay.

The consent of the parties as to the thing and the rent is essential but not necessarily sufficient for a contract of lease.

Art. 2669. Relation with other titles

In all matters not provided for in this Title, the contract of lease is governed by the rules of the Titles of "Obligations in General" and "Conventional Obligations or Contracts".

Art. 2670. Contract to lease

A contract to enter into a lease at a future time is enforceable by either party if there was agreement as to the thing to be leased and the rent, unless the parties understood that the contract would not be binding until reduced to writing or until its other terms were agreed upon.

Art. 2671. Types of leases

Depending on the agreed use of the leased thing, a lease is characterized as: residential, when the thing is to be occupied as a dwelling; agricultural, when the thing is a predial estate that is to be used for agricultural purposes; mineral, when the thing is to be used for the production of minerals; commercial, when the thing is to be used for business or commercial purposes; or consumer, when the thing is a movable intended for the lessee's personal or familial use outside his trade or profession. This enumeration is not exclusive.

When the thing is leased for more than one of the above or for other purposes, the dominant or more substantial purpose determines the type of lease for purposes of regulation.

Art. 2672. Mineral lease

A mineral lease is governed by the Mineral Code.

Art. 2673. The thing

All things, corporeal or incorporeal, that are susceptible of ownership may be the object of a lease, except those that cannot be used without being destroyed by that very use, or those the lease of which is prohibited by law.

Art. 2674. Ownership of the thing

A lease of a thing that does not belong to the lessor may nevertheless be binding on the parties.

Art. 2675. The rent

The rent may consist of money, commodities, fruits, services, or other performances sufficient to support an onerous contract.

Art. 2676. Agreement as to the rent

The rent shall be fixed by the parties in a sum either certain or determinable through a method agreed by them. It may also be fixed by a third person designated by them.

If the agreed method proves unworkable or the designated third person is unwilling or unable to fix the rent, then there is no lease.

If the rent has been established and thereafter is subject to redetermination either by a designated third person or through a method agreed to by the parties, but the third person is unwilling or unable to fix the rent or the agreed method proves unworkable, the court may either fix the rent or provide a similar method in accordance with the intent of the parties.

Art. 2677. Crop rent

When the parties to an agricultural lease agree that the rent will consist of a portion of the crops, that portion is considered at all times the property of the lessor.

Art. 2678. Term

The lease shall be for a term. Its duration may be agreed to by the parties or supplied by law.

The term may be fixed or indeterminate. It is fixed when the parties agree that the lease will terminate at a designated date or upon the occurrence of a designated event.

It is indeterminate in all other cases.

Art. 2679. Limits of contractual freedom in fixing the term

The duration of a term may not exceed ninety-nine years. If the lease provides for a longer term or contains an option to extend the term to more than ninety-nine years, the term shall be reduced to ninety-nine years.

If the term's duration depends solely on the will of the lessor or the lessee and the parties have not agreed on a maximum duration, the duration is determined in accordance with the following Article.

Art. 2680. Duration supplied by law; legal term

If the parties have not agreed on the duration of the term, the duration is established in accordance with the following rules:

- (1) An agricultural lease shall be from year to year.
- (2) Any other lease of an immovable, or a lease of a movable to be used as a residence, shall be from month to month.
- (3) A lease of other movables shall be from day to day, unless the rent was fixed by longer or shorter periods, in which case the term shall be one such period, not to exceed one month.

Art. 2681. Form

A lease may be made orally or in writing. A lease of an immovable is not effective against third persons until filed for recordation in the manner prescribed by legislation.

Art. 2682. The lessor's principal obligations

The lessor is bound:

- (1) To deliver the thing to the lessee;
- (2) To maintain the thing in a condition suitable for the purpose of which it was leased;
and
- (3) To protect the lessee's peaceful possession for the duration of the lease.

Art. 2683. The lessee's principal obligations

The lessee is bound:

- (1) To pay the rent in accordance with the agreed terms;
- (2) To use the thing as a prudent administrator and in accordance with the purpose for which it was leased; and
- (3) To return the thing at the end of the lease in a condition that is the same as it was when the thing was delivered to him, except for normal wear and tear or as otherwise provided hereafter.

Art. 2683.1. [Blank]

Art. 2684. Obligations to deliver the thing at the agreed time and in good condition

The lessor is bound to deliver the thing at the agreed time and in good condition suitable for the purpose for which it was leased.

Art. 2685. Discrepancy between agreed and delivered quantity

If the leased thing is an immovable and its extent differs from that which was agreed upon, the rights of the parties with regard to such discrepancy are governed by the provisions of the Title "Sale".

Art. 2686. Misuse of the thing

If the lessee uses the thing for a purpose other than that for which it was leased or in a manner that may cause damage to the thing, the lessor may obtain injunctive relief, dissolution of the lease, and any damages he may have sustained.

Art. 2687. Damage caused by fault

The lessee is liable for damage to the thing caused by his fault or that of a person who, with his consent, is on the premises or uses the thing.

Art. 2688. Obligation to inform lessor

The lessee is bound to notify the lessor without delay when the thing has been damaged or requires repair, or when his possession has been disturbed by a third person. The lessor is entitled to damages sustained as a result of the lessee's failure to perform this obligation.

Art. 2689. Payment of taxes and other charges

The lessor is bound to pay all taxes, assessments, and other charges that burden the thing, except those that arise from the use of the thing by the lessee.

Art. 2690. Alterations by the lessor prohibited

During the lease, the lessor may not make any alterations in the thing.

Art. 2691. Lessor's obligation for repairs

During the lease, the lessor is bound to make all repairs that become necessary to maintain the thing in a condition suitable for the purpose for which it was leased, except those for which the lessee is responsible.

Art. 2692. Lessee's obligation to make repairs

The lessee is bound to repair damage to the thing caused by his fault or that of persons who, with his consent, are on the premises or use the thing, and to repair any deterioration resulting from his or their use to the extent it exceeds the normal or agreed use of the thing.

Art. 2693. Lessor's right to make repairs

If during the lease the thing requires a repair that cannot be postponed until the end of the lease, the lessor has the right to make that repair even if this causes the lessee to suffer inconvenience or loss of use of the thing.

In such a case, the lessee may obtain a reduction or abatement of the rent, or a dissolution of the lease, depending on all of the circumstances, including each party's fault or responsibility for the repair, the length of the repair period, and the extent of the loss of use.

Art. 2694. Lessee's right to make repairs

If the lessor fails to perform his obligation to make necessary repairs within a reasonable time after demand by the lessee, the lessee may cause them to be made. The lessee may demand immediate reimbursement of the amount expended for the repair or apply that amount to the payment of rent, but only to the extent that the repair was necessary and the expended amount was reasonable.

Art. 2695. Attachments, additions, or other improvements to leased thing

In the absence of contrary agreement, upon termination of the lease, the rights and obligations of the parties with regard to attachments, additions, or other improvements made to the leased thing by the lessee are as follows:

(1) The lessee may remove all improvements that he made to the leased thing, provided that he restore the thing to its former condition.

(2) If the lessee does not remove the improvements, the lessor may:

(a) Appropriate ownership of the improvements by reimbursing the lessee for their costs or for the enhanced value of the leased thing whichever is less; or

(b) Demand that the lessee remove the improvements within a reasonable time and restore the leased thing to its former condition. If the lessee fails to do so, the lessor may remove the improvements and restore the leased thing to its former condition at the expense of the lessee or appropriate ownership of the improvements without any obligation of reimbursement to the lessee. Appropriation of the improvement by the lessor may only be accomplished by providing additional notice by certified mail to the lessee after expiration of the time given the lessee to remove the improvements.

(c) Until such time as the lessor appropriates the improvement, the improvements shall remain the property of the lessee and the lessee shall be solely responsible for any harm caused by the improvements.

Art. 2696. Warranty against vices or defects

The lessor warrants the lessee that the thing is suitable for the purpose for which it was leased and that it is free of vices or defects that prevent its use for that purpose.

This warranty also extends to vices or defects that arise after the delivery of the thing and are not attributable to the fault of the lessee.

Art. 2697. Warranty for unknown vices or defects

The warranty provided in the preceding Article also encompasses vices or defects that are not known to the lessor.

However, if the lessee knows of such vices or defects and fails to notify the lessor, the lessee's recovery for breach of warranty may be reduced accordingly.

Art. 2698. Persons protected by warranty

In a residential lease, the warranty provided in the preceding Articles applies to all persons who reside in the premises in accordance with the lease.

Art. 2699. Waiver of warranty for vices or defects

The warranty provided in the preceding Articles may be waived, but only by clear and unambiguous language that is brought to the attention of the lessee.

Nevertheless, a waiver of warranty is ineffective:

- (1) To the extent it pertains to vices or defects of which the lessee did not know and the lessor knew or should have known;
- (2) To the extent it is contrary to the provisions of Article 2004; or
- (3) In a residential or consumer lease, to the extent it purports to waive the warranty for vices or defects that seriously affect health or safety.

Art. 2700. Warranty of peaceful possession

The lessor warrants the lessee's peaceful possession of the leased thing against any disturbance caused by a person who asserts ownership, or right to possession of, or any other right in the thing.

In a residential lease, this warranty encompasses a disturbance caused by a person who, with the lessor's consent, has access to the thing or occupies adjacent property belonging to the lessor.

Art. 2701. Call in warranty

The lessor is bound to take all steps necessary to protect the lessee's possession against any disturbance covered by the preceding Article, as soon as the lessor is informed of such a disturbance. If the lessor fails to do so, the lessee may, without prejudice to his rights against the lessor, file any appropriate action against the person who caused the disturbance.

If a third party brings against the lessee an action asserting a right in the thing or contesting the lessee's right to possess it, the lessee may join the lessor as a party to the action and shall be dismissed from the action, if the lessee so demands.

Art. 2702. Disturbance by third persons without claim of right

Except as otherwise provided in Article 2700, the lessor is not bound to protect the lessee's possession against a disturbance caused by a person who does not claim a right in the leased thing. In such a case, the lessee may file any appropriate action against that person.

Art. 2703. When and where rent is due

In the absence of a contrary agreement, usage, or custom:

- (1) The rent is due at the beginning of the term. If the rent is payable by intervals shorter than the term, the rent is due at the beginning of each interval.
- (2) The rent is payable at the address provided by the lessor and in the absence thereof at the address of the lessee.

Art. 2704. Nonpayment of rent

If the lessee fails to pay the rent when due, the lessor may, in accordance with the provisions of the Title "Conventional Obligations or Contracts", dissolve the lease and may regain possession in the manner provided by law.

Art. 2705. Abatement of rent for unforeseen loss of crops

In the absence of a contrary agreement, the agricultural lessee may not claim an abatement of the rent for the loss of his unharvested crops unless the loss was due to an unforeseeable and extraordinary event that destroyed at least one-half of the value of the crops. Any compensation that the lessee has received or may receive in connection with the loss, such as insurance proceeds or government subsidies, shall be taken into account in determining the amount of abatement.

Art. 2706. Loss of crop rent

When the rent consists of a portion of the crops, then any loss of the crops that is not caused by the fault of the lessor or the lessee shall be borne by both parties in accordance with their respective shares.

Art. 2707. Lessor's privilege

To secure the payment of rent and other obligations arising from the lease of an immovable, the lessor has a privilege on the lessee's movables that are found in or upon the leased property.

In an agricultural lease, the lessor's privilege also encompasses the fruits produced by the land.

Art. 2708. Lessor's privilege over sublessee's movables

The lessor's privilege extends to the movables of the sublessee but only to the extent that the sublessee is indebted to his sublessor at the time the lessor exercises his right.

Art. 2709. Lessor's right to seize movables of third persons

The lessor may lawfully seize a movable that belongs to a third person if it is located in or upon the leased property, unless the lessor knows that the movable is not the property of the lessee.

The third person may recover the movable by establishing his ownership prior to the judicial sale in the manner provided by Article 1092 of the Code of Civil Procedure. If he fails to do so, the movable may be sold as though it belonged to the lessee.

Art. 2710. Enforcement of the lessor's privilege

The lessor may seize the movables on which he has a privilege while they are in or upon the leased property, and for fifteen days after they have been removed if they remain the property of the lessee and can be identified.

The lessor may enforce his privilege against movables that have been seized by the sheriff or other officer of the court, without the necessity of a further seizure thereof, as long as the movables or the proceeds therefrom remain in the custody of the officer.

Art. 2711. Transfer of thing does not terminate lease

The transfer of the leased thing does not terminate the lease, unless the contrary had been agreed between the lessor and the lessee.

Art. 2712. Transfer of immovable subject to unrecorded lease

A third person who acquires an immovable that is subject to an unrecorded lease is not bound by the lease.

In the absence of a contrary provision in the lease contract, the lessee has an action against the lessor for any loss the lessee sustained as a result of the transfer.

Art. 2713. Lessee's right to sublease, assign, or encumber

The lessee has the right to sublease the leased thing or to assign or encumber his rights in the lease, unless expressly prohibited by the contract of lease. A provision that prohibits one of these rights is deemed to prohibit the others, unless a contrary intent is expressed. In all other respects, a provision that prohibits subleasing, assigning, or encumbering is to be strictly construed against the lessor.

Art. 2714. Expropriation; loss or destruction

If the leased thing is lost or totally destroyed, without the fault of either party, or if it is expropriated, the lease terminates and neither party owes damages to the other.

Art. 2715. Partial destruction, loss, expropriation, or other substantial impairment of use

If, without the fault of the lessee, the thing is partially destroyed, lost, or expropriated, or its use is otherwise substantially impaired, the lessee may, according to the circumstances of both parties, obtain a diminution of the rent or dissolution of the lease, whichever is more appropriate under the circumstances. If the lessor was at fault, the lessee may also demand damages.

If the impairment of the use of the leased thing was caused by circumstances external to the leased thing, the lessee is entitled to a dissolution of the lease, but is not entitled to diminution of the rent.

Art. 2716. Termination of lease granted by a usufructuary

A lease granted by a usufructuary terminates upon the termination of the usufruct.

The lessor is liable to the lessee for any loss caused by such termination, if the lessor failed to disclose his status as a usufructuary.

Art. 2717. Death of lessor or lessee

A lease does not terminate by the death of the lessor or the lessee or by the cessation of existence of a juridical person that is party to the lease.

Art. 2718. Leases with reservation of right to terminate

A lease in which one or both parties have reserved the right to terminate the lease before the end of the term may be so terminated by giving the notice specified in the lease contract or the notice provided in Articles 2727 through 2729, whichever period is longer. The right to receive this notice may not be renounced in advance.

Art. 2719. Dissolution for other causes

When a party to the lease fails to perform his obligations under the lease or under this Title, the other party may obtain dissolution of the lease pursuant to the provisions of the Title of "Conventional Obligations or Contracts".

Art. 2720. Termination of lease with a fixed term

A lease with a fixed term terminates upon the expiration of that term, without need of notice, unless the lease is reconducted or extended as provided in the following Articles.

Art. 2721. Reconduction

A lease with a fixed term is reconducted if, after the expiration of the term, and without notice to vacate or terminate or other opposition by the lessor or the lessee, the lessee remains in possession:

- (1) For thirty days in the case of an agricultural lease;
- (2) For one week in the case of other leases with a fixed term that is longer than a week;
or
- (3) For one day in the case of a lease with a fixed term that is equal to or shorter than a week.

Art. 2722. Term of reconducted agricultural lease

The term of a reconducted agricultural lease is from year to year, unless the parties intended a different term which, according to local custom or usage, is observed in leases of the same type.

Art. 2723. Term of reconducted nonagricultural lease

The term of a reconducted nonagricultural lease is:

- (1) From month to month in the case of a lease whose term is a month or longer;
- (2) From day to day in the case of a lease whose term is at least a day but shorter than a month; and
- (3) For periods equal to the expired term in the case of a lease whose term is less than a day.

Art. 2724. Continuity of the reconducted lease

When reconduction occurs, all provisions of the lease continue for the term provided in Article 2722 or 2723.

A reconducted lease is terminated by giving the notice directed in Articles 2727 through 2729.

Art. 2725. Extension

If the lease contract contains an option to extend the term and the option is exercised, the lease continues for the term and under the other provisions stipulated in the option.

Art. 2726. Amendment

An amendment to a provision of the lease contract that is made without an intent to effect a novation does not create a new lease.

Art. 2727. Termination of lease with an indeterminate term

A lease with an indeterminate term, including a reconducted lease or a lease whose term has been established through Article 2680, terminates by notice to that effect given to the other party by the party desiring to terminate the lease, as provided in the following Articles.

Art. 2728. Notice of termination; timing

The notice of termination required by the preceding Article shall be given at or before the time specified below:

- (1) In a lease whose term is measured by a period longer than a month, thirty calendar days before the end of that period;
- (2) In a month-to-month lease, ten calendar days before the end of that month;
- (3) In a lease whose term is measured by a period equal to or longer than a week but shorter than a month, five calendar days before the end of that period; and
- (4) In a lease whose term is measured by a period shorter than a week, at any time prior to the expiration of that period.

A notice given according to the preceding Paragraph terminates the lease at the end of the period specified in the notice, and, if none is specified, at the end of the first period for which the notice is timely.

Art. 2729. Notice of termination; form

If the leased thing is an immovable or is a movable used as residence, the notice of termination shall be in writing. It may be oral in all other cases.

In all cases, surrender of possession to the lessor at the time at which notice of termination shall be given under Article 2728 shall constitute notice of termination by the lessee.

To replace or apply for a Social Security card, go to <https://faq.ssa.gov/en-us/Topic/article/KA-02017> .

▲ Coronavirus (COVID-19) Updates (<https://ssa.gov/coronavirus>) ▲
Social

(<https://ssa.gov/>) ([HTTPS://SSA.GOV/SITE/MENU/](https://ssa.gov/site/menu/)) ([HTTPS://SSA.GOV/SITE/SIGNIN](https://ssa.gov/site/signin/))

Security

Frequently Asked Questions

Last Modified: January 14, 2019

FAQ Home (/) > Social Security Number and Card (/en-US/Topic/?id=CAT-01093)

> Cards for Adults (/en-US/Topic/?id=CAT-01116) > KA-02017



How do I apply for a new or replacement Social Security number card?

Views: 6850121

You can get an original Social Security card or a replacement card if yours is lost or stolen. There is no charge for a Social Security card. This service is free.

You can use a *my* Social Security (<http://www.ssa.gov/myaccount>) account to request a replacement Social Security card online if you:

- Are a U.S. citizen age 18 years or older with a U.S. mailing address;
- Are not requesting a name change or any other change to your card; and
- Have a driver's license or a state-issued identification card from one of the many participating states. If your state does not yet participate (<https://www.ssa.gov/ssnumber/#issnrc>) in this service, check back soon. More states are added regularly.

If you cannot apply for a card online, you will need to show the required documents. We need to see different documents depending on your citizenship and the type of card you are requesting. See [Learn What Documents You Need](#) (<https://www.ssa.gov/ssnumber/ss5doc.htm>) to find out what documents

you will have to show. Fill out and print an Application for a Social Security Card (<https://www.ssa.gov/forms/ss-5.pdf>) ; and take or mail your application and documents to your local Social Security office.

Other Questions You May Find Helpful

- What is a "*my* Social Security" online account and how do I get one? (<http://faq.ssa.gov/en-us/Topic/article/KA-01687>)
- How long will it take to get a Social Security card? (<https://faq.ssa.gov/en-us/Topic/article/KA-02196>)
- How do I change or correct my name on my Social Security number card? (<https://faq.ssa.gov/en-us/Topic/article/KA-01981>)
- How do I get a replacement Medicare card? (<https://faq.ssa.gov/en-us/Topic/article/KA-01735>)

Visit [cdc.gov/coronavirus](https://www.cdc.gov/coronavirus) for the latest Coronavirus Disease (COVID-19) updates.

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U.S. Department of Health & Human Services

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How do I get a new Medicare card if my card is lost, stolen, or damaged? How do I change my contact information?

If your Medicare card was lost, stolen, or destroyed, you can ask for a replacement by using your online [my Social Security](#) account, even if you don't yet receive Social Security benefits. If don't already have a Social Security on-line account, you can create one online. Go to [Sign In or Create an Account](#).

Once you are logged in to your account, select the "Replacement Documents" tab. Then select "Mail my replacement Medicare Card."

Your Medicare card will arrive in the mail in about 30 days at the address on file with Social Security.

If you can't or prefer not to use the online service:

- Call us at **1-800-772-1213**  (TTY **1-800-325-0778** ) , Monday through Friday, from 7 a.m. to 7 p.m.; or
- Contact your [local Social Security office](#).

Posted in: [Medicare and Medicaid](#)

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[How do I report a change of name or address to Medicare?](#)

[What is the difference between Medicare and Medicaid?](#)

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Content created by Digital Communications Division (DCD)

Content last reviewed on March 11, 2016

MEDICAID

Medicaid Programs

I have questions about this Medicaid program

- ☐ General Medicaid
- ☐ Healthy Louisiana
- ☐ LaCHIP
- ☐ LaCHIP Affordable Plan
- ☐ LaHIPPP
- ☐ LaMOMS
- ☐ Long-Term Care
- ☐ Medicaid Purchase Plan
- ☐ Medicare Savings Program
- ☐ Medicaid Waiver Programs
- ☐ Take Charge Plus
- ☐ Other

Name

(First)

(Last)

Address

City

State

Zip Code

Parish

Phone Number

(Please enter in XXX-XXX-XXXX format.)

Email

My question/comment

☐

I'm not a robot

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Submit



IDENTIFICATION REQUIREMENTS

An applicant for a driver's license or identification card must show proof of identity as required by law.

NOTE: OMV WILL NOT ACCEPT PHOTOCOPIES OF ANY DOCUMENTS.

Driver's License Issuance

1. One primary document
2. One secondary document
3. Social Security Number submission

Identification Card Issuance

1. One primary document
2. Two secondary documents
3. Social Security Number submission for males age 15 – 26 who are U.S. Citizens

SOCIAL SECURITY REQUIREMENT

- All applicants eligible for a social security number must provide the assigned number when applying for a driver's license. Although the Social Security Number will not be displayed on the face of the license, that number must be entered in the department's internal records.
- Any alien residing in Louisiana who does not possess and is ineligible to obtain a social security number shall be required to furnish a letter from the Social Security Administration stipulating they are "ineligible" or that they "have not been issued" a social security number for a Class D or E driver's license.
- In order to comply with the Military Selective Service Act, R.S. 32:40:1321(D)(1), the Social Security Number is required from all male US citizens or immigrants age 15 to 26 who apply for a driver's license. Failure to provide the SSN will result in the denial of issuance.

ADDITIONAL REQUIREMENTS FOR APPLICANTS SEVENTEEN (17) AND UNDER

The signature of the custodial parent or legal guardian is required for the issuance of **any** credential (including first time applications, duplicates and changing restrictions). Identification must be presented by the minor and the parent or guardian. Only the domiciliary parent may sign if joint custody has been awarded. A Certificate of Required Attendance is required from the applicant's high school.

PRIMARY DOCUMENTS

Birth Certificate

- Original certificate of birth
- Certified copy of birth certificate (long form) and Birth Card (short form) does not require a seal
- Birth registration card or certificate issued by a state or county bureau of vital statistic
- Certificate of Birth Abroad issued by the US Department of State.
- Certificate of Naturalization
- Native American tribal document

Passport

- US Passport book or Passport Card
- Applicants 17 and under must also present a certified birth certificate or documentation proving custody/legal guardianship
- Foreign Passport
- Must be appropriately stamped and accompanied by proper immigration documents

Immigrants / non-immigrants

- Permanent Resident Card (I-551)
- Department of Homeland Security Refugee travel document (I-571)
- Department of Homeland Security Permit to reenter the United States (I-327)

Military

- Current US ID card
- Dependent ID card
- Draft record
- DD-214
- Selective Service Notification
- US Coast Guard Merchant Mariner Card



ACCEPTABLE SECONDARY IDENTIFICATION DOCUMENTS

SECONDARY DOCUMENTS

Out-of-state driver's license / identification card

- DL or ID card issued by a state motor vehicle department with a photo that clearly identifies the individual.
- An official driving record from the last state of issuance is required if the applicant has lost his out-of-state license.
- A foreign driver's license must be accompanied by proper immigration documents.

Social Security Number verification

- Social security card
- Official verification of the social security number from the Social Security Administration or verbal verification

Identification Card (with photo)

- Louisiana college or university
- Louisiana middle / high school
- Law enforcement officer's ID
- Employment ID card (major corporations, hospitals, governmental agencies)
- ID cards issued by federal, state, local governmental agencies
- LA Department of Public Safety & Corrections prison or parish ID card
- TWIC (Transportation Worker Identification Credential)
- Employment Authorization Document I-766 issued by DHS
- Original Refugee Resettlement Program letter. This document will include the agency director's signature with a raised seal and is valid for 15 days from issuance.

Educational diploma / certificate / license

- High school, college or university
- High school year book photo
- School records or at least 2 report cards from separate years
- Original or certified professional degree or license
- Driver Education Certificate
- Department of Education
- Six Hour Pre-licensing
- 38 Hour Course

Medical

- Medicare / Medicaid card
- Medical eligibility card.
- CDL Medical form / card

Miscellaneous documents

- Original adoption papers
- Baptismal certificate
- Official deed or title to property in Louisiana, including burial plots
- Vehicle registration or certificate of title of vehicle in applicant's name
- Motor vehicle lien instrument
- Local utility statements showing name and address of the applicant or a receipt indicating utilities have been turned on
- Insurance policy (health, home, life, auto)
- One-payroll stub (printed)
- W-2 forms for 2 years
- Prison release documents or letter from probation officer
- Letter of verification / introduction from another state agency responsible for placement of deprived / impaired individuals (i.e., Blind Services)
- CDL driver's log book

STATE REGISTRAR & VITAL RECORDS

How To Order Birth Records

Louisiana is a "closed record" state. This means that birth and death certificates are not public records. All requests for birth or death certificates must include **proper identification**, appropriate **fees**, and a completed **application**.

Who May Order A Birth Certificate:

- The person named on the document
- The current spouse of the person named on the document
- Mother or father of the person named on the document
- An adult child of the person named on the document
- Sister/brother of the person named on the document
- Grandmother or grandfather of the person named on the document
- Grandchild of the person named on the document
- An attorney representing one of the above with a signed contract of representation or authorization.

When another adult other than the legally entitled individuals listed above is requesting the record of a child, they must present a judgment of custody for the child. Notarized custody papers or provisional custody mandates are not acceptable.

You may also request **Apostille copies** of vital records.

There are three ways to obtain a certified copy of a Louisiana birth certificate:

IN PERSON

Vital Records Central Office

New Orleans Vital Records Walk-In Services are currently not available due to COVID-19

Walk-in Service Hours: 8:00 A.M. to 3:30 P.M. (excluding state holidays) ACCESSIBILITY

You may complete an application for a certified copy of a birth certificate, bring your photo identification and correct fees to the **Vital Records Central Office**. **Walk-in services accepts cash, check, money order, and credit/debit cards as forms of payment.**

Please fill out the **application** to obtain a certified birth certificate.

Clerks of Court

Participating Louisiana Clerks of Court offer certified copies of birth records (long and short form) at locations around the state. There is an additional fee for this service.

Vital Records Kiosks**Kiosk Service Locations Hours of Operation: 8:00 A.M. to 4:30 P.M. (excluding state holidays)**

You may also order in person from a **kiosk service location**. Kiosk orders require the user to successfully complete an identity authentication screening. Once the kiosk order is placed, the order is shipped via USPS or expedited shipping, or made available for pickup at Vital Records Central Office. A security fee and shipping costs apply to kiosk orders.

MAIL

You may mail your completed request, a copy of your photo identification and correct fees to:

Vital Records Registry
PO Box 60630
New Orleans, LA 70160

Please complete the **application** to obtain a certified birth certificate and allow approximately 8-10 weeks for delivery.

INTERNET, FAX AND TELEPHONE

You may use a major credit card to place internet, fax or telephone orders through **VitalChek Network**, an authorized service provider. There are additional fees when using this service provider or requesting expedited services.

To order using the VitalChek Network, visit their **website** or call 1-877-605-8562 .

If you have already placed a VitalChek Network order, you may also **check the status**.

To inquire about an order placed with VitalChek, please call 1-877-605-8562.

Louisiana Office of Public Health does not directly accept credit cards or online orders; however, for your convenience, you can process online requests through the independent company that we have partnered with above in order to provide you with this service, VitalChek Network, Inc. An additional fee is charged by VitalChek for using this service and all major credit cards are accepted, including American Express®, Discover®, MasterCard® or Visa®.



U.S. PASSPORT APPLICATION

PLEASE DETACH AND RETAIN THIS INSTRUCTION SHEET FOR YOUR RECORDS

FOR INFORMATION AND QUESTIONS

Visit the official Department of State website at travel.state.gov or contact the National Passport Information Center (NPIC) via toll-free at 1-877-487-2778 (TDD: 1-888-874-7793) and NPIC@state.gov. Customer Service Representatives are available Monday-Friday 8:00a.m.-10:00p.m. Eastern Time (excluding federal holidays). Automated information is available 24 hours a day, 7 days a week.

WHAT TO SUBMIT WITH THIS FORM:

1. **PROOF OF U.S. CITIZENSHIP:** Evidence of U.S. citizenship **AND a photocopy** of the front (and back, if there is printed information) must be submitted with your application. The photocopy must be on 8 ½ inch by 11 inch paper, black and white ink, legible, and clear. Evidence that is not damaged, altered, or forged will be returned to you. **Note:** Lawful permanent resident cards submitted with this application will be forwarded to U.S. Citizenship and Immigration Services, if we determine that you are a U.S. citizen.
2. **PROOF OF IDENTITY:** You must present your original identification **AND submit a photocopy** of the front and back with your passport application.
3. **RECENT COLOR PHOTOGRAPH:** Photograph must meet passport requirements – full front view of the face and 2x2 inches in size.
4. **FEES:** Please visit our website at travel.state.gov for current fees.

HOW TO SUBMIT THIS FORM:

Complete and submit this application in person to a designated acceptance agent: a clerk of a federal or state court of record or a judge or clerk of a probate court accepting applications; a designated municipal or county official; a designated postal employee at an authorized post office; an agent at a passport agency (by appointment only); or a U.S. consular official at a U.S. Embassy or Consulate, if abroad. To find your nearest acceptance facility, visit travel.state.gov or contact the National Passport Information Center at 1-877-487-2778.

Follow the instructions on Page 2 for detailed information to completion and submission of this form.

REQUIREMENTS FOR CHILDREN

● AS DIRECTED BY PUBLIC LAW 106-113 AND 22 CFR 51.28:

To submit an application for a child under age 16 **both parents or the child's legal guardian(s) must appear** and present the following:

- Evidence of the child's U.S. citizenship;
- Evidence of the child's relationship to parents/guardian(s); **AND**
- Original parental/guardian government-issued identification **AND a photocopy** of the front and back side of presented identification.

IF ONLY ONE PARENT APPEARS, YOU MUST ALSO SUBMIT ONE OF THE FOLLOWING:

- Second parent's notarized written statement or DS-3053 (including the child's full name and date of birth) consenting to the passport issuance for the child. The notarized statement **cannot** be more than **three** months old and **must** be signed and notarized on the same day, and **must** come with a photocopy of the front and back side of the second parent's government-issued photo identification; **OR**
- Second parent's death certificate if second parent is deceased; **OR**
- Primary evidence of sole authority to apply, such as a court order; **OR**
- A written statement or DS-5525 (made under penalty of perjury) explaining in detail the second parent's unavailability.

● AS DIRECTED BY REGULATION 22 C.F.R. 51.21 AND 51.28:

- Each minor child applying for a U.S. passport book and/or passport card must appear in person.

PASSPORT VALIDITY LENGTH

If you are 16 years of age or older: Your U.S. passport will be valid for 10 years from the date of issue except where limited by the Secretary of State to a shorter period.

If you are under 16 years of age: Your U.S. passport will be valid for five years from the date of issue except where limited by the Secretary of State to a shorter period.

APPLICANTS WHO HAVE HAD A PREVIOUS U.S. PASSPORT BOOK AND/OR PASSPORT CARD

LOST OR STOLEN - If you cannot submit your valid or potentially valid U.S. passport book and/or passport card with this application and you have not previously submitted Form DS-64, Statement Regarding a Lost or Stolen U.S. Passport, you are required to fill out and submit a DS-64 with this application.

IN MY POSSESSION - If your most recent U.S. passport book and/or passport card was issued less than 15 years ago, and you were over the age of 16 at the time of issuance, you may be eligible to use Form DS-82 to renew your passport by mail.

FAILURE TO PROVIDE INFORMATION REQUESTED ON THIS FORM, INCLUDING YOUR SOCIAL SECURITY NUMBER, MAY RESULT IN SIGNIFICANT PROCESSING DELAYS AND/OR THE DENIAL OF YOUR APPLICATION.

WARNING: False statements made knowingly and willfully in passport applications, including affidavits or other documents submitted to support this application, are punishable by fine and/or imprisonment under U.S. law including the provisions of 18 U.S.C. 1001, 18 U.S.C. 1542, and/or 18 U.S.C. 1621. Alteration or mutilation of a passport issued pursuant to this application is punishable by fine and/or imprisonment under the provisions of 18 U.S.C. 1543. The use of a passport in violation of the restrictions contained herein or of the passport regulations is punishable by fine and/or imprisonment under 18 U.S.C. 1544. All statements and documents are subject to verification.

PROOF OF U.S. CITIZENSHIP

APPLICANTS BORN IN THE UNITED STATES: Submit a previous U.S. passport or certified birth certificate. Passports that are limited in validity will need to be supplemented by other evidence. A birth certificate must include your full name, date and place of birth, sex, date the birth record was filed, the seal or other certification of the official custodian of such records (state, county, or city/town office), and the full names of your parent(s).

- If the birth certificate was filed more than 1 year after the birth: It must be supported by evidence described in the next paragraph.
- If no birth record exists: Submit a registrar's notice to that effect. Also, submit a combination of the evidence listed below, which should include your given name and surname, date and/or place of birth, and the seal or other certification of the office (if customary), and the signature of the issuing official.
 - A hospital birth record;
 - An early baptismal or circumcision certificate;
 - Early census, school, medical, or family Bible records;
 - Insurance files or published birth announcements (such as a newspaper article); and
 - Notarized affidavits (or DS-10, Birth Affidavit) of older blood relatives having knowledge of your birth may be submitted **in addition to** some of the records listed above.

APPLICANTS BORN OUTSIDE THE UNITED STATES: Submit a previous U.S. passport, Certificate of Naturalization, Certificate of Citizenship, Consular Report of Birth Abroad, or evidence described below:

- If you claim citizenship through naturalization of parent(s): Submit the Certificate(s) of Naturalization of your parent(s), your foreign birth certificate (and official translation if the document is not in English), proof of your admission to the United States for permanent residence, and your parents' marriage/certificate and/or evidence that you were in the legal and physical custody of your U.S. citizen parent, if applicable.
- If you claim citizenship through birth abroad to at least one U.S. citizen parent: Submit a Consular Report of Birth (Form FS-240), Certification of Birth (Form DS-1350 or FS-545), or your foreign birth certificate (and official translation if the document is not in English), proof of U.S. citizenship of your parent, your parents' marriage certificate, and an affidavit showing all of your U.S. citizen parents' periods and places of residence/physical presence in the United States and abroad before your birth.
- If you claim citizenship through adoption by a U.S. citizen parent(s): Submit evidence of your permanent residence status, full and final adoption, and your U.S. citizen parent(s) evidence of legal and physical custody. (**NOTE:** Acquisition of U.S. citizenship for persons born abroad and adopted only applies if the applicant was born on or after 02/28/1983.)

ADDITIONAL EVIDENCE: You must establish your citizenship to the satisfaction of the acceptance agent and Passport Services. We may ask you to provide additional evidence to establish your claim to U.S. citizenship. Visit travel.state.gov for details.

PROOF OF IDENTITY

You may submit items such as the following containing your signature AND a photograph that is a good likeness of you: previous or current U.S. passport book; previous or current U.S. passport card; driver's license (not temporary or learner's license); Certificate of Naturalization; Certificate of Citizenship; military identification; or federal, state, or municipal government employee identification card. Temporary or altered documents are not acceptable.

You must establish your identity to the satisfaction of the acceptance agent and Passport Services. We may ask you to provide additional evidence to establish your identity. If you have changed your name, please see travel.state.gov for instructions.

IF YOU CANNOT PROVIDE DOCUMENTARY EVIDENCE OF IDENTITY as stated above, you must appear with an IDENTIFYING WITNESS, who is a U.S. citizen, non-citizen U.S. national, or permanent resident alien that has known you for at least two years. Your witness must prove his or her identity and complete and sign an Affidavit of Identifying Witness (Form DS-71) before the acceptance agent. You must also submit some identification of your own.

COLOR PHOTOGRAPH

Submit a color photograph of you alone, sufficiently recent to be a good likeness of you (taken within the last six months), and 2x2 inches in size. The image size measured from the bottom of your chin to the top of your head (including hair) should not be less than 1 inch, and not more than 1 3/8 inches. The photograph must be in color, clear, with a full front view of your face. The photograph must be taken with a neutral facial expression (preferred) or a natural smile, and with both eyes open and be printed on photo quality paper with a plain light (white or off-white) background. The photograph must be taken in normal street attire, without a hat, or head covering unless a signed statement is submitted by the applicant verifying that the hat or head covering is part of recognized, traditional religious attire that is customarily or required to be worn continuously when in public or a signed doctor's statement is submitted verifying the item is used daily for medical purposes. Headphones, "bluetooth", or similar devices must not be worn in the passport photograph. Glasses or other eyewear are not acceptable unless you provide a signed statement from a doctor explaining why you cannot remove them due to medical reasons (e.g., during the recovery period from eye surgery). Any photograph retouched so that your appearance is changed is unacceptable. A snapshot, most vending machine prints, hand-held self portraits, and magazine or full-length photographs are unacceptable. A digital photo must meet the previously stated qualifications, and will be accepted for use at the discretion of Passport Services. Visit our website at travel.state.gov for details and information.

FEES

FEES ARE LISTED ON OUR WEBSITE AT TRAVEL.STATE.GOV. BY LAW, THE PASSPORT FEES ARE NON-REFUNDABLE.

● **The passport application fee, security surcharge, and expedite fee may be paid in any of the following forms:** Checks (personal, certified, or traveler's) with the applicant's full name and date of birth printed on the front; major credit card (Visa, Master Card, American Express, and Discover); bank draft or cashier's check; money order (U.S. Postal, international, currency exchange), or if abroad, the foreign currency equivalent, or a check drawn on a U.S. bank. All fees should be payable to the "U.S. Department of State" or if abroad, the appropriate U.S. Embassy or U.S. Consulate. When applying at a designated acceptance facility, the execution fee will be paid separately and should be made payable to the acceptance facility. **NOTE: Some designated acceptance facilities do not accept credit cards as a form of payment.**

● **For faster processing,** you may request expedited service. Please include the expedite fee in your payment. Our website contains updated information regarding fees and processing times for expedited service. Expedited service is only available for passports mailed in the United States and Canada.

● **OVERNIGHT DELIVERY SERVICE** is only available for passport book mailings in the United States. Please include the appropriate fee with your payment.

● An additional fee will be charged when, upon your request, the U.S. Department of State verifies issuance of a previous U.S. passport or Consular Report of Birth Abroad because you are unable to submit evidence of U.S. citizenship.

● **For applicants with U.S. government or military authorization for no-fee passports,** no fees are charged except the execution fee when applying at a designated acceptance facility.

NOTE REGARDING MAILING OF YOUR PASSPORT(S)

Passport Services will not mail a U.S. passport to a private address outside the United States or Canada. If you do not live at the address listed in the "mailing address", then you must put the name of the person and mark it as "In Care Of" in item # 8. If your mailing address changes prior to receipt of your new passport, please contact the National Passport Information Center.

If you choose to provide your email address in Item #6 on this application, Passport Services may use that information to contact you in the event there is a problem with your application or if you need to provide information to us.

You may receive your newly issued passport book and/or card and your returned citizenship evidence in **two separate mailings**. If you are applying for both a U.S. passport book and passport card, **you may receive three separate mailings**; one with your returned citizenship evidence, one with your newly issued passport book, and one with your newly issued passport card.

FEDERAL TAX LAW

Section 6039E of the Internal Revenue Code (26 U.S.C. 6039E) and 22 U.S.C 2714a(f) require you to provide your Social Security number (SSN), if you have one, when you apply for or renew a U.S. passport. If you have never been issued a SSN, you must enter zeros in box #5 of this form. If you are residing abroad, you must also provide the name of the foreign country in which you are residing. The U.S. Department of State must provide your SSN and foreign residence information to the U.S. Department of the Treasury. If you fail to provide the information, your application may be denied and you are subject to a \$500 penalty enforced by the IRS. All questions on this matter should be referred to the nearest IRS office.

NOTICE TO CUSTOMERS APPLYING OUTSIDE A DEPARTMENT OF STATE FACILITY

If you send us a check, it will be converted into an electronic funds transfer (EFT). This means we will copy your check and use the account information on it to electronically debit your account for the amount of the check. The debit from your account will usually occur within 24 hours and will be shown on your regular account statement.

You will not receive your original check back. We will destroy your original check, but we will keep the copy of it. If the EFT cannot be processed for technical reasons, you authorize us to process the copy in place of your original check. If the EFT cannot be completed because of insufficient funds, we may try to make the transfer up to two times, and we will charge you a one-time fee of \$25, which we will also collect by EFT.

FEE REMITTANCE

Passport service fees are established by law and regulation (see 22 U.S.C. 214, 22 C.F.R. 22.1, and 22 C.F.R. 51.50-56), and are collected at the time you apply for the passport service. If the Department fails to receive full payment of the applicable fees because, for example, your check is returned for any reason or you dispute a passport fee charge to your credit card, the U.S. Department of State will take action to collect the delinquent fees from you under 22 C.F.R. Part 34, and the Federal Claims Collection Standards (see 31 C.F.R. Parts 900-904). In accordance with the Debt Collection Improvement Act (Pub.L. 104-134), if the fees remain unpaid after 180 days and no repayment arrangements have been made, the Department will refer the debt to the U.S. Department of Treasury for collection. Debt collection procedures used by U.S. Department of Treasury may include referral of the debt to private collection agencies, reporting of the debt to credit bureaus, garnishment of private wages and administrative offset of the debt by reducing, or withholding eligible federal payments (e.g., tax refunds, social security payments, federal retirement, etc.) by the amount of your debt, including any interest penalties or other costs incurred. In addition, non-payment of passport fees may result in the invalidation of your passport. An invalidated passport cannot be used for travel.

USE OF SOCIAL SECURITY NUMBER

Your Social Security number will be provided to U.S. Department of Treasury, used in connection with debt collection and checked against lists of persons ineligible or potentially ineligible to receive a U.S. passport, among other authorized uses.

NOTICE TO APPLICANTS FOR OFFICIAL, DIPLOMATIC, OR NO-FEE PASSPORTS

You may use this application if you meet all of the provisions listed on Instruction Page 2; however, you must CONSULT YOUR SPONSORING AGENCY FOR INSTRUCTIONS ON PROPER ROUTING PROCEDURES BEFORE FORWARDING THIS APPLICATION. Your completed passport will be released to your sponsoring agency for forwarding to you.

PROTECT YOURSELF AGAINST IDENTITY THEFT! REPORT YOUR LOST OR STOLEN PASSPORT BOOK OR PASSPORT CARD!

For more information regarding reporting a lost or stolen U.S. passport book or passport card (Form DS-64), or to determine your eligibility for a passport renewal (Form DS-82), call NPIC at 1-877-487-2778 or visit travel.state.gov.

NOTICE TO U.S. PASSPORT CARD APPLICANTS

The maximum number of letters provided for your given name (first and middle) on the U.S. passport card is 24 characters. The 24 characters may be shortened due to printing restrictions. If both your given names are more than 24 characters, you must shorten one of your given names you list on item 1 of this form.


U.S. passports, either in book or card format, are only issued to U.S. citizens or non-citizen U.S. nationals. Each person must obtain his or her own U.S. passport book or U.S. passport card. The passport card is a U.S. passport issued in card format. Like the traditional U.S. passport book, it reflects the bearer's origin, identity, and nationality, and is subject to existing passport laws and regulations. **Unlike the U.S. passport book, the U.S. passport card is valid only for entry at land border crossings and sea ports of entry when traveling from Canada, Mexico, the Caribbean, and Bermuda.** The U.S. passport card is **not** valid for international air travel.

ELECTRONIC PASSPORT STATEMENT

The U.S. Department of State now issues an "Electronic Passport" book, which contains an embedded electronic chip. The electronic passport book continues to be proof of the bearer's U.S. citizenship/nationality and identity, and looks and functions in the same way as a passport without a chip. The addition of an electronic chip in the back cover enables the passport book to carry a duplicate electronic copy of all information from the data page. The electronic passport book is usable at all ports-of-entry, including those that do not yet have electronic chip readers.

Use of the electronic format provides the traveler the additional security protections inherent in chip technology. Moreover, when used at ports-of-entry equipped with electronic chip readers, the electronic passport book provides for faster clearance through some of the port-of-entry processes.

The electronic passport book does not require special handling or treatment, but like previous versions should be protected from extreme heat, bending, and from immersion in water. The electronic chip must be read using specially formatted readers, which protects the data on the chip from unauthorized reading.

The cover of the electronic passport book is printed with a special symbol representing the embedded chip. The symbol  will appear in port-of-entry areas where the electronic passport book can be read.

ACTS OR CONDITIONS

If any of the below-mentioned acts or conditions have been performed by or apply to the applicant, the portion which applies should be lined out, and a supplementary explanatory statement under oath (or affirmation) by the applicant should be attached and made a part of this application.

I have not, since acquiring United States citizenship/nationality, been naturalized as a citizen of a foreign state; taken an oath or made an affirmation or other formal declaration of allegiance to a foreign state; entered or served in the armed forces of a foreign state; accepted or performed the duties of any office, post, or employment under the government of a foreign state or political subdivision thereof; made a formal renunciation of nationality either in the United States, or before a diplomatic or consular officer of the United States in a foreign state; or been convicted by a court or court martial of competent jurisdiction of committing any act of treason against, or attempting by force to overthrow, or bearing arms against, the United States, or conspiring to overthrow, put down, or to destroy by force, the government of the United States.

Furthermore, I have not been convicted of a federal or state drug offense or convicted of a "sex tourism" crimes statute, and I am not the subject of an outstanding federal, state, or local warrant of arrest for a felony; a criminal court order forbidding my departure from the United States; a subpoena received from the United States in a matter involving federal prosecution for, or grand jury investigation of, a felony.

PRIVACY ACT STATEMENT

AUTHORITIES: Collection of this information is authorized by 22 U.S.C. 211a et seq.; 8 U.S.C. 1104; 26 U.S.C. 6039E, 22 U.S.C. 2714a(f), Section 236 of the Admiral James W. Nance and Meg Donovan Foreign Relations Authorization Act, Fiscal Years 2000 and 2001; Executive Order 11295 (August 5, 1966); and 22 C.F.R. parts 50 and 51.

PURPOSE: We are requesting this information in order to determine your eligibility to be issued a U.S. passport. Your Social Security number is used to verify your identity.

ROUTINE USES: This information may be disclosed to another domestic government agency, a private contractor, a foreign government agency, or to a private person or private employer in accordance with certain approved routine uses. These routine uses include, but are not limited to, law enforcement activities, employment verification, fraud prevention, border security, counterterrorism, litigation activities, and activities that meet the Secretary of State's responsibility to protect U.S. citizens and non-citizen nationals abroad. More information on the Routine Uses for the system can be found in System of Records Notices State-05, Overseas Citizen Services Records and State-26, Passport Records.

DISCLOSURE: Providing information on this form is voluntary. Be advised, however, that failure to provide the information requested on this form may cause delays in processing your U.S. passport application and/or could result in the refusal or denial of your application.

Failure to provide your Social Security number may result in the denial of your application (consistent with 22 U.S.C. 2714a(f)) and may subject you to a penalty enforced by the Internal Revenue Service, as described in the Federal Tax Law section of the instructions to this form. Your Social Security number will be provided to the Department of the Treasury and may be used in connection with debt collection, among other purposes authorized and generally described in this section.

PAPERWORK REDUCTION ACT STATEMENT

Public reporting burden for this collection of information is estimated to average 85 minutes per response, including the time required for searching existing data sources, gathering the necessary data, providing the information and/or documents required, and reviewing the final collection. You do not have to supply this information unless this collection displays a currently valid OMB control number. If you have comments on the accuracy of this burden estimate and/or recommendations for reducing it, please send them to: U.S. Department of State, Bureau of Consular Affairs, Passport Services, Office of Legal Affairs and Law Enforcement Liaison, 44132 Mercure Cir, P.O. Box 1227, Sterling, Virginia 20166-1227

Name of Applicant (Last, First, & Middle)

Date of Birth (mm/dd/yyyy)

10. Parental Information

Mother/Father/Parent - First & Middle Name

Last Name (at Parent's Birth)

Date of Birth (mm/dd/yyyy)

Place of Birth

Sex

U.S. Citizen?

☐ Male ☐ Yes
☐ Female ☐ No

Mother/Father/Parent - First & Middle Name

Last Name (at Parent's Birth)

Date of Birth (mm/dd/yyyy)

Place of Birth

Sex

U.S. Citizen?

☐ Male ☐ Yes
☐ Female ☐ No

11. Have you ever been married? ☐ Yes ☐ No *If yes, complete the remaining items in #11.*

Full Name of Current Spouse or Most Recent Spouse

Date of Birth (mm/dd/yyyy)

Place of Birth

U.S. Citizen? ☐ Yes ☐ No
Date of Marriage (mm/dd/yyyy)

Have you ever been widowed or divorced? ☐ Yes ☐ No

Widow/Divorce Date (mm/dd/yyyy)

12. Additional Contact Phone Number

13. Occupation (if age 16 or older)

14. Employer or School (if applicable)

☐ Home ☐ Cell
☐ Work

15. Height

16. Hair Color

17. Eye Color

18. Travel Plans

Departure Date (mm/dd/yyyy)

Return Date (mm/dd/yyyy)

Countries to be Visited

19. Permanent Address - *If P.O. Box is listed under Mailing Address or if residence is different from Mailing Address.*

Street/RFD # or URB (**No P.O. Box**)

Apartment/Unit

City

State

Zip Code

20. Emergency Contact - *Provide the information of a person not traveling with you to be contacted in the event of an emergency.*

Name

Address: Street/RFD # or P.O. Box

Apartment/Unit

City

State

Zip Code

Phone Number

Relationship

21. Have you ever applied for or been issued a U.S. Passport Book or Passport Card? ☐ Yes ☐ No *If yes, complete the remaining items in #21.*

Name as printed on your most recent passport book

Most recent passport book number

Most recent passport book issue date (mm/dd/yyyy)

Status of your most recent passport book: ☐ Submitting with application ☐ Stolen ☐ Lost ☐ In my possession (if expired)

Name as printed on your most recent passport card

Most recent passport card number

Most recent passport card issue date (mm/dd/yyyy)

Status of your most recent passport card: ☐ Submitting with application ☐ Stolen ☐ Lost ☐ In my possession (if expired)

PLEASE DO NOT WRITE BELOW THIS LINE - FOR ISSUING OFFICE ONLY

Name as it appears on citizenship evidence

☐ Birth Certificate SR CR City Filed:

Issued:

☐ Nat. / Citiz. Cert. USCIS USDC Date/Place Acquired:

A#

☐ Report of Birth Filed/Place:

☐ Passport C/R S/R Per PIERS #/DOI:

☐ Other:

☐ Attached:

☐ P/C of Citiz ☐ P/C of ID ☐ DS-71 ☐ DS-3053 ☐ DS-64 ☐ DS-5520 ☐ DS-5525 ☐ PAW ☐ NPIC ☐ IRL ☐ Citiz W/S



* DS 11 C 09 2013 2 *



U.S. PASSPORT RENEWAL APPLICATION FOR ELIGIBLE INDIVIDUALS
PLEASE DETACH AND RETAIN THIS INSTRUCTION SHEET FOR YOUR RECORDS

Mailing Date of Application: _____

CAN I USE THIS FORM?

Complete the checklist to determine your eligibility to use this form

I can submit my most recent U.S. passport book and/or U.S. passport card with this application.

☐ Yes ☐ No

I was at least 16 years old when my most recent U.S. passport book and/or passport card was issued.

☐ Yes ☐ No

I was issued my most recent U.S. passport book and/or passport card less than 15 years ago.

☐ Yes ☐ No

The U.S. passport book and/or U.S. passport card that I am renewing has not been mutilated, damaged, lost, stolen or subsequently found.

☐ Yes ☐ No

My U.S. passport has not been limited from the normal ten year validity period due to passport damage/mutilation, multiple passport thefts/losses, or non-compliance with 22 C.F.R. 51.41. (Please refer to the back pages of your U.S. passport book for endorsement information).

☐ Yes ☐ No

I use the same name as on my most recent U.S. passport book and/or U.S. passport card. **--OR--**

☐ Yes ☐ No

I have had my name changed by marriage or court order and can submit proper certified documentation to reflect my name change.

**If you answered NO to any of the statements above,
STOP - You cannot use this form!**

You must apply on application form DS-11 by making a personal appearance before an acceptance agent authorized to accept passport applications. Visit travel.state.gov to find your nearest acceptance facility.

U.S. passports, either in book or card format, are only issued to U.S. Citizens or non-citizen U.S. nationals. Each person must obtain his or her own U.S. passport book or passport card. The passport card is a U.S. passport issued in card format. Like the traditional U.S. passport book, it reflects the bearer's origin, identity, and nationality, and is subject to existing passport laws and regulations. Unlike the U.S. passport book, the U.S. passport card is valid only for entry at land border crossings and sea ports of entry when traveling from Canada, Mexico, the Caribbean, and Bermuda. The U.S. passport card is not valid for international air travel.

PLEASE NOTE: Your new passport will have a different passport number than your previous passport.

FOR INFORMATION AND QUESTIONS

Visit the Department of State website at travel.state.gov or contact the National Passport Information Center (NPIC) toll-free at 1-877-487-2778 (TDD: 1-888-874-7793) or by email at NPIC@state.gov. Customer Service Representatives are available Monday-Friday 8:00a.m.-10:00p.m. and Saturday 10:00a.m.-3:00p.m. Eastern Time (excluding federal holidays). Automated information is available 24 hours a day, 7 days a week.

FAILURE TO PROVIDE INFORMATION REQUESTED ON THIS FORM, INCLUDING YOUR SOCIAL SECURITY NUMBER, MAY RESULT IN SIGNIFICANT PROCESSING DELAYS AND/OR THE DENIAL OF YOUR APPLICATION

NOTICE TO APPLICANTS RESIDING ABROAD

United States citizens residing outside the U.S. or Canada **CANNOT** submit this form to domestic addresses listed on the Instruction Page 2. Such applicants should visit www.usembassy.gov to find the nearest U.S. Embassy or Consulate for procedures for applying outside the United States.

WARNING: False statements made knowingly and willfully in passport applications, including affidavits or other documents submitted to support this application, are punishable by fine and/or imprisonment under U.S. law, including the provisions of 18 U.S.C. 1001, 18 U.S.C. 1542, and/or 18 U.S.C. 1621. Alteration or mutilation of a passport issued pursuant to this application is punishable by fine and/or imprisonment under the provisions of 18 U.S.C. 1543. The use of a passport in violation of the restrictions contained therein or of the passport regulations is punishable by fine and/or imprisonment under 18 U.S.C. 1544. All statements and documents are subject to verification.

See page 2 of the instructions for detailed information on the completion and submission of this form.

WHAT DO I SEND WITH THIS APPLICATION FORM?

- Your most recent U.S. passport book and/or card;
- A certified copy of your marriage certificate or court order if your name has changed;
- Fees; and
- A recent, color photograph.

See below for more detailed information

1. YOUR MOST RECENTLY ISSUED U.S. PASSPORT (BOOK AND/OR CARD FORMAT).

- Submit your **most recently issued** U.S. passport book and/or card. When submitting a U.S. passport book and/or card with this form, please verify that the document was issued at age 16 or older in your current name (or see item #2 below) and issued within the past 15 years. You are also eligible to use this form if you currently have a U.S. passport book and/or card that complies with the previously listed criteria, and would like to obtain an alternative product (U.S. passport book and/or card) for the **first time**. However, you must submit the product you currently have (U.S. passport book and/or card) with this application. If your U.S. passport book and/or card has been lost, stolen, damaged, or mutilated, you must apply on the DS-11 application form as specified below.

2. A CERTIFIED MARRIAGE CERTIFICATE OR COURT ORDER (PHOTOCOPIES ARE NOT ACCEPTED).

- If the name you are currently using differs from the name on your most recent U.S. passport, you must submit a certified copy of your marriage certificate or court order showing the change of name. All documents will be returned to you by mail. If you are unable to document your name change in this manner, you must apply on the DS-11 application form by making a personal appearance at (1) a passport agency; (2) U.S. embassy or consulate, if abroad; (3) any federal or state court of record or any probate court accepting passport applications; (4) a designated municipal or county official; or (5) a post office, which has been selected to accept passport applications.

3. THE CURRENT PASSPORT FEE (DO NOT SEND ACCEPTANCE AGENT FEE WITH THIS FORM).

- Enclose the fee in the form of a personal check or money order. **MAKE CHECKS PAYABLE TO "U.S. DEPARTMENT OF STATE." THE FULL NAME AND DATE OF BIRTH OF THE APPLICANT MUST BE TYPED OR PRINTED ON THE FRONT OF THE CHECK. DO NOT SEND CASH** Passport Services cannot be responsible for cash sent through the mail. By law, the fees are non-refundable. Please visit our website at travel.state.gov for detailed information regarding current fees. Newly issued passport cards are delivered via first class mail only.

OVERNIGHT DELIVERY SERVICE is only available for passport book (and not passport card) mailings in the United States. Please include the appropriate fee with your application.

FOR FASTER PROCESSING, you may request expedited service. Please include the expedited fee with your application. **Please write "Expedite" on the outer envelope when mailing. Also, TO ENSURE MINIMAL PROCESSING TIME for expedited applications, Passport Services recommends using overnight delivery when submitting the application AND including the appropriate postage fee for return overnight delivery for the newly issued passport book.** Expedited service is only available for passports mailed in the United States and Canada. Please visit travel.state.gov for updated information regarding fees, processing times, or to check the status of your passport application online.

4. A RECENT, COLOR PHOTOGRAPH.

- Submit a color photograph of you alone, sufficiently recent to be a good likeness of you (**taken within the last six months**), and 2x2 inches in size. The image size measured from the bottom of your chin to the top of your head (including hair) should not be less than 1 inch, and not more than 1 3/8 inches. The photograph must be in color, clear, with a full front view of your face. The photograph must be taken with a neutral facial expression (preferred) or a natural smile, and with both eyes open and be printed on photo quality paper with a plain light (white or off-white) background. The photograph must be taken in normal street attire, without a hat, or head covering unless a signed statement is submitted by the applicant verifying that the hat or head covering is part of recognized, traditional religious attire that is customarily or required to be worn continuously when in public or a signed doctor's statement is submitted verifying the item is used daily for medical purposes. Headphones, "bluetooth", or similar devices must not be worn in the passport photograph. Glasses or other eyewear are not acceptable unless you provide a signed statement from a doctor explaining why you cannot remove them due to medical reasons (e.g., during the recovery period from eye surgery). Any photograph retouched so that your appearance is changed is unacceptable. A snapshot, most vending machine prints, hand-held self portraits, and magazine or full-length photographs are unacceptable. A digital photo must meet the previously stated qualifications, and will be accepted for use at the discretion of Passport Services. Visit our website at travel.state.gov for details and information.

USE CAUTION WHEN STAPLING YOUR PHOTO: Use 4 staples vertically in the corners as close to the outer edge as possible. Do not bend photo.

WHERE DO I MAIL THIS APPLICATION?

FOR ROUTINE SERVICE (If you live in CA, FL, IL, MN, NY, or TX):
National Passport Processing Center
P.O. Box 640155
Irving, TX 75064-0155

FOR ROUTINE SERVICE (If you live in any other state or Canada):
National Passport Processing Center
P.O. Box 90155
Philadelphia, PA 19190-0155

FOR EXPEDITED SERVICE (Additional Fee, any state or Canada):
National Passport Processing Center
P.O. Box 90955
Philadelphia, PA 19190-0955

Because of the sensitivity of the enclosed documents, Passport Services recommends using trackable mailing service when submitting your application.

NOTE REGARDING MAILING ADDRESSES: Passport Services does not send mail to a private address outside the United States or Canada. If you do not live at the address listed in the "Mailing Address", then you must put the name of the person and mark it as "In Care Of." If your mailing address changes prior to receipt of your new passport, please contact the National Passport Information Center (NPIC) at 1-877-487-2778 or visit travel.state.gov.

You may receive your newly issued document and your returned citizenship evidence in separate mailings. If you are applying for both a passport book and/or card, you may receive **three separate mailings**: one with your returned citizenship evidence; one with your newly issued passport book, and one with your newly printed passport card.

If you choose to provide your email address in Item #6 on this application, Passport Services may use that address to contact you in the event there is a problem with your application or if you need to provide additional information to us.

FEDERAL TAX LAW

Section 6039E of the Internal Revenue Code (26 USC 6039E) and 22 U.S.C. 2714a(f) require you to provide your Social Security number (SSN), if you have one, when you apply for or renew a U.S. passport. If you have never been issued a SSN, enter zeros in box #5 of this form. If you are residing abroad, you must also provide the name of the foreign country in which you are residing. The U.S. Department of State must provide your SSN and foreign residence information to the U.S. Department of Treasury. If you fail to provide the information, you are subject to a \$500 penalty enforced by the IRS. All questions on this matter should be directed to the nearest IRS office.

NOTICE TO CUSTOMERS APPLYING OUTSIDE A DEPARTMENT OF STATE FACILITY

If you send us a check, it will be converted into an electronic funds transfer (EFT). This means we will copy your check and use the account information on it to electronically debit your account for the amount of the check. The debit from your account will usually occur within 24 hours and will be shown on your regular account statement.

You will not receive your original check back. We will destroy your original check, but we will keep the copy of it. If the EFT cannot be processed for technical reasons, you authorize us to process the copy in place of your original check. If the EFT cannot be completed because of insufficient funds, we may try to make the transfer up to two times, and we will charge you a one-time fee of \$25, which we will also collect by EFT.

FEE REMITTANCE

Passport service fees are established by law and regulation (see 22 U.S.C. 214, 22 C.F.R. 22.1, and 22 C.F.R. 51.50-56), and are collected at the time you apply for the passport service. If the Department fails to receive full payment of the applicable fees because, for example, your check is returned for any reason or you dispute a passport fee charge to your credit card, the U.S. Department of State will take action to collect the delinquent fees from you under 22 C.F.R. Part 34, and the Federal Claims Collection Standards (see 31 C.F.R. Parts 900-904). In accordance with the Debt Collection Improvement Act (Pub.L. 104-134), if the fees remain unpaid after 180 days and no repayment arrangements have been made, the Department will refer the debt to the U.S. Department of Treasury for collection. Debt collection procedures used by the U.S. Department of Treasury may include referral of the debt to private collection agencies, reporting of the debt to credit bureaus, garnishment of private wages and administrative offset of the debt by reducing, or withholding eligible federal payments (e.g., tax refunds, social security payments, federal retirement, etc.) by the amount of your debt, including any interest penalties or other costs incurred. In addition, non-payment of passport fees may result in the invalidation of your U.S. passport book and/or card. An invalidated passport book or card cannot be used for travel.

USE OF SOCIAL SECURITY NUMBER

Your Social Security number will be provided to the U.S. Department of Treasury, used in connection with debt collection and checked against lists of persons ineligible or potentially ineligible to receive a U.S. passport book and/or card, among other authorized uses.

NOTICE TO APPLICANTS FOR OFFICIAL, DIPLOMATIC, OR NO-FEE PASSPORTS

You may use this application if you meet all of the provisions listed on Instruction Page 2; however, you must CONSULT YOUR SPONSORING AGENCY FOR INSTRUCTIONS ON PROPER ROUTING PROCEDURES BEFORE FORWARDING THIS APPLICATION. Your completed passport will be released to your sponsoring agency for forwarding to you.

IMPORTANT NOTICE TO APPLICANTS WHO HAVE LOST OR HAD A PREVIOUS U.S. PASSPORT BOOK AND/OR PASSPORT CARD STOLEN

A United States citizen may not normally bear more than one valid or potentially valid U.S. passport book or more than one valid or potentially valid U.S. passport card at a time. Therefore, when a valid or potentially valid U.S. passport book or U.S. passport card cannot be presented with a new application, it is necessary to submit a Form DS-64, Statement Regarding a Lost or Stolen U.S. Passport. Your statement must detail why the previous U.S. passport book or U.S. passport card cannot be presented.

The information you provide regarding your lost or stolen U.S. passport book or passport card will be placed into our Consular Lost or Stolen Passport System. This system is designed to prevent the misuse of your lost or stolen U.S. passport book or passport card. Anyone using the passport book or passport card reported as lost or stolen may be detained upon entry into the United States. Should you locate the U.S. passport book or passport card reported lost or stolen at a later time, report it as found, and submit it for cancellation. It has been invalidated You may not use that passport book or passport card for travel.

PROTECT YOURSELF AGAINST IDENTITY THEFT! REPORT YOUR LOST OR STOLEN U.S. PASSPORT BOOK OR PASSPORT CARD!

For more information or to report your lost or stolen U.S. passport book or passport card by phone, call NPIC at:

1-877-487-2778 or visit our website at travel.state.gov

NOTICE TO U.S. PASSPORT CARD APPLICANTS ONLY

The maximum number of letters provided for your given name (first and middle) on the U.S. passport card is 24 characters. The 24 characters may be shortened due to printing restrictions. If both your given names are more than 24 characters, you must shorten one of your given names on item 1 of this form.

ACTS OR CONDITIONS

(If any of the below-mentioned acts or conditions have been performed by or apply to the applicant, the portion which applies should be lined out, and a supplementary explanatory statement under oath (or affirmation) by the applicant should be attached and made a part of this application.)

I have not, since acquiring United States citizenship/nationality, been naturalized as a citizen of a foreign state; taken an oath or made an affirmation or other formal declaration of allegiance to a foreign state; entered or served in the armed forces of a foreign state; accepted or performed the duties of any office, post, or employment under the government of a foreign state or political subdivision thereof; made a formal renunciation of nationality either in the United States, or before a diplomatic or consular officer of the United States in a foreign state; or been convicted by a court or court martial of competent jurisdiction of committing any act of treason against, or attempting by force to overthrow, or bearing arms against the United States, or conspiring to overthrow, put down, or to destroy by force, the government of the United States.

Furthermore, I have not been convicted of a federal or state drug offense or convicted of a "sex tourism" crime, and I am not the subject of an outstanding federal, state, or local warrant of arrest for a felony; a criminal court order forbidding my departure from the United States; or a subpoena received from the United States in a matter involving federal prosecution for, or grand jury investigation of, a felony.

PRIVACY ACT STATEMENT

AUTHORITIES: Collection of this information is authorized by 22 U.S.C. 211a et seq.; 8 U.S.C. 1104; 26 U.S.C. 6039E, 22 U.S.C. 2714a(f), Section 236 of the Admiral James W. Nance and Meg Donovan Foreign Relations Authorization Act, Fiscal Years 2000 and 2001; Executive Order 11295 (August 5, 1966); and 22 C.F.R. parts 50 and 51.

PURPOSE: We are requesting this information in order to determine your eligibility to be issued a U.S. passport. Your Social Security number is used to verify your identity.

ROUTINE USES: Your Social Security number will be provided to the Department of the Treasury and may be used in connection with debt collection, among other purposes authorized and generally described in this section. This information may be disclosed to another domestic government agency, a private contractor, a foreign government agency, or to a private person or private employer in accordance with certain approved routine uses. These routine uses include, but are not limited to, law enforcement activities, employment verification, fraud prevention, border security, counterterrorism, litigation activities, and activities that meet the Secretary of State's responsibility to protect U.S. citizens and non-citizen nationals abroad. More information on the Routine Uses for the system can be found in System of Records Notices State-05, Overseas Citizen Services Records and State-26, Passport Records.

DISCLOSURE: Providing information on this form is voluntary. Be advised, however, that failure to provide the information requested on this form may cause delays in processing your U.S. passport application and/or could also result in the refusal or denial of your application.


Failure to provide your Social Security number may result in the denial of your application (consistent with 22 U.S.C. 2714a(f)) and may subject you to penalty enforced by the Internal Revenue Service, as described in the Federal Tax Law section of the instructions to this form.

ELECTRONIC PASSPORT STATEMENT

The U.S. Department of State now issues a type of passport book containing an embedded electronic chip called an "Electronic Passport". The electronic passport book continues to be proof of the bearer's United States citizenship/nationality and identity, and looks and functions in the same way as a passport without a chip. The addition of an electronic chip in the back cover enables the passport book to carry a duplicate electronic copy of all information from the data page. The electronic passport book is usable at all ports-of-entry, including those that do not yet have electronic chip readers.

Use of the electronic format provides the traveler the additional security protections inherent in chip technology. Moreover, when used at ports-of-entry equipped with electronic chip readers, the electronic passport book provides for faster clearance through some of the port-of-entry processes.

The electronic passport book does not require special handling or treatment, but like previous versions should be protected from extreme heat, bending, and from immersion in water. The electronic chip must be read using specially formatted readers, which protects the data on the chip from unauthorized reading.

The cover of the electronic passport book is printed with a special symbol representing the embedded chip. The symbol  will appear in port-of-entry areas where the electronic passport book can be read.

PAPERWORK REDUCTION ACT STATEMENT

Public reporting burden for this collection of information is estimated to average 40 minutes per response, including the time required for searching existing data sources, gathering the necessary data, providing the information and/or documentation required, and reviewing the final collection. You do not have to supply this information unless this collection displays a currently valid OMB control number. If you have comments on the accuracy of this burden estimate and/or recommendations for reducing it, please send them to: Passport Forms Officer, U.S. Department of State, CA/PPT/S/L, 44132 Mercure Cir, P.O. Box 1227 Sterling, Virginia 20166-1227.



U.S. PASSPORT RENEWAL APPLICATION FOR ELIGIBLE INDIVIDUALS

Please Print Legibly Using Black Ink Only

OMB CONTROL NO. 1405-0020
OMB EXPIRATION DATE: 8-31-2020
ESTIMATED BURDEN: 40 MIN

Attention: Read WARNING on page 1 of instructions

Please select the document(s) for which you are applying:

☐ U.S. Passport Book ☐ U.S. Passport Card ☐ Both

The U.S. passport card is **not** valid for international air travel. For more information see page 1 of instructions.

☐ Regular Book (Standard) ☐ Large Book (Non-Standard)

Note: The large book option is for those who frequently travel abroad during the passport validity period, and is recommended for applicants who have previously required the addition of visa pages.

1. Name Last

First Middle

☐ D ☐ O ☐ DP DOTS Code _____

End. # _____ Exp. _____

2. Date of Birth (mm/dd/yyyy)

3. Sex

M

F

4. Place of Birth (City & State if in the U.S., or City & Country as it is presently known.)

5. Social Security Number

6. Email (Info alerts offered at travel.state.gov)

7. Primary Contact Phone Number

@

8. Mailing Address: Line 1: Street/RFD#, P.O. Box, or URB.

Address Line 2: **Clearly label** Apartment, Company, Suite, Unit, Building, Floor, In Care Of or Attention if applicable. (e.g., In Care Of - Jane Doe, Apt # 100)

City

State

Zip Code

Country, if outside the United States

9. List all other names you have used. (Examples: Birth Name, Maiden, Previous Marriage, Legal Name Change. Attach additional pages if needed)

A.

B.

10. Passport Book and/or Passport Card Information

Your name as printed on your most recent U.S. passport book and/or passport card

Most recent passport book number

Issue date (mm/dd/yyyy)

Most recent passport card number

Issue date (mm/dd/yyyy)

11. Name Change Information Complete if name is different than last U.S. passport book or passport card

☐ Changed by Marriage

Place of Name Change (City/State)

Date (mm/dd/yyyy)

☐ Changed by Court Order

Please submit a certified copy. (Photocopies are not accepted!)

CONTINUE TO PAGE 2

YOU MUST SIGN AND DATE THE APPLICATION IN THE DESIGNATED AREA BELOW

I declare under penalty of perjury all of the following: 1) I am a citizen or non-citizen national of the United States and have not, since acquiring U.S. citizenship or nationality, performed any of the acts listed under "Acts or Conditions" on page four of the instructions of this application (unless explanatory statement is attached); 2) the statements made on the application are true and correct; 3) I have not knowingly and willfully made false statements or included false documents in support of this application; 4) the photograph submitted with this application is a genuine, current photograph of me; and 5) I have read and understood the warning on page one of the instructions to the application form.

x _____

Applicant's Legal Signature

Date

FOR ISSUING OFFICE ONLY

☐ PPT BK C/R ☐ PPT BK S/R ☐ PPT CD C/R ☐ PPT CD S/R

☐ Marriage Certificate Date of Marriage/Place Issued:

☐ Court Order Date Filed/Court:

From _____

To: _____

☐ Other:

☐ Attached:

For Issuing Office Only → Bk Fee _____ Cd Fee _____ EF _____ Postage _____ Other _____



* DS 82 C 08 2013 1 *

Name of Applicant (Last, First & Middle)	Date of Birth (mm/dd/yyyy)

12. Height	13. Hair Color	14. Eye Color	15. Occupation	16. Employer or School (if applicable)

17. Additional Contact Phone Numbers			
<input type="checkbox"/> Home <input type="checkbox"/> Cell <input type="checkbox"/> Work <input type="checkbox"/> _____	<input type="checkbox"/> Home <input type="checkbox"/> Cell <input type="checkbox"/> Work <input type="checkbox"/> _____		


18. Permanent Address: If P.O. Box is listed under Mailing Address <u>or</u> if residence is different from Mailing Address.			
Street/RFD # or URB (No P.O. Box)			Apartment/Unit
City	State	Zip Code	

19. Emergency Contact - Provide the information of a person not traveling with you to be contacted in the event of an emergency.				
Name	Address: Street/RFD # or P.O. Box		Apartment/Unit	
City	State	Zip Code	Phone Number	Relationship

20. Travel Plans		
Departure Date (mm/dd/yyyy)	Return Date (mm/dd/yyyy)	Countries to be visited

STOP! YOU HAVE COMPLETED YOUR APPLICATION
BE SURE TO SIGN AND DATE PAGE ONE

WHERE DO I MAIL THIS APPLICATION?

<u>If applying in the United States or Canada:</u>		
FOR ROUTINE SERVICE (If you live in CA, FL, IL, MN, NY, or TX): National Passport Processing Center P.O. Box 640155 Irving, TX 75064-0155	FOR ROUTINE SERVICE (If you live in any other state or Canada): National Passport Processing Center P.O. Box 90155 Philadelphia, PA 19190-0155	FOR EXPEDITED SERVICE (Additional Fee, any state or Canada): National Passport Processing Center P.O. Box 90955 Philadelphia, PA 19190-0955
<u>Because of the sensitivity of the enclosed documents, Passport Services recommends using trackable mailing service when submitting your application.</u>		
<u>If applying outside the United States or Canada:</u>		
United States citizens residing outside the U.S. or Canada CANNOT submit this form to domestic addresses listed above. Such applicants should visit www.usembassy.gov to find the nearest U.S. Embassy or Consulate for procedures for applying outside the United States.		
 * DS 82 C 08 2013 2 *		



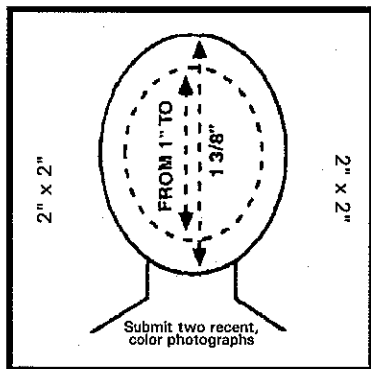
U.S. Department of State APPLICATION FOR A US PASSPORT

OMB APPROVAL NO. 1405-0004
EXPIRATION DATE: 08/30/2005
ESTIMATED BURDEN: 85 Minutes
(See Instruction Page 3)

WARNING: False statements made knowingly and willfully in passport applications, including affidavits or other supporting documents submitted therewith, are punishable by fine and/or imprisonment under provisions of 18 USC 1001, and 18 USC 1542. Alteration or mutilation of a passport issued pursuant to this application is punishable by fine and/or imprisonment under the provisions of 18 USC 1543. The use of a passport in violation of the restrictions contained therein or of the passport regulations is punishable by fine and/or imprisonment under 18 USC 1544. All statements and documents are subject to verification.

<input type="checkbox"/> 5 Yr. <input type="checkbox"/> 10 Yr. Issue Date _____	
<input type="checkbox"/> R <input type="checkbox"/> D <input type="checkbox"/> O <input type="checkbox"/> DP	End. # _____ Exp. _____

1. Name of Applicant	
Last	Suffix (Jr., Sr., III)
First	Middle
3. Sex <input type="checkbox"/> M <input type="checkbox"/> F	4. Place of Birth (City & State OR City & Country)
5. Social Security Number <small>(See Federal Tax Law Notes on Instruction Page 3)</small>	
6. Alien Registration No. <small>(If applicable)</small>	
7. Height Feet _____ Inches _____	8. Hair Color _____
9. Eye Color _____	10. Occupation _____
11. Employer _____	
12. E-Mail Address (Optional)	13. Mailing Address
	Street / RFD # OR Post Office Box _____ Apartment # _____
	City _____ State _____ Zip Code _____
	Country (If outside the US) _____ In Care of (If applicable) _____
	14. Permanent Address or Residence (If same as mailing address write "Same As Above")
	Street / RFD # (DO NOT LIST P.O. BOX) _____ Apartment # _____
	City _____ State _____ Zip Code _____
	15. Home Telephone (Include Area Code) _____
	16. Business Telephone (Include Area Code) _____
17. Have you ever applied for or been issued a U.S. passport? <input type="checkbox"/> YES <input type="checkbox"/> NO <small>If yes, complete the remaining items in block #17 and submit most recent passport.</small>	
Name in which your most recent passport was issued.	Status of recent passport <input type="checkbox"/> Submitted <input type="checkbox"/> Stolen <input type="checkbox"/> Lost <input type="checkbox"/> Other _____
Most recent passport number.	Approximate date your most recent U.S. passport was issued or date you applied.
18. Travel Plans	
Date of Trip (mm-dd-yyyy)	Length of Trip _____ Countries to be Visited _____
19. Have you ever been married? <input type="checkbox"/> YES <input type="checkbox"/> NO <small>If yes, complete the remaining items in block #19</small>	
Spouse's or Former Spouse's Full Name _____	Is your spouse (or former spouse) a U.S. citizen? <input type="checkbox"/> YES <input type="checkbox"/> NO
Date of Birth (mm-dd-yyyy)	Place of Birth _____ Date of Most Recent Marriage _____
Widowed? <input type="checkbox"/> Divorced? <input type="checkbox"/>	Give Date: _____
20. What other names have you used? (Include name changes, maiden name, & former married names)	
1) _____	2) _____ 3) _____ 4) _____



NAME OF APPLICANT (Last, First, Middle)				Date of Birth (mm-dd-yyyy)	
21. Parental Information					
Mother's Maiden Name			Date of Birth	Place of Birth	
Last	First	Middle			
Father's Name			Date of Birth	Place of Birth	
Last	First	Middle			
Is your mother a U.S. citizen? <input type="checkbox"/> YES <input type="checkbox"/> NO			Is your father a U.S. citizen? <input type="checkbox"/> YES <input type="checkbox"/> NO		
22. Emergency Contact - Provide the information of a person not traveling with you to be contacted in the event of an emergency.					
Name			Street / RFD #		
Apartment #	City		State	Zip Code	
Telephone ()		E-Mail Address (Optional)		Relationship	

STOP

DO NOT SIGN APPLICATION UNTIL REQUESTED TO DO SO BY PERSON ADMINISTERING OATH.

23. Oath & Signature

I declare under penalty of perjury that I am a United States citizen and have not, since acquiring United State citizenship, performed any of the acts listed under "Acts or Conditions" on this application form (unless explanatory statement is attached). I solemnly swear (or affirm) that the statements made on this application are true and correct and the photograph attached is a true likeness of me.

X _____
Applicant's Signature - age 14 and older

X _____
Mother's Legal Guardian's Signature (If identifying minor)

X _____
Father's Legal Guardian's Signature (If identifying minor)

FOR ACCEPTANCE AGENT USE ONLY

Facility Identification Number _____

☐ Acceptance Agent; Facility Name & Location _____

☐ (Vice) Consul USA; Location _____

☐ Passport Services Staff Agent

Subscribed & sworn to (affirmed) before me

(Signature of person authorized to accept application)

Date (mm-dd-yyyy) _____

Applicant's or Father's Identification Information

Type of Document _____ Issue Date _____

☐ Driver's License _____ Expiration Date _____

☐ Passport _____ Place of Issue _____

☐ Military Identification _____

☐ Other (Specify) _____

Name _____

ID Number _____

Mother's Identification Information

Type of Document _____ Issue Date _____

☐ Driver's License _____ Expiration Date _____

☐ Passport _____ Place of Issue _____

☐ Military Identification _____

☐ Other (Specify) _____

Name _____

ID Number _____

(SEAL)

For Issuing Office Use Only

Name as it appears on citizenship evidence: _____

☐ Birth Certificate ☐ SR ☐ CR ☐ City File Date: _____ Issue Date: _____

☐ Passport Issue Date: _____

☐ Report of Birth ☐ 240 ☐ 545 ☐ 1350 Issue Date: _____

☐ Naturalization Certificate Issue Date: _____ Cert. #: _____

☐ Citizenship Certificate Issue Date: _____ Cert. #: _____

☐ Other: _____

☐ Seen & Returned

☐ Attached: _____

APPLICATION APPROVAL

FEE _____ EXEC. _____ EF _____ OTHER _____



U.S. Department of State
APPLICATION FOR A U.S. PASSPORT

PLEASE DETACH AND RETAIN THIS INSTRUCTION SHEET FOR YOUR RECORDS.

I applied: Place: _____
Date: _____

FOR INFORMATION, QUESTIONS, AND INQUIRIES: Please visit our website at travel.state.gov. In addition, contact the National Passport Information Center (NPIC) toll-free at 1-877-487-2778 (TDD: 1-888-874-7793) or by e-mail at NPIC@state.gov. Customer Service Representatives are available M-F, 8AM-8PM EST (excluding federal holidays). Automated information is available 24/7.

U.S. PASSPORTS ARE ISSUED ONLY TO U.S. CITIZENS OR NATIONALS. EACH PERSON MUST OBTAIN HIS OR HER OWN PASSPORT.

APPLICANTS WHO HAVE HAD A PREVIOUS US PASSPORT

If your most recent passport was issued less than 15 years ago and you were over 16 years old at the time of issuance, you may be eligible to use Form DS-82 (mail-in application). Please inquire about eligibility when you apply or visit our website or contact NPIC. Address any requests for addition of visa pages to a Passport Agency or a U.S. consulate or embassy abroad. In advance of your departure, check visa requirements with consular officials of the countries you will be visiting.

SPECIAL REQUIREMENTS FOR CHILDREN

● **AS DIRECTED BY PUBLIC LAW 106-119 AND 22 CFR 51.27 EFFECTIVE JULY 2, 2001:**

To submit an application for a child under age 14 both parents or the child's legal guardian(s) must appear and present all of the following:

- Evidence of the child's U.S. citizenship,
- Evidence of the child's relationship to parents/guardian(s), AND
- Parental identification.

IF ONLY ONE PARENT APPEARS YOU MUST ALSO SUBMIT ONE OF THE FOLLOWING:

- Second parent's notarized written statement consenting to passport issuance for the child,
- Primary evidence of sole authority to apply, OR
- A written statement (made under penalty of perjury) explaining the second parent's unavailability.

● **AS DIRECTED BY REGULATION 22 CFR 51 Effective February 1, 2004:**

Each minor child applying for a passport shall appear in person.

WHAT TO SUBMIT WITH THIS FORM:

1. PROOF OF U.S. CITIZENSHIP
2. PROOF OF IDENTITY
3. TWO RECENT, COLOR PHOTOGRAPHS, AND
4. FEES (As explained on reverse of form.)

WHERE TO SUBMIT THIS FORM:

Please complete and submit this application in person to one of the following acceptance agents: a clerk of a Federal, State, or County Court of record or a judge or clerk of a probate court accepting applications; a designated municipal or county official; a designated postal employee at an authorized post office; or an agent at a Passport Agency in Boston, Chicago, Honolulu, Houston, Los Angeles, Miami, New Orleans, New York, Norwalk CT, Philadelphia, San Francisco, Seattle, or Washington DC; or a U.S. consular official at a U.S. embassy or consulate, if abroad. To find your nearest acceptance facility, visit our website or contact the National Passport Information Center.

See Instruction Page 2 for detailed information on the completion and submission of this Form.

1. PROOF OF U.S. CITIZENSHIP

- a. **APPLICANTS BORN IN THE UNITED STATES:** Submit a previous U.S. passport or certified birth certificate. A birth certificate must include your given name and surname, date, and place of birth, date the birth record was filed, and the seal or other certification of the official custodian of such records.
- (1) If the birth certificate was filed more than 1 year after the birth: It is acceptable if it is supported by evidence described in the next paragraph.
 - (2) If no birth record exists: Submit registrar's notice to that effect. Also submit an early baptismal or circumcision certificate, hospital birth record, early census, school, or family Bible records, newspapers or insurance files, or notarized affidavits of persons having knowledge of your birth (in addition to at least one record listed above). Evidence should include your given name and surname, date and place of birth, and the seal or other certification of the issuing office (if customary) and the signature of the issuing official.
- b. **APPLICANTS BORN OUTSIDE THE UNITED STATES:** Submit a previous U.S. passport, Certificate of Naturalization, Certificate of Citizenship, Consular Report of Birth Abroad, or evidence described below.
- (1) If You Claim Citizenship Through Naturalization of Parent(s): Submit the Certificate(s) of Naturalization of your parent(s), your foreign birth certificate, and proof of your admission to the United States for permanent residence.
 - (2) If You Claim Citizenship Through Birth Abroad to One U.S. Citizen Parent: Submit a Consular Report of Birth (Form FS-240), Certification of Birth (Form DS-1350 or FS-545), or your foreign birth certificate, proof of citizenship of your parent, and an affidavit showing all of your U.S. citizen parent's periods and places of residence/physical presence in the United States and abroad before your birth.
 - (3) If You Claim Citizenship Through Birth Abroad to Two U.S. Citizen Parents: Submit a Consular Report of Birth (Form FS-240), Certification of Birth (Form DS-1350 or FS-545), or your foreign birth certificate, parent's marriage certificate, proof of citizenship of your parent(s), and an affidavit showing all of your U.S. citizen parent's periods and places of residence/physical presence in the United States and abroad before your birth.
 - (4) If You Claim Citizenship Through Adoption by a U.S. Citizen Parent(s): Submit evidence of your permanent residence status, full and final adoption, and your U.S. citizen parent(s) evidence of legal and physical custody. (Please note: Acquisition of U.S. citizenship for persons born abroad or adopted only applies if the applicant was born on or after 02/27/1983)
- c. **ADDITIONAL EVIDENCE:** When necessary, we may ask you to provide additional evidence to establish you claim to U.S. citizenship.

2. PROOF OF IDENTITY

You must establish your identity to the satisfaction of the acceptance agent.

You may submit items such as the following containing your signature AND physical description or photograph that is a good likeness of you: previous U.S. passport, Certificate of Naturalization, Certificate of Citizenship, driver's license (not temporary or learner's license), or government (Federal, State, municipal) employee identification card or pass. Temporary or altered documents are not acceptable. When necessary, we may ask you to provide additional evidence to establish your identity.

IF YOU CANNOT PROVIDE DOCUMENT EVIDENCE OF IDENTITY as stated above, you must appear with an IDENTIFYING WITNESS who is a U.S. citizen, non U.S. citizen national, or permanent resident alien who has known you for at least 2 years. Your witness must prove his or her identity and complete and sign an Affidavit of Identifying Witness (Form DS-71) before the acceptance agent. You must also submit some identification of your own.

3. TWO RECENT, COLOR PHOTOGRAPHS

Submit two color photographs of you alone, sufficiently recent to be a good likeness of you (normally taken within the last six months), and 2x2 inches in size. The image size measured from the bottom of your chin to the top of your head (including hair) should not be less than 1 inch and not more than 1-3/8 inches. The photographs must be color, clear, with full front view of your face, and printed on thin paper with plain light (white or off-white) background. They must be capable of withstanding a mounting temperature of 225 Fahrenheit (107 Celsius). Photographs must be taken in normal street attire, without a hat, head covering, or dark glasses unless a signed statement is submitted by the applicant verifying the item is worn daily for religious purposes or a signed doctor's statement is submitted verifying the item is used daily for medical purposes. Photographs retouched so that your appearance is changed are unacceptable. Snapshots, most vending machine prints, and magazine or full-length photographs are unacceptable. Digitized photos must meet the previously stated qualifications and will be accepted for use at the discretion of Passport Services. (Visit our website for details.)

4. FEES

- a. If you are 16 years of age or older: The passport processing fee is \$55, the application execution fee is \$30, and the security surcharge is \$12 therefore your **total cost for the passport will be \$97**. Your passport will be valid for 10 years from the date of issue except where limited by the Secretary of State to a shorter period. (See information below about the additional cost for expedited service.)
- b. If you are 15 years of age or younger: The passport processing fee is \$40, the application execution fee is \$30, and the security surcharge is \$12, therefore your **total cost for the passport will be \$82**. Your passport will be valid for 5 years from the date of issue except where limited by the Secretary of State to a shorter period. (See information below about the additional cost for expedited service.)

BY LAW, THE PASSPORT PROCESSING, EXECUTION, AND SECURITY FEES ARE NON-REFUNDABLE.

- The passport processing, execution, and security fees may be paid in one of the following forms: Checks (personal, certified, traveler's); major credit card (Visa, Master Card, American Express, and Discover); bank draft or cashier's check; money order (U.S. Postal, international, currency exchange), or if abroad, the foreign currency equivalent; or a check drawn on a U.S. bank. All fees should be payable to the "U.S. Department of State", or if abroad, the appropriate U.S. embassy or consulate. When applying at a designated acceptance facility, the \$30 execution fee should be made payable to the acceptance facility. **NOTE: Some designated acceptance facilities do not accept credit cards as a form of payment.**
- **For faster processing, you may request expedited service. Expedited requests will be processed in three workdays from receipt at a passport agency.** The additional fee for expedited service is \$60. Therefore, if you choose to request expedited service and you are 16 years of age or older the **total cost of your U.S. passport will be \$157** and if you are 15 years of age or younger the **total cost of your U.S. passport will be \$142**. Expedited service is available only in the United States.
- **If you desire SPECIAL POSTAGE SERVICE** (overnight mail, special delivery, etc.), include the appropriate postage fee with your payment.
- An additional \$60 fee will be charged when, upon your request, the U.S. Department of State verifies issuance of a previous U.S. passport or Consular Report of Birth Abroad because you are unable to submit evidence of U.S. citizenship.
- **For applicants with U.S. Government or military authorization for no-fee passports**, no fees are charged, except the execution fee when applying at a designated acceptance facility.
- If you choose to provide your e-mail address in Item #12 on this application, Passport Services will only use that information to contact you in the event there is a problem with your application or if you need to provide additional information to us.

FEDERAL TAX LAW

Section 6039E of the Internal Revenue Code (26 USC 6039E) requires you to provide your Social Security Number (SSN), if you have one, when you apply for a U.S. passport or renewal of a U.S. passport. If you have not been issued a SSN, enter zeros in box #5 of this form. If you are residing abroad, you must also provide the name of the foreign country in which you are residing. The U.S. Department of State must provide your SSN and foreign residence information to the Department of Treasury. If you fail to provide the information, you are subject to a \$500 penalty enforced by the IRS. All questions on this matter should be directed to the nearest IRS office.

NOTICE TO CUSTOMERS MAKING PAYMENT BY CHECK

If you send us a check, it will be converted into an electronic funds transfer (EFT). This means we will copy your check and use the account information on it to electronically debit your account for the amount of the check. The debit from your account will usually occur within 24 hours, and will be shown on your regular account statement.

You will not receive your original check back. We will destroy your original check, but we will keep the copy of it. If the EFT cannot be processed for technical reasons, you authorize us to process the copy in place of your original check. If the EFT cannot be completed because of insufficient funds, we may try to make the transfer up to two times and we will charge you a one-time fee of \$25, which we will also collect by EFT.

PAYMENT OF FEES

31 USC 7701 requires persons "doing business" with a federal agency to provide their social security numbers to that agency. Because the U.S. Department of State collects fees for the provision of passport services to you, you are considered a person "doing business" with the Department. Passport service fees are established by law and regulation (see 22 USC 214, 22 CFR 22.1, and 22 CFR 51.61-66) and are collected at the time you apply for the passport service. If the Department fails to receive full payment of the applicable fees, because, for example, your check is returned for any reason or you dispute a passport fee charge to your credit card, the U.S. Department of State will take action to collect the delinquent fees from you under 22 CFR Part 34 and the Federal Claims Collection Standards (see 31 CFR Parts 900-904). In accordance with the Debt Collection Improvement Act (Pub.L. 104-134), if the fees remain unpaid after 180 days and no repayment arrangements have been made, the Department will refer the debt to the Department of Treasury for collection. Debt collection procedures used by Treasury may include referral of the debt to private collection agencies, reporting of the debt to credit bureaus, garnishment of private wages and administrative offset of the debt by reducing or withholding eligible Federal payments (e.g. tax refunds, social security payments, federal retirement, etc.) by the amount of your debt, including any interest penalties or other costs incurred.

In addition, non-payment of passport fees will result in the invalidation of your passport. An invalidated passport cannot be used for travel.

OTHER USES OF SOCIAL SECURITY NUMBERS

In addition to reporting your Social Security Number to Treasury and using it in connection with debt collection, the Department checks Social Security Numbers against lists of persons ineligible or potentially ineligible to receive a U.S. passport.

PAPERWORK REDUCTION STATEMENT

You are not required to provide the information requested on this form unless the form displays a currently valid OMB number. We try to create forms and instructions that can be easily understood. Often this is difficult to do because our citizenship laws are very complex. The estimated burden time for this information collection is 85 minutes, which includes the time required to search existing data sources, gather the necessary data, complete and review this form, and provide and submit the form and any additional information required. If you have comments concerning the accuracy of this time estimate or suggestions for making this form simpler, we would be happy to hear from you. You can write us at: U.S. Department of State (A/RPS/DIR), Washington, DC 20520.

IMPORTANT NOTICE TO APPLICANTS WHO HAVE LOST OR HAD A PREVIOUS PASSPORT STOLEN

A United States citizen may not normally bear more than one valid or potentially valid U.S. passport at a time. It therefore is necessary to submit a statement with an application for a new U.S. passport when a previous valid or potentially valid U.S. passport cannot be presented with an application for a new passport. Your statement must detail why the previous U.S. passport cannot be presented.

The information you provide regarding your lost or stolen U.S. passport will be placed into our Consular Lost or Stolen Passport System. This system is designed to prevent the misuse of your lost or stolen U.S. passport. Anyone using the passport book reported as lost or stolen may be detained upon entry into the United States. Should you locate the U.S. passport reported lost or stolen at a later time, report it as found and submit it for cancellation. It has been invalidated. You may not use that passport for travel.

PROTECT YOURSELF AGAINST IDENTITY THEFT - REPORT YOUR LOST OR STOLEN PASSPORT!

For more information or to report your lost or stolen passport by phone, call NPIC or visit our website at www.travel.state.gov.

ACTS OR CONDITIONS

(If any of the below-mentioned acts or conditions have been performed by or apply to the applicant, the portion which applies should be lined out, and a supplementary explanatory statement under oath (or affirmation) by the applicant should be attached and made a part of this application.) I have not, since acquiring United States citizenship, been naturalized as a citizen of a foreign state; taken an oath or made an affirmation or other formal declaration of allegiance to a foreign state; entered or served in the armed forces of a foreign state; accepted or performed the duties of any office, post, or employment under the government of a foreign state or political subdivision thereof; made a formal renunciation of nationality either in the United States, or before a diplomatic or consular officer of the United States in a foreign state; or been convicted by a court or court martial of competent jurisdiction of committing any act of treason against, or attempting by force to overthrow, or bearing arms against, the United States, or conspiring to overthrow, put down, or to destroy by force, the Government of the United States.

PRIVACY ACT STATEMENT

AUTHORITIES: Collection of the information solicited on this form is authorized by Titles 8, 22, and 26 of the United States Code, whether or not codified, including specifically 22 USC 211a et seq.; 26 USC 6039E, Section 236 of the Admiral James W. Nance and Meg Donovan Foreign Relations Authorization Act, Fiscal Years 2000 and 2001; Executive Order 11295 (August 5, 1966); and 22 CFR parts 50 and 51.

PURPOSE: The primary purpose for soliciting the information is to establish citizenship, identity, and entitlement to issuance of a U.S. passport.

ROUTINE USES: The information solicited on this form may be made available as a routine use to other government agencies to assist the U.S. Department of State in adjudicating passport applications and requests for related services, and for law enforcement and administration purposes. The information may be made available to foreign government agencies to fulfill passport control and immigration duties. The information may also be provided to foreign government agencies, international organizations and, in limited cases, private persons and organizations to investigate, prosecute, or otherwise address potential violations of law or to further the Secretary's responsibility for the protection of U.S. citizens and non-citizen nationals abroad. The information may be made available to private U.S. citizen 'wardens' designated by the U.S. embassies and consulates. For a more detailed listing of the routine uses to which this information may be put, see the Prefatory Statement of Routine Uses and the listing of routine users set forth in the system descriptions for Overseas Citizen Services Records (State-05) and Passport Records (State-26) published in the Federal Register.

CONSEQUENCES OF FAILURE TO PROVIDE INFORMATION: With the exception of your Social Security Number (see Federal Tax Law statement on Instruction Page 3), you are not legally required to provide the information requested on this form. However, failure to do so may result in Passport Services' refusal to accept your application or result in the denial of a U.S. passport.

ELECTRONIC PASSPORT STATEMENT

Early in 2005, the U.S. Department of State will begin issuing a new type of passport containing an embedded electronic chip and called an "Electronic Passport". The new passport will continue to be proof of the bearer's United States citizenship and identity, and will look and function in the same way as a passport without a chip. The addition of an electronic chip in the back cover will enable the new passport to carry a duplicate electronic copy of all information from the data page. The new passport will be usable at all ports-of-entry, including those that do not yet have electronic chip readers.

Use of the electronic format will provide the traveler the additional security protections inherent in chip technology. Moreover, when used at ports-of-entry equipped with electronic chip readers, the new passport will provide for faster clearance through some of the port-of-entry processes.

Issuance of this new passport will be phased in during an 18-month period. It is expected that by mid-2006 nearly all U.S. passports will be issued in this new format. The new passport will not require special handling or treatment, but like previous versions should be protected from extreme bending and from immersion in water. The electronic chip must be read using specially formatted readers, and is not susceptible to unauthorized reading.

The cover of the new passport will be printed with a special symbol representing the embedded chip. The symbol "LOGO IMAGE" will appear in port-of-entry areas where the electronic passport can be read.

NOTICE TO APPLICANTS FOR OFFICIAL, DIPLOMATIC, OR NO-FEE PASSPORTS

You may use this application if you meet all of the provisions listed on Instruction Page 2, however you must CONSULT YOUR SPONSORING AGENCY FOR INSTRUCTIONS ON PROPER ROUTING PROCEDURES BEFORE FORWARDING THIS APPLICATION. Your completed passport will be released to your sponsoring agency for forwarding to you.

**STATEMENT REGARDING A LOST OR STOLEN PASSPORT****IMPORTANT NOTICE**

A United States citizen may not normally bear more than one valid or potentially valid U.S. passport at a time. It therefore is necessary to submit a statement with an application for a new U.S. passport when a previous valid or potentially valid U.S. passport cannot be presented. Your statement must detail why the previous U.S. passport cannot be presented.

The information you provide on the DS-64, Statement Regarding a Lost or Stolen Passport will be placed into our Consular Lost or Stolen Passport System. This system is designed to prevent the misuse of your lost or stolen U.S. passport. Anyone using the passport book reported on the DS-64 may be detained upon entry into the United States. Should you locate the passport reported lost or stolen at a later time, you should report it as found and submit it for cancellation. It has been invalidated. You may not use that passport for travel.

**Protect yourself against identity theft!
Report a lost or stolen passport!**

1. IDENTIFYING INFORMATION			Type or print in blue or black ink in white areas only.		
Last Name		First Name		Middle Name	
Has your name changed since the passport was issued? If yes, state the name in which the lost or stolen passport was issued.					
SEX <input type="checkbox"/> Female <input type="checkbox"/> Male	Date of Birth (mm-dd-yyyy)		Place of Birth (State or Country)		Social Security Number
Current Address (Street, City, State, & Zip Code)					
Home Telephone Number ()		Work Telephone Number ()		E-mail Address	
2. LOST OR STOLEN PASSPORT INFORMATION					
What was your lost or stolen passport number?			When was your lost or stolen passport issued?		
What passport agency, embassy, or consulate issued your lost or stolen passport?					
How was your passport lost or stolen?					
<u>Where</u> and on <u>what date</u> did the loss or theft take place?					
If your passport was stolen, did you notify the police? If yes, explain when and where you notified the police.					
Have you made any effort to recover your passport? If yes, describe your efforts.					
Have you had any other U.S. passports lost or stolen? (Please give the approximate date of this loss or theft and any additional information you can provide.)					
Are you submitting this form in connection with an application for a new passport? <input type="checkbox"/> Yes <input type="checkbox"/> No					
CERTIFICATION I, the undersigned, certify that the information furnished herein is correct and complete to the best of my knowledge and belief, and that I have not given my passport to another person or disposed of it in an unauthorized manner. I understand that my passport will be invalidated and cannot be used. If I subsequently find and recover it, I will immediately return it to Passport Services at the address on the back of this form or to the nearest passport agency.					
Signature			Date (mm-dd-yyyy)		
For Official Use Only					

DISASTER LEGAL ASSISTANCE INTERVIEW CHECKLIST

1. Ask about and document all of the client's disaster-related losses and needs.
2. Advise the client to call **1-888-LA-HELP-U (624-3578)** to apply for disaster assistance programs and/or get more information.
3. **1-888-LA-HELP-U** transfers clients to the **FEMA** application line **1-800-621- FEMA (621-3362)** to apply for FEMA disaster assistance. Even if the client has already applied for disaster food stamps, or disaster Medicaid, make sure they have also applied for FEMA help. They should have a FEMA application number if they have applied, and you should note their FEMA application number on your intake (or note that you have advised them to apply). Also, visit [https://gohsep.la.gov/GRANTS/RECOVERY-GRANTS/Individual-Assistance#:~:text=The%20Disaster%20Unemployment%20Assistance%20\(DUA,State%20unemployment%20insurance%20\(UI\)](https://gohsep.la.gov/GRANTS/RECOVERY-GRANTS/Individual-Assistance#:~:text=The%20Disaster%20Unemployment%20Assistance%20(DUA,State%20unemployment%20insurance%20(UI)for applications to the Individual Assistance (IA) Grant Program) for applications to the Individual Assistance (IA) Grant Program.
4. The FEMA application line is very busy, and they are encouraging those affected by the disaster to file their application for help on-line at www.fema.gov. You can help our client file if you have internet access, and your interview checklist can help you assist your client in identifying **all** their disaster-related losses and needs.
5. Reassure your client that although disaster recovery is a long process, there are a number of programs and people that can help.
6. Help your client to keep track of all the calls, claims and information they are making and receiving related to their disaster losses and needs. Give them a notebook and folder to keep important phone numbers, contact names, application numbers, copies of materials and any questions they have.
7. Let your client know it is very important to keep you, FEMA and any other state, local or federal agency they applied to or are getting help from updated with their current contact information, including an address and phone number if they have one, so

they can get the help and information they need. They can also call FEMA to check on the status of their application.

8. As your client's circumstances change or as they identify new disaster-related needs (e.g. they find they need mental health counseling several weeks from now, or discover that they have lost more property than they originally thought), they should let you know, and call FEMA to update their disaster application.

INTERVIEW CHECKLIST DISASTER RELATED NEEDS AND LOSSES AND PROGRAMS THAT MAY HELP

Housing Needs/Programs

1. Where were you living at the time of the disaster?

Rent? Own? Landlord/Mortgage Company (name, address, phone number)

Who lived with you there? (names, ages, relationships). Are all of these people still living with you? (if have been separated, may need to apply for FEMA assistance as separate households.

What damage did you sustain to your home? (don't know yet, complete loss, major damage- describe) Are you able to go back there now?

Did you/your household have any home insurance? (Company name, coverage type, amount) HUD or other mortgage insurance? Medical insurance?

If you own your home and were given up to \$5,000 for emergency repairs, could you repair your home so you could safely return there? (FEMA IHP program- emergency home repairs) What if you could get up to about \$26,000 for repairs? (FEMA IHP program).

(Note: IHP program funds can also be used for car repair or replacement, public transportation, replacement of personal property (e.g. furniture, appliances) and items like clothing, and tools for employment. There is a **\$33,300 total cap** on the FEMA IHP funds available to any household).

Where are you living now? (address, contact #) Do you need help paying rent to stay here or somewhere else? (FEMA IHP program-housing assistance, up to 18 months)

If you were given up to \$10,000 to help buy a new home, would you have enough income to be able to buy a new home with a loan (up to 200,000?) (FEMA IHP home replacement program, with SBA loan)?

If temporary housing were available, at a military base, on a cruise ship, or in public housing, would that meet your temporary housing needs?

Personal needs/Programs

Were any of your loved ones injured or killed as a result of the disaster?

If someone has passed away, may qualify for Social Security Survivors benefits, TANF if have children or relative's children, Social Security death benefit (about \$225), FEMA IHP program funds for funeral expenses, including burial or cremation.

If someone was injured, disabled, or was affected by the disaster and needs medical insurance, medications, durable medical equipment (e.g. wheelchair) they may be able to get help through Medicaid or the FEMA IHP program.

Did you lose food or food stamps as a result of the disaster? (Expedited Disaster Food stamps are available; call 888-LA-HELP-U for more information).

Did you or anyone in your household lose personal property as a result of the disaster? (describe/list). Did you have insurance? (info)

(FEMA IHP program, up to \$26,200 cap, can pay for repair or replacement of the client's automobile, public transportation, clothing, school supplies including computer, household furnishings and appliances, tools for employment, durable medical equipment replacement or repairs, moving and storage expenses, unmet medical and dental expenses, and funeral expenses).

Employment and Business Losses/Programs

Did you or anyone in your family lose their job or become unable to work because of the disaster?

Unemployment or expanded Disaster Unemployment Insurance is available, even if your client was self-employed, or was about to start a job but now can't because of the disaster, or can't get to their job, or have become the head of the household because of a disaster-related death.

Your client may need to apply for state and federal disability benefits programs (e.g. state disability, Social Security), TANF/welfare assistance, food stamps, Medicaid, or other public benefits programs.

Was your business damaged or destroyed as a result of the disaster? (describe) Any insurance? (SBA has several loan programs for businesses that were damaged or destroyed as a result of the disaster- up to \$1.5 million)

Other needs/programs

Does anyone in the family need mental health counseling or support? (FEMA crisis counseling services, other programs)

Federal Income tax relief may be available.

Were you or anyone in your family the victim of a violent crime?

Victims of violent crimes that may have happened during the disaster may be eligible for compensation through the Crime Victims Reparation Program (up to \$10,000 for damages sustained, up to \$25,000 if total/permanent disability).

Have you applied for FEMA assistance? (If so, application # and date. If not, advise to apply if suffered disaster related losses and do not have insurance that covers)

(If applicable), Have you applied for other programs? (e.g. Social Security, Disaster Food Stamps, Medicaid, TANF (FITAP or Kinship))

Have you made any insurance claims? (if so, any problems?)

Are you worried about bills or have questions about bankruptcy?

Do you have any legal problems as a result of the disaster that we have not talked about? (describe)

Disaster Assistance Tips

If you don't get help from one disaster assistance program, you may still be able to get it from another. Call the numbers on the bottom of this page for more help. You have 60 days to appeal a FEMA decision. You must put your appeal in writing. It must be signed by you, or, by your representative.

1. Write down all your disaster related losses—home, personal property, car, job, and your needs such as medical care, money for rent, a place to live, help repairing or replacing your home.
2. Keep a hurricane notebook. List your FEMA application control number. List all your calls, the date you called, the number you called, the name of the person you spoke to and what they told you.
3. **Take time to tell the disaster worker about all of your hurricane related losses and needs.**
4. Save all papers and receipts such as rent receipts, leases, and all copies of letters to and from FEMA, SBA, IFGP and any other agency.
5. If you can, take pictures of the damage (get double prints).
6. **If the FEMA inspector comes to your home, try to show or explain to him or her all of your damage. Ask them to write everything down, since a good inspection is very important to support your need for help.**
7. Call legal aid to appeal if you don't get enough help or your application is delayed. If you believe you were denied because your inspection was bad, ask for a new inspection.

For Further Help Call:

**1-800-310-7029 or
Your Local Legal Aid Office**

Phone Numbers For Emergency Food, Housing, Clothing And Other Needs

**Louisiana State
Help Line**
1-888-LAHelpU
(888-524-3578)

FEMA
1-800-621-3362
(TTY 1-800- 462-
7585)

SBA
1 800-659-2955

Red Cross
1-800-229-8181

EMERGENCY PROGRAMS IN LOUISIANA TO HELP HURRICANE VICTIMS WITH NO OR LOW INCOME

The following public benefits are available to disaster victims. You should also apply with FEMA for their benefits. You can get benefits both from FEMA and the programs listed below. **The money you get from FEMA or the Red Cross should NOT count as income or resources for any of these programs.**

For more information about any of the programs on this flyer, call (888) 524-3578

PROGRAMS TO GET MONEY

Money For Families With Children:

The Family Independence Temporary Assistance Program (FITAP) gives cash to families with children. The money you get depends on the size of your family (\$122/month for one person, up to \$512/month for a bigger family). For more information on eligibility and how to apply, call (888) 524-3578.

The Kinship Care Subsidy Program (KCSP) gives cash benefits to children who are being taken care of by relatives who are not their parents (up to \$222/month for each eligible child). Call (888) 524-3578 for more information.

For more information about these programs and other programs that can help, call (800) 706-8263.

Money For People Out Of Work:

You can get **regular unemployment benefits** for 26 weeks. You should also apply for Disaster Unemployment Assistance. You can apply at a One-Stop Career Center or by phone at (888) LAHELPU or at (866) 783-5537. More information is available online at www.laworks.net.

You may be able to get **Disaster Unemployment Assistance (DUA)** for up to 26 weeks if you cannot get regular unemployment benefits. If you need your earnings records from the IRS for your application, call (866) 562-5227.

One-Stop Career Center or call (888) LAHELPU, or (866) 783-5569. More information is available online at www.laworks.net.

For People Who Get Social Security:

Paper checks: You may not have gotten your check because of problems with mail service. The Postal Service is holding some mail. You can go to a post office listed at

www.socialsecurity.gov/emergency/usps.html and pick up your mail if you have a photo I.D. You can also go to any open Social Security office and ask for an "Immediate Payment". To find an open office, call (800) 772-1213. Some of the shelters are also setting up postal service for evacuees.

Direct Deposit: If you get your Social Security payment by direct deposit, it should be deposited to your account as usual. If you have any problems getting your money, you can go to any open Social Security office and ask for an "Immediate Payment". To find an open office, call (800) 772-1213.

Money For People With Family Members Who Have Died:

The Social Security Survivor's Benefits program gives money to some family members of a worker who has died. The worker must have had at least 40 quarters (10 years) of work to be eligible for benefits.

You may be able to get survivor's benefits if you are:

- ñ A widow/widower
- ñ An unmarried child of the deceased
- ñ A parent, if you are 62 or older and were dependent on the worker.

The money you get depends on the wages of the deceased worker. To apply or for more information, call (800) 772-1213.

Social Security can give a **Death Benefit** of \$225 to the widow/widower of a worker. If there is no spouse, the worker's child may be able to get the benefit. Call (800) 772-1213 for more information

**EMERGENCY PROGRAMS IN LOUISIANA
TO HELP HURRICANE VICTIMS WITH NO OR LOW INCOME**

Money for Disabled, Blind, and Aged People:

The **Supplemental Security Income (SSI)** program gives monthly cash grants to people who are 65 or older or are blind and disabled. You must have limited income and financial resources to get this benefit. If you are approved, you can get up to \$579 for an individual and up to \$869 for a couple.

To apply for these benefits, call (800) 772-1213.

PROGRAMS TO GET FOOD

Food For Everyone Affected by Katrina:

If you lost food or money in the disaster, you may be able to get up to one month of Food Stamps. If you already get food stamps, an extra month of benefits will be added to your EBT card. Even if you do not already get food stamps, you may be able to get disaster food stamps if your home was damaged, you lost income or wages, or have no access to your bank accounts.

To apply, go to a local welfare office. You will not need a picture I.D. You can use a friend, relative, minister, or old papers to prove your identity. If you cannot do that, the welfare office will take your word about your identity. You can tell the welfare office that you lived in an area affected by Katrina and were hurt by it. You will not have to provide proof of that.

For more information, call (888) 524-3578 or (888) 524-3578.

Fast Track ("Expedited") Food Stamps:

If you do not already get food stamps now, you might need them because you lost your job, home, or income, food stamps. You can apply and get them within 7 days. Call (888) 524-3578.

Food For Pregnant Women, Mothers, and Infants:

The **Women, Infant and Children (WIC)** program gives money and food to pregnant women, new and breastfeeding mothers, and kids up to age 5. This money and food is **in addition to** Food Stamps, so you can get help from both WIC and Food Stamps. WIC can also give you special medical infant formulas if your newborn or infant needs them.

To apply, call (888) 524-3578. You will not need a picture I.D. or proof of income to apply.

If you already get WIC benefits and need to know how to get food where you are now, call (800) 251-2229 or (888) 524-3578.

Lost EBT Cards:

If you do not have your Electronic Benefits (EBT) card, go to any Louisiana Department of Social Services office and ask for a new card. You will not need a picture I.D. Call (866) 334-8304 for more information. If you have your EBT card but have problems using it or getting your benefits, call (888) 997-1117 or (866) 334-8304.

Free or Low Cost Medical Care:

Medicaid gives free and low-cost health care to individuals and families. Call (888) 342-6207 for more information.

If you are elderly or disabled and need help getting Medicaid, call (800) 711-1696 for help.

**NEED HELP WITH THESE
PROGRAMS? CALL:**

**1-800-310-7029 or
Your Local Legal Aid Office**

Disaster Assistance

Food, shelter, cash payments, loans, and other help
for survivors of major disasters

Federal disaster assistance is provided to survivors of a major disaster through...

- the Federal Emergency Management Agency (FEMA), the Individuals and Households Program (IHP), Disaster Unemployment Assistance (DUA), the Small Business Administration (SBA), and emergency provisions of other benefit programs such as the Supplemental Nutrition Assistance Program (SNAP).
- FEMA, the key federal coordinating agency, works in concert with and provides referrals to other agencies administering disaster relief.

NOTE: The most common “major disasters” are earthquakes, storms, fires, and civil unrest.

FEMA provides...

- *Temporary Housing Assistance.* Rent payments or temporary housing units for people who must relocate due to disaster-related damage to their primary home or apartment.
- *Mortgage and Rental Assistance.* Rent or mortgage payments for people suffering a financial hardship due to the disaster and facing eviction or foreclosure.
- *Emergency home repairs.* Grants to homeowners to restore the habitability of their home and replace essential household items.
- *Critical Needs Assistance.* One-time, limited payments for immediate needs such as food, medications and medical equipment, infant formula, and personal hygiene items.

OTHER PROGRAMS

The Individuals and Households Program (IHP)

- Provides grants to people needing financial help for disaster-related expenses such as housing repairs and cleanup, replacement of household and job essentials (including transportation), child care, and medical, dental, and funeral costs; also provides temporary housing expense reimbursements and rental assistance.
- To receive IHP for purposes other than medical, dental, and funeral costs, an individual must be ineligible for an SBA loan, or must have received an SBA loan that is inadequate to cover his or her needs.
- The IHP is administered through state offices of emergency services or similar state agencies.

Disaster Unemployment Assistance (DUA)

- Provides cash income to people who become unemployed due to a major disaster and who are ineligible for regular state unemployment insurance (UI). DUA is administered by the U.S. Department of Labor through state employment agencies.

Food programs

- Emergency Supplemental Nutrition Assistance Program (SNAP), Disaster SNAP (D-SNAP), and food distribution may be provided to meet emergency food needs arising after a disaster. These food programs are administered by the U.S. Department of Agriculture through state social services agencies or similar state or local organizations.

Short-term, noncash, in-kind emergency disaster assistance

- Numerous agencies independently provide food, water, shelter, medical care, emergency shelter, search and rescue, and other services to minimize threats to life, property, and public health and safety.

Small Business Administration (SBA) loans

- Low-interest loans to homeowners, renters, nonprofit organizations, and large and small businesses to repair or replace damaged homes, personal property, or businesses.
- Primary source of federal funds for long-term housing assistance.

Individuals qualify for disaster assistance who...

- have suffered a loss caused by an event that the president of the United States has declared to be a major disaster
- apply soon after a disaster is declared, within the application period for the particular benefit program

Special considerations for immigrants and their families

- If one member of the household is a U.S. citizen or a “qualified” immigrant, the household may be eligible for FEMA’s Individuals and Households Program.
- Receipt of disaster relief does not have public charge consequences.
- All immigrants, regardless of immigration status, are eligible for short-term, noncash, in-kind, emergency disaster relief and similar services.

continued following table ➤

Disaster Assistance	
ELIGIBLE IMMIGRANTS	INELIGIBLE IMMIGRANTS
FEMA Assistance Programs, Individuals and Households Program, and Disaster Unemployment Assistance	
<p>“Qualified” immigrants¹ and victims of trafficking²</p> <p>NOTE: To receive Disaster Unemployment Assistance (DUA), “qualified” immigrants and survivors of trafficking must have employment authorization.</p>	<p>“Not qualified” immigrants are ineligible,³ except for services that provide short-term, noncash, in-kind emergency disaster relief.</p>
Short-Term, Noncash, In-Kind Emergency Disaster Relief	
<p>All immigrants, regardless of immigration status.</p> <p>NOTE: FEMA interprets the short-term disaster relief provision to apply to programs that provide: search and rescue; emergency medical care; emergency mass care; emergency shelter; clearance of roads and construction of temporary bridges necessary to the performance of emergency tasks and essential community services; warning of further risk or hazards; dissemination of public information and assistance regarding health and safety measures; provision of food, water, medicine, and other essential needs, including movement of supplies or persons; and reduction of immediate threats to life, property, and public health and safety.</p> <p>D-SNAP, which provides temporary food assistance for households affected by a natural disaster, may be available for households that are not normally eligible for SNAP benefits.</p>	<p>None.</p>
Emergency Supplemental Nutrition Assistance Program (SNAP) ⁴	
<p>Children under 18 years old who are now “qualified” immigrants.</p> <p>Adults who have had a “qualified” immigrant status for at least 5 years, and other adults listed below.</p> <p>Seniors who were born before Aug. 22, 1931, were lawfully residing in the U.S. on Aug. 22, 1996, and who are now “qualified” immigrants.</p> <p>Persons receiving benefits for blindness or disability, who were lawfully residing in the U.S. on Aug. 22, 1996. Disability-related benefits may include: Supplemental Security Income, Social Security disability, state disability or retirement pension, railroad retirement disability, veteran’s disability, disability-based Medicaid, or possibly General Assistance for certain persons with disabilities.</p> <p>Lawful permanent residents (LPRs) credited with 40 quarters of work.</p> <p>“Refugee” categories: individuals granted status as a refugee, asylee, person granted withholding of removal/deportation, Amerasian immigrant, Cuban/Haitian entrant, Iraqi or Afghan special immigrants. Eligibility continues during this period even if the “refugee” becomes an LPR. Even after the seven-year period expires, these immigrants may be eligible under another category listed on this page.</p> <p>Victims of trafficking.</p> <p>Veterans and active duty military personnel, their spouses, unremarried surviving spouses, and children, who are “qualified” immigrants.</p> <p>Certain Hmong or Highland Laotian tribe members who are lawfully present in the U.S., and were members of these tribes during the Vietnam era; spouses, unremarried widows/widowers, and unmarried dependent children of these tribe members also are eligible.</p> <p>A member of a federally recognized Indian tribe, or an American Indian born in Canada.</p> <p>Some states also provide state-funded food assistance to additional categories of immigrants.</p>	<p>“Qualified” immigrants not listed as eligible.</p> <p>“Not qualified” immigrants other than American Indians and Hmong or Laotian tribe members or trafficking survivors described as eligible.</p>

To apply, a person should...

- contact FEMA via telephone at 1-800-462-9029; TDD 1-800-462-7585 (following some disasters, FEMA opens Disaster Recovery Centers where people can obtain information or apply for assistance).

The law governing federal disaster assistance appears at:

Stafford Disaster and Relief Act 42 U.S.C. §§ 5121, et seq., 44 C.F.R. §§ 206.1, et seq. (FEMA and IHP), 20 C.F.R. §§ 625.1, et seq. (DUA), 7 C.F.R. §§ 280.1, et seq. (Emergency Food Coupons and Food Distribution), 15

U.S.C. §§ 634, et seq., 13 C.F.R. §§ 123.1, et seq. (SBA); immigrant eligibility described in Memorandum from Lacy E. Suiter, Federal Emergency Management Agency, Executive Associate Director, Response and Recovery Directorate Policy No. 4430.140C, Policy on Verification of Citizenship, Qualified Alien Status and Eligibility for Disaster Assistance (Mar. 2, 1998).

Additional materials:

FEMA Citizenship/Immigration Requirements (last updated Dec. 2, 2015), <https://www.fema.gov/faq-details/FEMA-Citizenship-Immigration-requirements-1370032118159>.

Fact Sheet: FEMA Individuals and Households Program, <https://www.fema.gov/media-library-data/1502371943459-711a17671708a7ded53fob22315f2597/FACTSHEETIndividualsandHouseholdIHP.pdf>.

Individuals, Households Program Unified Guidance Final (last updated Jan. 5, 2017), <https://www.fema.gov/media-library/assets/documents/124228>.

¹ “Qualified” immigrants – are: (1) lawful permanent residents (LPRs); (2) refugees, asylees, people granted withholding of deportation/removal, conditional entry (in effect prior to Apr. 1, 1980), or paroled into the U.S. for at least one year; (3) Cuban/Haitian entrants; (4) battered spouses and children with a pending or approved (a) self-petition for an immigrant visa, or (b) immigrant visa filed for a spouse or child by a U.S. citizen or LPR, or (c) application for cancellation of removal/suspension of deportation, whose need for benefits has a substantial connection to the battery or cruelty (parent/child of such battered child/spouse are also “qualified”); and (5) victims of trafficking and their derivative beneficiaries who have obtained a T visa or whose application for a T visa sets forth a prima facie case. A broader group of trafficking victims who are certified by or who receive an eligibility letter from the Office of Refugee Resettlement are eligible for benefits funded or administered by federal agencies, without regard to their immigration status.

² A “victim of trafficking” is an individual who has been subjected to a “severe form of trafficking in persons” as defined by the Victims of Trafficking and Violence Prevention Act of 2000. Severe forms of trafficking include sex trafficking and the forced or fraudulent recruitment, harboring, transport or provision of a person for labor or services that subject the person to involuntary servitude, peonage, debt bondage, or slavery.

³ “‘Not qualified’ immigrant,” as used in this *Guide*, refers to a person who is not a U.S. citizen and not a “‘qualified’ immigrant.”

⁴ Note that the Emergency SNAP requirements are different from those that apply to the D-SNAP program. For details, see *Disaster SNAP Guidance: Policy Guidance, Lessons Learned, and Toolkits to Operate a Successful D-SNAP* (U.S. Dept. of Agriculture Food and Nutrition Service, July 2014), https://fns-prod.azureedge.net/sites/default/files/D-SNAP_handbook_o.pdf.



Office of Disaster Assistance
1-800-659-2955

FACT SHEET ABOUT U. S. SMALL BUSINESS ADMINISTRATION DISASTER LOANS

Declaration: ***Louisiana #10176/10177***

Disaster: LA-00002 Incident: Damages caused by Hurricane Katrina.
Occurring: August 29, 2005 and Continuing

Filing Deadline for Applications for Physical Damage to Homes, Personal Property, Businesses: October 28, 2005

Filing Deadline for Applications for Economic Injury: May 29, 2006

Types of Disaster Loans:

- Home Disaster Loans. Loans to homeowners or renters to repair or replace disaster damages to real estate or personal property owned by the victim. Renters are eligible for their personal property losses.
- Business Physical Disaster Loans. Loans to businesses to repair or replace disaster damages to property owned by the business, including real estate, machinery and equipment, inventory and supplies. Businesses of any size are eligible. Non-profit organizations such as charities, churches, private universities, etc. are also eligible.
- Economic Injury Disaster Loans (EIDL). Loans for working capital to small businesses and small agricultural cooperatives to assist them through the disaster recovery period. EIDL assistance is available only to applicants with no Credit Available Elsewhere - if the business and its owners cannot provide for their own recovery from non-government sources.

Credit Requirements:

- Repayment. SBA's disaster assistance is in the form of loans. Applicants must show the ability to repay all loans.
- Collateral. Collateral is required for all physical loss loans over \$10,000 and all EIDL loans over \$5,000. SBA takes real estate as collateral where it is available. Applicants do not need to have full collateral; SBA will take what is available to secure each loan.

Interest Rates:

- By law, the interest rates depend on whether each applicant has Credit Available Elsewhere. An applicant does not have Credit Available Elsewhere when SBA determines that the applicant does not have sufficient funds or other resources, or the ability to borrow from non-government sources, to provide for its own disaster recovery. An applicant which SBA determines can so provide for its own recovery has Credit Available Elsewhere. Generally, SBA determines that over 90% of disaster loan applicants do not have Credit Available Elsewhere.
- Interest rates are determined by formulas set by law, and may vary over time with market conditions. Currently (for disasters, which occurred on or after August 1, 2005) the applicable interest rates are:

	No Credit Available Elsewhere	Credit Available Elsewhere
Home Loans	2.687%	5.375%
Business Loans	4.000%	6.557%
Non-profit Organizations	4.000%	4.750%
Economic Injury Loans	4.000%	N/A

Loan Term:

- The law authorizes loan terms up to a maximum of 30 years. However, for businesses with Credit Available Elsewhere, the law limits the loan term to a maximum of 3 years.
- SBA determines the term of each loan in accordance with the borrower's ability to repay. Based on the financial circumstances of each borrower, SBA determines an appropriate installment payment amount, which in turn determines the actual term.

Loan Amount Limits:

- Home Loan amounts are limited by SBA regulation to \$200,000 to repair/replace real estate and \$40,000 to repair/replace personal property. The actual amount of each loan, up to these maximums, is limited to the verified uninsured disaster loss. Refinancing of existing mortgages on homes is eligible in some cases up to the amount of the loan for real estate repair/replacement. Loan amounts may be increased by up to 20% for devices to mitigate against damage to the real property of the same type as the disaster.
- Business Loan amounts are limited by law to \$1,500,000 for real estate, machinery and equipment, inventory and all other physical losses. The actual amount of each loan, up to this maximum, is limited to the verified uninsured disaster loss. Refinancing of existing mortgages or liens on real estate and machinery and equipment is eligible in some cases up to the amount of the loan for real estate and machinery and equipment repair/replacement. Loan amounts may be increased by up to 20% for devices to mitigate against damage to the real property of the same type as the disaster.
- Economic Injury Disaster Loan (EIDL) amounts are limited by law to \$1,500,000. The actual amount of each loan, up to this maximum, is limited to the actual economic injury as calculated by SBA, not compensated by business interruption insurance or otherwise, and beyond the ability of the business and/or its owners to provide.

The \$1,500,000 statutory limit for business loans applies to the combination of physical and economic injury, and also applies to all disaster loans to a business and its affiliates. If a business is a major source of employment, SBA has authority to waive the \$1,500,000 statutory limit.

Loan Eligibility Restrictions:

- Uninsured Losses. Only uninsured or otherwise uncompensated disaster losses are eligible. Any insurance proceeds which are required to be applied against outstanding mortgages are not available to fund disaster repairs and do not reduce loan eligibility. However, any insurance proceeds voluntarily applied to any outstanding mortgages do reduce loan eligibility.
- Ineligible Property. Secondary homes, personal pleasure boats, airplanes, recreational vehicles and similar property is not eligible, unless used for business purposes. Property such as antiques and collections is eligible only to the extent of its functional value. Amounts for landscaping, swimming pools, etc. are limited.
- Noncompliance. Applicants who have not complied with the terms of previous loans are not eligible. This includes prior borrowers who did not maintain required flood insurance.

Refinancing:

SBA can refinance all or part of prior mortgages, evidenced by a recorded lien, when the applicant (1) does not have Credit Available Elsewhere, (2) has suffered substantial uncompensated disaster damage (40% or more of the value of the property), and (3) intends to repair the damage. Refinancing of prior debts improves the victim's ability to afford the SBA disaster loan.

Relocation:

Use of SBA disaster loans for relocating is subject to limitations. Generally, victims may relocate where they need to do so for reasons beyond their control. If the victim is forced by state or local authorities to relocate, the amount of eligibility is the replacement cost of the property which must be abandoned.

Insurance Requirements:

To protect each borrower and SBA, SBA requires borrowers to obtain and maintain appropriate insurance. Borrowers of all secured loans (physical loans over \$10,000 and economic injury loans over \$5,000) must purchase and maintain full hazard insurance for the life of the loan. Borrowers whose property is located in a special flood hazard area must purchase and maintain flood insurance for the full insurable value of the property for the life of the loan.

B. APPLICATION FOR DISASTER ASSISTANCE

One of the most common federal assistance available to survivors of a disaster is through FEMA's Individual and Household Assistance Program (IA).²¹ To apply (or "register") for IA, disaster survivors must submit an application to FEMA in one of the following ways: 1) online at <http://www.disasterassistance.gov/>; 2) by telephone through a FEMA call center ((800) 621-3362 (TTY (800) 462-7585 for people with speech or hearing disabilities or 1-800-621-3362 for people who use 711 or Video Relay Service (VRS)); or, 3) by smart phone. See <http://www.fema.gov/news-release/2010/07/19/applying-disaster-aid-your-smart-phone>. In addition, if Disaster Recovery Centers (DRC) are operational, it may also be possible to apply for disaster assistance in-person at a DRC.

If an applicant applies by phone, FEMA will send the applicant a copy of their application either by U.S. mail or, if the applicant elected to receive email correspondence, in their Disaster Assistance Account (notification via email). FEMA will also send the applicants an *Applicant Guide to the Individuals and Households Program*, which provides information about the application process and available benefits. <http://www.fema.gov/help-after-disaster>. All applicants who complete an application will also be provided a FEMA application number. Legal aid programs should caution registrants to save that number.

FEMA applicants with an email address have the option of creating an online

²¹ 42 U.S.C § 5174. Of course, applicants may be referred to other agencies located at the DRC as determined appropriate by the FEMA interviewer or the legal aid program, especially to assist with needs that will not be met by FEMA.

account at <https://www.disasterassistance.gov/DAC/displayPage.do?forward=findRgsnByDOBAndSSN>. An online account allows applicants to check the status of their application, update their insurance and bank information, add or update contact information, apply for assistance with other agencies, view and print information from FEMA, or change their address. When setting up an online account, applicants will be asked to create a password. Warn applicants to keep a record of their password in a safe place. They will also be provided a temporary PIN number via email. Once they receive the temporary LOGIN and log on to their account, applicants can create a permanent PIN (also called “token”). <http://www.fema.gov/faq-details/Creating-an-online-account-1370032124762/>. At present, creating an internet account is not mandatory.

Applicants (or their spouses or a minor in the home) must have, or apply for, a social security number. http://www.disasterassistance.gov/sites/default/files/pdf/DAIP_Checklist_EN_508.pdf.

In addition to submitting an application, all applicants must complete and submit a Declaration and Release form (O.M.B. No. 1660-0002) directly to FEMA or the FEMA inspector. Among other things, the form requires the applicant to attest to alien status,²² allows FEMA to verify information, and acknowledges penalties for fraud.

http://www.disasterassistance.gov/sites/default/files/pdf/Declaration%20and%20Release_EN_1.pdf.

²² Persons who are ineligible based on their alien status are not necessarily out-of-luck. Another person in their household can serve as the applicant, even if that person is a child. See discussion *infra* at ____

In some cases, applicants for FEMA benefits are required to submit a loan application to the Small Business Administration.²³ Although it seems counter-intuitive to require non-businesses to apply for a Small Business Administration (SBA) loan, SBA disaster loans are not just for businesses. Instead, the Small Business Administration simply administers this particular loan program.²⁴ However, not all FEMA applicants have to apply for an SBA loan. No SBA loan is required if a FEMA applicant applies for certain *temporary housing assistance or grants for public transportation expenses, medical and dental expenses, or funeral and burial expenses*.²⁵ *On the other hand, if an applicant asks*

²³ FEMA does not require claimants to apply for an SBA disaster assistance loan application to qualify for FEMA grants for medical, dental and funeral expenses. See <http://www.fema.gov/news-release/2013/06/03/sba-disaster-assistance-loan-application-key-some-fema-grants>. See also <http://www.sba.gov/category/navigation-structure/loans-grants/small-business-loans/disaster-loans> <http://www.sba.gov/sites/default/files/SOP%2050%2030%207.pdf>

Most applicants for SBA loans are rejected. This is because applicants for SBA loans must have good credit and sufficient income to repay the loan. For example, although the figures are adjusted periodically, SBA's minimum income level for most families of three is currently \$27,465. See SBA, *Standard Operating Procedure* 50 30-7 at App. 8 at <http://www.sba.gov/about-sba-services/7481/11546>. Note that this is above the federal poverty guidelines. See Department of Health and Human Services, *2014 Poverty Guidelines* at <http://aspe.hhs.gov/poverty/14poverty.cfm>

²⁴ See FEMA *Individual Assistance through the Small Business Administration* at <http://www.fema.gov/faq-details/Individual-Assistance-through-the-Small-Business-Administration-1370032115517>.

²⁵ See <http://www.fema.gov/news-release/2013/03/06/sba-loan-applications-also-renters-homeowners> stating that:

FEMA's temporary housing assistance and grants for public transportation expenses, medical and dental expenses, and funeral and burial expenses do not require individuals to apply for an SBA loan. However, applicants who receive SBA loan applications must submit them to SBA loan officers to be eligible for assistance that covers personal property, vehicle repair or replacement, and moving and storage expenses

See also 42 U.S.C § 5174(a)(2).

*for assistance that covers personal property, vehicle repair or replacement, and moving and storage expenses, FEMA will require that the applicant make an SBA loan.*²⁶

SBA approves disaster loans with terms of up to 30 years. Post-disaster mitigation loans for fixes to the home that help prevent the risk of future property damage caused by a similar disaster may be approved for up to 20 percent of the verified loss up to \$200,000. 13 C.F.R § 123.107. In some cases, SBA will even loan money to refinance all or part of an existing mortgage if the applicant's home is totally destroyed or substantially damaged and the applicant does not have credit available elsewhere. 13 C.F.R § 123.106. Finally, renters and homeowners may borrow up to \$40,000 to replace or repair **personal property** (such as clothing, furniture, cars and appliances) that was damaged or destroyed in a disaster. See FEMA, *Home and Property Disaster Loans* at <http://www.disasterassistance.gov/disaster-assistance/forms-of-assistance/4477/1/468>. Since the SBA will not duplicate benefits, insurance proceeds on home or property will be deducted from the total damage estimate to determine the eligible loan amount for applicants. See SBA, *Types of Disaster Loans* at <http://www.sba.gov/content/home-and-personal-property-loans>. Further, interest rates differ depending on whether the applicant is able to obtain credit from another source. If applicants cannot get credit elsewhere,²⁷ the interest rate will be at 4 percent or below. If applicants are able to obtain credit

²⁶ Homeowners can borrow up to \$200,000 to replace or repair their **primary residence**. 13 C.F.R. § 124.105(a) (2). See also <http://www.disasterassistance.gov/disaster-assistance/forms-of-assistance/4477/1/468>; program. Loans for this purpose may not be used for upgrades unless required by local building requirements. 13 C.F.R. § 124.105(a)(2).

²⁷ SBA makes the determination as to whether an applicant can obtain credit elsewhere. *Id.*

elsewhere, their interest rate will not exceed 8 percent. Loans for more than \$14,000 must be secured with collateral to the extent possible. *Id.*

Disaster survivors with questions about SBA loans can contact the SBA disaster assistance customer service center by phone at 1-800-659-2955 (TTY: 1-800-877-8339) or by e-mail at disastercustomerservice@sba.gov.

1. Application Deadlines

In most cases, a disaster victim must “register”²⁸ for Individual and Household Assistance within 60 days after the Declaration of Disaster. However, FEMA accepts late registrations for an additional 60 days beyond the deadline if the registrant produces documentation to justify the delay.²⁹ The Disaster Recovery Manager (DRM) may extend the registration deadline for Individual and Household Assistance when the state requests more time or to establish the same deadline for contiguous counties or states.³⁰ Generally, the Governor’s Authorized Representative (GAR) must request a modification of the FEMA-State Agreement in order to extend filing deadlines. Modifications must be approved by the FEMA Regional Director, or the Disaster Recovery Manager (DRM).

Keep in mind that application deadlines for other non-FEMA programs may be shorter. For example, the application deadline for Disaster SNAP is established by the

²⁸ “Register” is another word for “apply.”

²⁹ 44 C.F.R. § 206.112.

³⁰ 44 C.F.R. § 206.112(b).

Secretary of Agriculture on a case-by-case basis soon after the disaster.³¹ Disaster Unemployment Assistance must be applied for within 30 days of the Declaration, unless the applicant shows good cause for late filing.³² The application deadline for the Disaster Loan program administered by the SBA is published in the Federal Register following the disaster. The SBA will accept applications beyond the deadline based on a finding of substantial causes beyond the control of the applicant.³³

2. Inspection of the Disaster Dwelling

The homes of all disaster victims who apply for Individual and Household Assistance must be inspected by FEMA-hired inspectors to determine if they can be lived in, and the extent of any damage to the dwelling and/or personal property. Inspection, which is scheduled in advance with an inspector, is free-of-charge and usually occurs within 2 weeks of the date of application. See *FEMA, Individual Assistance Inspection Process* at <http://www.fema.gov/faq-details/FEMA-Individual-Assistance-inspection-process-1370032116957/individual,inspection,process> Applicants who have not been contacted by an inspector to set up an inspection within 10 days of the date of application should contact the FEMA Helpline at 1-800-621-FEMA (3362) (persons with a speech disability or hearing loss who use a TTY should call 1-800-462-7585; persons needing Video Relay Service (VRS) should call 1-800-621-3362). *Id.*

³¹ 7 C.F.R. § 280.1. The FNS application period for D-SNAP is usually 7 days. FNS, Disaster SNAP Guidance, *Policy Guidance, Lessons Learned, and Toolkits to Operate a Successful D-SNAP*, at § 2.1 at http://www.fns.usda.gov/disasters/response/D-SNAP_Handbook/D-SNAP_handbook.pdf

³² 20 C.F.R. § 625.8(a).

³³ 13 C.F.R. § 123.3(b).

In addition to determining the condition of the dwelling and its contents, FEMA's inspector also makes a determination as to whether the applicant is the owner or a renter, and whether the applicant is the "head of household." The registration and the inspection report are the sole documents used to make initial determinations of eligibility and the type and amount of assistance for Individual and Household Assistance.

Errors in FEMA inspection reports are not uncommon. Therefore, whenever possible, advocates should advise disaster victims to take photographs of the damage to their property. If an applicant disagrees with the inspection report, photographs and sworn statements from landlords, neighbors, or friends regarding the extent of the damage will provide evidentiary proof of the damage for an appeal, if an appeal is necessary.

3. Eligibility of Immigrants

Immigrant eligibility for disaster-related assistance is program-specific. For FEMA cash assistance, immigrants must be a U.S. Citizen, Non-Citizen National, or a "Qualified Alien" as defined under the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA). See FEMA, *Questions and Answers for Undocumented Immigrants Regarding FEMA Assistance* at <http://www.fema.gov/news-release/2004/06/17/questions-and-answers-undocumented-immigrants-regarding-fema-assistance#note1>. FEMA explains that this includes:

...Green Card holders – individuals with U.S. government permission to live and work in the country permanently.
Others in the Qualified Alien category include those who have legal U.S. resident status because of:

- Asylum;

- Refugee status;
- Parole (admission into the United States for humanitarian purposes) for at least one year;
- Withholding of deportation;
- Immigration from Cuba or Haiti; and
- Severe forms of human trafficking, including persons with “T” and “U” visas.

FEMA, *Financial Disaster Aid Available for U.S. Citizens, Non-Citizen Nationals and Qualified Aliens* at <http://www.fema.gov/news-release/2012/12/13/financial-disaster-aid-available-us-citizens-non-citizen-nationals-and>. See also National Immigration Law Center, Disaster Assistance, *Help for Victims* at <http://www.nilc.org/disaster-help.html>.

Determining whether a client meets the definition of “qualified alien” can be a difficult, which can be a problem in the quick ad-hoc decision-making often required in a disaster setting. As a result, workers on the ground often make errors in deciding which applicants are eligible.³⁴ In many cases, these are well-intentioned efforts to help families in desperate need. Nonetheless, FEMA will likely attempt to recoup benefits that are improperly paid, even when it was itself at fault in creating the overpayment.³⁵

Undocumented immigrants are eligible for limited assistance from FEMA. This consists primarily of short-term non-monetary assistance that is necessary to prevent injury or death, such as evacuation, search and rescue, emergency medical care, emergency shelter, emergency food and water and medicine. See, e.g., FEMA, *Questions and Answers for Undocumented Immigrants Regarding FEMA Assistance* at

³⁴ Under the Disaster Assistance Recoupment Fairness Act of 2011 (Pub. L. 112-74) (DARFA), IA overpayments due to FEMA’s error were waived by FEMA so long as there was no fault on the part of the survivor, and the survivor had income of \$90,000 or less. However, that law does not apply to recoupment efforts for disasters declared after Jan. 1, 2011.

³⁵ See Section III.D.4.d below for a discussion of FEMA’s recoupment process.

<http://www.fema.gov/news-release/2004/06/17/questions-and-answers-undocumented-immigrants-regarding-fema-assistance>.

Even if the head of household is an ineligible alien, FEMA policy allows entire households to qualify for assistance through either a child under 18 years of age or an adult member who meets citizenship criteria. See *Questions and Answers for Undocumented Immigrants Regarding FEMA Assistance* at <http://www.fema.gov/news-release/2004/06/17/questions-and-answers-undocumented-immigrants-regarding-fema-assistance>. See also *FEMA Citizenship/Immigration Requirements* at https://faq.ready.gov/app/answers/detail/a_id/452/~fema-citizenship%2F-immigration-requirements.

C. TYPES OF FEMA DISASTER ASSISTANCE

1. **Section 403 Transitional Sheltering Assistance** (formerly called Emergency Housing Assistance or Short-term Lodging Program)

42 U.S.C. § 5170b(a)(3)(B), also known as the Stafford Act's "public assistance" provision, gives FEMA the power to perform "work or services essential to saving lives and protecting and preserving property or public health and safety, *including ... emergency shelter...*"³⁶ Under this authority, FEMA provides short-term Transitional Sheltering Assistance to disaster survivors who cannot return home after congregate shelters have closed. In most cases, assistance is provided through direct payments to hotels and motels. See *FEMA Fact Sheet: Transitional Sheltering Assistance* at http://www.in.gov/dhs/files/dad_trans_sheltering_asst.pdf; FEMA, *Transitional*

³⁶ 42 U.S.C. § 5170b(a)(3)(B).

Sheltering Assistance for Displaced Individuals and Households at http://www.fema.gov/media-library-data/20130726-1751-25045-5830/transitional_sheltering_final.txt.

Unlike housing-related assistance provided under 42 U.S.C. § 5174, Transitional Sheltering Assistance is subject to state cost-sharing. Transitional Housing Assistance is provided in intervals of 5-14 days, with 14-day extensions possible, for up to 6 months from the date of the disaster declaration.³⁷ Households of four or less will be authorized for one room; households of five or more will be authorized for two rooms. See FEMA, *Transitional Sheltering Assistance for Displaced Individuals & Households*, DAP9443.2 at http://www.fema.gov/media-library-data/20130726-1751-25045-3464/dap9443.2_transitional_sheltering_assistance.pdf. See also FEMA, *Fact Sheet: Transitional Shelter Assistance* at

http://www.fema.gov/pdf/media/factsheets/2011/dad_trans_sheltering_asst.pdf The rate that FEMA will pay for rooms is based on the applicable maximum lodging rate plus taxes for the locality, as identified by the U.S. General Services Administration (GSA) at http://www.gsa.gov/portal/content/104877?utm_source=OGP&utm_medium=print-

³⁷ Termination of Transitional Sheltering Assistance was the subject of litigation when FEMA announced that it would cease funding Section 403 Short-Term Lodging for Hurricane Katrina survivors in fifteen days. A class action suit was filed to enjoin termination. *McWaters v. FEMA*, Civ. No. 05-5488 (E.D. LA, Nov. 10, 2005). On plaintiffs' motion for preliminary relief, the federal district court found that the disaster victims still remaining in the Short-Term Lodging Program were the most economically disadvantaged of all the disaster victims and that, by arbitrarily terminating this assistance, FEMA was discriminating against victims on the grounds of economic status in violation of the Stafford Act, 42 U.S.C. § 5151. *McWaters v. FEMA*, Civ. No. 05-5488 (E.D. LA, Dec. 12, 2005). The court ordered FEMA to continue assistance under the Short-Term Lodging Program at least until January 7, 2006, and to give disaster victims at least 2 weeks notice before termination of this assistance. On June 16, 2006, the court entered an order permanently enjoining FEMA from terminating Section 403 assistance until at least 2 weeks following notice to disaster victims of their denial or eligibility for Section 408 Temporary Housing Assistance. *McWaters v. FEMA*, 436 F. Supp. 2d 802 (E.D. LA, 2006).

[radio&utm_term=portal/category/21287&utm_campaign=shortcuts](#). *Id.*

2. Assistance Under Individual and Household Program (IHP)

The Individual and Household Program (IHP)³⁸ contains two parts: Housing Assistance³⁹ and Financial Assistance to Address Other Needs (ONA).⁴⁰ FEMA publishes notice of the level at which the maximum amount for assistance is set in the Federal Register in October of each year. The maximum amount of assistance that an individual or household may receive under both programs for 2013-2014 is \$32,400.⁴¹ See FEMA, *Notice of Maximum Amount of Assistance Under the Individuals and Households Program* at <http://www.gpo.gov/fdsys/pkg/FR-2013-10-29/pdf/2013-25626.pdf>.

IHP assistance is provided for up to 18 months from the date that a disaster is declared, unless FEMA extends it due to extraordinary circumstances that make an extension in the public interest. 44 C.F.R. § 206.110(e). To be eligible for IHP, a disaster victim must “register.” Although IHP assistance is a need-based benefit, there are no income or resource eligibility guidelines. In order to be eligible,

³⁸ 44 C.F.R. § 206.110.

³⁹ 44 C.F.R. § 206.117. See <http://www.floridadisaster.org/Recovery/IndividualAssistance/DisasterTemporaryHousing/sdhpi.htm>, <http://www.floridadisaster.org/Recovery/IndividualAssistance/FAQ.html#tempHousing>, <http://www.floridadisaster.org/Recovery/IndividualAssistance/DisasterTemporaryHousing/documents/State%20Strategy%20May%202012%20FINAL.pdf> and <http://www.floridadisaster.org/Recovery/Individual> for links and/or discussion of Florida-specific housing policies.

⁴⁰ 44 C.F.R. § 206.119. This program was formerly known as the Individual and Family Grant (IFG) Program.

⁴¹ 44 C.F.R. § 206.110(b)(setting the maximum amount of assistance at \$25,000 adjusted annually for inflation).

applicants must establish that they have incurred a disaster- related serious need in the state in which the disaster has been declared.⁴² Residency in the state is not required;⁴³ however, in order to qualify for housing assistance, the applicant must show that the disaster-related damage is to the applicant's primary residence.⁴⁴

Applicants who live in a special flood hazard area may not receive FEMA assistance for construction or repair of real property or to purchase insurable contents, unless the local community participates in the National Flood Insurance Program (NFIP).⁴⁵ Applicants in a special flood hazard area who receive assistance due to flood damage must maintain flood insurance on the property at least in the amount of the disaster assistance.⁴⁶ When assistance is received to repair or construct a home, the

⁴² 44 C.F.R. § 206.113(a).

⁴³ 44 C.F.R. § 206.113(a)(1).

⁴⁴ 44 C.F.R. § 206.113(a)(8),(9).

⁴⁵ 44 C.F.R. § 206.110(k)(1), (2). If the community is not participating at the time of the disaster, but enters the NFIP during the six months following the declaration, FEMA may process assistance applications if the GAR requests a time extension.

⁴⁶ 44 C.F.R. § 206.110(k)(3). FEMA will not pay a homeowner for flood damage to the same home more than one time. After that, FEMA requires that the household maintain flood insurance. This requirement follows the property and applies even if the household is a new owner and has never received FEMA assistance in the past. See FEMA, http://www.fema.gov/media-library-data/20130726-1630-20490-6612/f695_firerequirements_11aug11.pdf and FEMA, *Purchasing a flood insurance policy after a disaster*, at <https://www.fema.gov/faq-details/Purchasing-a-flood-insurance-policy-after-a-disaster-1370032119691/maintain.flood.insurance> (stating that persons who "live in an Special Flood Hazard Area (SFHA) and have received disaster assistance in the form of a federal grant or loan... must cover the building for flood insurance for as long as ...[they] own it. Should you sell the building, you are required to inform the new owner of the necessity to purchase and maintain flood insurance. Failure to carry flood insurance could result in the denial of future federal disaster assistance.")

flood insurance requirement is transferred to any subsequent owner.⁴⁷

IHP assistance will not be counted as income or resources for purposes of determining eligibility for, or the amount of benefits under, federally-funded income assistance or resource-tested benefit programs.⁴⁸ IHP assistance is exempt from garnishment, levy, seizure, encumbrance, execution, pledge, attachment, release, and waiver.⁴⁹ This exemption does not apply to the recovery of FEMA assistance that was either obtained by fraud or mis-applied.

a) Temporary Housing Assistance (THA)

The housing assistance portion (THA)⁵⁰ of the Individual and Household Program is administered directly by FEMA. This program provides financial assistance or actual housing to victims whose primary residences were destroyed or made uninhabitable or inaccessible as a result of the disaster.⁵¹ For renters, their primary residence must be unavailable as a result of the disaster.

There are four forms of THA:

- (1) money for renting alternate housing,
- (2) rent-free occupancy in federally provided temporary housing,
- (3) money for repair of owner-occupied housing, and

⁴⁷ 44 C.F.R. § 206.110(k)(3)(i)(A).

⁴⁸ 42 U.S.C. § 5155(d); 44 C.F.R. § 206.110(f).

⁴⁹ 44 C.F.R. § 206.110(g).

⁵⁰ 44 C.F.R. § 206.117(b)(1).

⁵¹ 44 C.F.R. § 206.113(a)(8),(9).

(4) money for replacement of owner-occupied housing.⁵²

FEMA determines the appropriate type of housing assistance based on cost effectiveness, convenience to the disaster victims, and the suitability and availability of assistance.⁵³ Disaster victims are expected to accept the first offer of housing assistance, and “unwarranted” refusal can result in forfeiture of housing assistance.⁵⁴

(1) Eligibility

To obtain THA, applicants must show that (1) as a direct result of a major disaster or emergency; (2) their home was destroyed or made uninhabitable, inaccessible or unavailable; and, (3) that the housing assistance needed (*i.e.*, temporary rental assistance, mobile home, repair of the home, or its replacement) is either not covered by the applicant’s insurance policy, or that the amount of insurance is insufficient to cover the damage.⁵⁵ Two federal district courts have held that disaster victims have a property interest in THA protected by the Due Process Clause of the 5th amendment once FEMA has made the finding that they satisfy this eligibility criteria.⁵⁶

Applicants registering for IHP will be asked about insurance coverage.

⁵² 42 U.S.C. § 5174(c); 44 C.F.R. § 206.117(b). Previously, FEMA administered a program of rental and mortgage assistance for those who remained in their pre-disaster housing but were unable to pay their rent or mortgage as a result of the disaster. That program no longer exists, and the mere inability to pay the mortgage or rent no longer qualifies a household for assistance. However, if the lack of money is due to loss of employment, households may qualify for disaster unemployment assistance (DUA).

⁵³ 42 U.S.C. § 5174(b)(2)(A); 44 C.F.R. § 206.110(c).

⁵⁴ *Id.*

⁵⁵ 44 C.F.R. § 206.113(a).

⁵⁶ *McWaters v. FEMA*, 436 F. Supp. 2d 802 (E.D. LA, 2006); *ACORN v. FEMA*, 463 F.Supp.2d 26 (D.D.C. 2006). *But see Ridgley v. FEMA*, 512 F 3d 727 (5th Cir. 2008).

Applicants with insurance coverage must establish either that (1) the proceeds of the insurance policy are less than the amount of their disaster- related damages and also less than the maximum amount that FEMA can authorize, or (2) that they have been unable to obtain payment from their insurance company (denial of claim or significant delay in receiving proceeds).⁵⁷ Applicants with adequate insurance coverage who refuse insurance proceeds are ineligible.⁵⁸

Registrants will also be asked who is in their household. For FEMA purposes, a “household” consists of all the people “who lived in the pre-disaster residence who request assistance,” as well as people “expected to return during the assistance period.”⁵⁹ FEMA provides assistance for one temporary housing residence for each household unless they find that the size or the nature of the household requires more than one residence.⁶⁰

Federal law specifically provides that it is not necessary for a disaster victim to apply for an SBA disaster loan in order to be eligible for THA.⁶¹ Despite this specific

⁵⁷ 44 C.F.R. § 206.113(a)(2),(3),(4). Even fully insured disaster victims are eligible for IHP temporary housing assistance benefits if they have made reasonable efforts to secure payment from their insurance company but have been unable to do so, and they have agreed to repay FEMA from any insurance proceeds they later receive. 44 C.F.R. § 206.113(a)(3).

⁵⁸ 44 CFR. § 206.113(b)(6).

⁵⁹ 44 C.F.R. § 206.111.

⁶⁰ 44 C.F.R. § 206.117(b)(1)(i)(A) and(b)(ii)(B).

⁶¹ 42 U.S.C. § 5174(a)(2). The prohibition on requiring that a FEMA registrant apply for an SBA loan pertains to rental assistance, temporary housing assistance, financial assistance for the replacement of owner-occupied private dwellings, and financial assistance in limited situations to construct permanent or semi-permanent housing where no other type of housing assistance is possible. In contrast, by law, SBA loans may be required before FEMA assistance is provided for repair of owner-occupied private residences; hazard mitigation measures to reduce the likelihood of future damages to the residence, utility or infrastructure; and, personal property, transportation, and moving and storage expenses. See, e.g., FEMA, *SBA Loan Applications Also For Renters, Homeowners* at <http://www.fema.gov/news->

prohibition, following Hurricane Katrina, FEMA required many applicants to apply for an SBA loan, which caused their THA assistance to be delayed or denied. The federal district court in *McWaters v. FEMA*⁶² permanently enjoined FEMA from requiring disaster victims to apply for an SBA loan prior to receiving THA and ordered FEMA to notify disaster victims that this is not a requirement.

(2) Types of Assistance

(i) Financial Assistance for Housing.

The primary type of housing assistance provided by FEMA following a disaster is money to rent alternate housing.⁶³ FEMA typically provides eligible applicants with a check to cover rental housing for one to three months. The monthly amount of the THA rental benefit is required to be at least the amount of HUD's fair market rental value for the area of the applicant's residence and number of bedrooms required.⁶⁴

FEMA regulations provide that, although THA rental assistance may not ordinarily be used to pay security deposits,⁶⁵ exceptions will be made in extraordinary circumstances so long as the recipient reimburses FEMA for the full amount of the deposit when the temporary housing assistance ends. Note, however, that, beginning in

[release/2013/03/06/sba-loan-applications-also-renters-homeowners.](#)

⁶² *McWaters*, 436 F. Supp at 823.

⁶³ 44 C.F.R. § 206.117(b)(1)(i). FEMA may also provide cash assistance to pay for transportation, utility hookups, or installation of manufactured housing units to be used for housing. *Id.*

⁶⁴ 42 U.S.C. § 5174(c)(1)(A)(ii); 44 C.F.R. § 206.177(b)(1)(i)(B); *Watson v. FEMA*, Civ. No. H-06-1709, (S.D. TX, July 13, 2006).

⁶⁵ 44 C.F.R. § 206.117(b)(1)(i)(D).

2013, FEMA permitted Hurricane Sandy survivors to use temporary rental assistance funds for security deposits without any obligation to repay.⁶⁶ Note also that FEMA recently issued policy stating that up to one month's worth of assistance may be used toward security deposits. See FEMA, *Temporary Housing Assistance FAQs* at <http://www.fema.gov/media-library/assets/documents/32502>

Under FEMA regulations, THA may be used to pay utility costs only if the costs are part of the rental charge.⁶⁷ This restriction was upheld by the 5th Circuit in *Watson v. FEMA*.⁶⁸

(ii) Direct Assistance

FEMA may provide temporary housing units, usually in the form of mobile homes, to disaster victims whose homes are destroyed or rendered uninhabitable and who would be unable to make use of cash rental assistance.⁶⁹ In the past, FEMA has not provided handicapped-accessible mobile homes equipped with wheelchair ramps, grab bars in bathrooms and wheelchair maneuvering room. This practice was challenged in *Brou v. FEMA*,⁷⁰ by advocates of disabled Hurricane Katrina victims as violating Section 504 of the Rehabilitation Act, and the Fair Housing Act. Under the resulting court-approved

⁶⁶ FEMA, *FEMA Rental Assistance May be Used for Security Deposits* at <https://www.fema.gov/news-release/2013/01/16/fema-rental-assistance-may-be-used-security-deposits>.

⁶⁷ *Id.*

⁶⁸ *Watson v. F.E.M.A.* 2006 WL 3420613 C.A.5, 2006. September 06, 2006

⁶⁹ 42 U.S.C. § 5174(c); 44 C.F.R. §206.117(b)(1)(ii).

⁷⁰ *Brou v. FEMA*, Civ. No. 06-0838 (E.D.LA, filed Feb. 16, 2006).

settlement, FEMA agreed to ensure that 5 percent of FEMA trailers at group sites would meet Uniform Federal Accessibility Standards, and to provide various procedural safeguards to disabled disaster victims.⁷¹

Mobile homes must be placed on FEMA approved sites and comply with all local zoning ordinances.⁷² FEMA does not pay utility costs unless utility services are part of the site rental.⁷³ This type of assistance is generally available only for a maximum of 18 months, but this period may be extended under extraordinary circumstances if an extension would be in the public interest.⁷⁴ FEMA may charge fair market rent to people remaining in units after 18 months.⁷⁵

FEMA regulations provide that FEMA may stop providing housing if: (1) the 18 month period of assistance has expired and not been extended; (2) adequate alternative housing has become available; (3) the occupant obtained the housing assistance through fraud or misrepresentation; (4) the occupant fails to comply with the lease or other site rules; or, (5) the occupant fails to provide evidence showing that they are working toward a permanent housing plan.⁷⁶ The regulations also state that FEMA will provide 15 days notice of the termination, and specify the reason for the termination

⁷¹ *Brou v. FEMA*, Civ. No. 06-0838 (E.D.LA, Sep. 26, 2006) at <http://www.nclej.org/pdf/BrouSettlement.pdf>.

⁷² 44 C.F.R. § 206.117(b)(1)(ii)(C), (E).

⁷³ 44 C.F.R. § 206.117(b)(1)(ii)(D).

⁷⁴ 42 U.S.C. § 5174(c)(1)(B)(ii); 44 C.F.R. §206.110(e).

⁷⁵ 42 U.S.C. § 5174(c)(B)(iii). See also FEMA, *Disaster Housing Rent Collection* at http://www.fema.gov/media-library-data/20130726-1751-25045-9331/ia_direct_housing_rent_collection.pdf.

⁷⁶ 44 C.F.R. § 206.117(b)(1)(ii)(G).

and the process to be followed on appeal.⁷⁷ If a client is being ejected in this manner, advocates should consider initiating an action in a court of competent jurisdiction for violation of state landlord/tenant law.

(iii) Grants for Home Repairs

If the Disaster Declaration provides for it, FEMA may make available a limited amount of money for repairs to uninsured disaster-related damages to an owner's primary residence, utilities, and residential infrastructures that restore the building to a safe and sanitary living or functioning condition.⁷⁸ This assistance is available only if (1) the damage to the home is disaster-related; (2) the home is owner occupied; (3) the damage is not covered by insurance; 4) the component to be repaired was functional immediately prior to the disaster; and, 5) repair is necessary to ensure the safety or health of the occupant or to make the residence functional.⁷⁹ Repairs must conform to local and state building codes.⁸⁰ Money for repairs may not be used for improvements or additions to the pre-disaster condition of the property unless these are required to comply with local and state ordinances or eligible mitigation measures.⁸¹

Although recipients of home-repair grants under the IHP housing assistance program must show that the damage for which they seek assistance is not covered by

⁷⁷ 44 C.F.R. § 206.117(b)(1)(ii)(H).

⁷⁸ 42 U.S.C. § 5174(c)(2)(A); 44 C.F.R. § 206.117(b)(2)(i),(iii).

⁷⁹ 42 U.S.C. § 206.5174(c)(2); 44 C.F.R. § 206.117(b)(2).

⁸⁰ 44 C.F.R. § 206.117(b)(2)(v).

⁸¹ 44 C.F.R. § 206.113(b)(5).

insurance, they cannot be required to show that they are unable to obtain assistance from any other means.⁸² In particular, and in contrast to Financial Assistance to Address Other Needs,⁸³ an uninsured homeowner cannot be required to show that the homeowner is ineligible for an SBA disaster loan in order to qualify for home-repair or hazard-mitigation assistance.⁸⁴ In fact, a homeowner may be eligible for IHP housing assistance to cover emergency repairs, and may also qualify for an SBA loan for more extensive repairs. However, the owner is required to use the proceeds of the SBA loan to repay the IHP grant if it was used for repairs or measures also eligible for an SBA loan.⁸⁵

(iv) Replacement of Primary Residence.

If the disaster declaration so provides, FEMA may award up to the annual IHP maximum for replacement of a primary residence that is not repairable.⁸⁶ This type of assistance must be individually approved by FEMA's Regional Administrator. The applicant may either purchase a replacement residence or apply the grant toward the purchase of a more costly home.⁸⁷ See FEMA, *Recovery Policy, Replacement*

⁸² 42 U.S.C. § 5174(c)(2)(B); 44 C.F.R. § 206.117(b)(2)(iv).

⁸³ See Part C.2.b below

⁸⁴ 42 U.S.C. § 5174(a)(2), (c)(2)(B); 44 C.F.R. § 206.117(b)(2)(iv). See also *McWaters v. FEMA*, 436 F. Supp. 2d 802 (E.D. LA, 2006) (permanently enjoining FEMA from requiring applicants for THA to complete an SBA loan application as a prerequisite to receiving THA).

⁸⁵ 13 C.F.R. § 123.101(c). See also 42 U.S.C. §5155(a),(b);

⁸⁶ 44 C.F.R. § 206.117(b)(3). Replacement assistance may be provided to applicants with damages less than \$10,000 in extraordinary circumstances, based on a finding that replacement assistance is more appropriate than other forms of housing assistance. *Id.*

⁸⁷ *Id.*

Assistance -Individuals and Households Program at <http://www.fema.gov/media-library-data/13923297345520a52ef31f35dc76278174a9a9ff7189d/Replacement+Assistance+Individuals+and+Housholds+RP+9443+9+Feb+10+2014.pdf>.

b) Financial Assistance to Address Other Needs

To be available to disaster survivors, the Financial Assistance to Address Other Needs (ONA) component of the IHP program must be requested by the Governor, and listed as a designated type of assistance in the presidential Declaration of Disaster.⁸⁸

The purpose of ONA is to assist disaster victims in replacing personal property and paying for transportation, disaster-related medical, dental, funeral, and other necessary expenses and serious needs.⁸⁹ For 2013-2014, ONA assistance cannot exceed \$32,400 less the amount of any other IHA received.⁹⁰ See FEMA, *Notice of Maximum Amount of Assistance Under the Individuals and Households Program* at <http://www.gpo.gov/fdsys/pkg/FR-2013-10-29/pdf/2013-25626.pdf>.

Depending on the arrangement chosen by the state, the ONA program may be administered by the state or by FEMA.⁹¹ If the state chooses to administer the program, it must have in place an approved State Administrative Plan (SAP).⁹² If the state will be

⁸⁸ 42 U.S.C. § 5174(e); 44 C.F.R. § 206.40(a).

⁸⁹ 42 U.S.C. § 5174(e); 44 C.F.R. § 206.119(a),(b).

⁹⁰ 42 U.S.C. § 5174(h); 44 C.F.R. § 206.110(b).

⁹¹ 44 C.F.R. § 206.120(a),(b).

⁹² 44 C.F.R. § 206.120(c). The State Administrative Plan (SAP) should be in place before the disaster. By November 30 of each year, the state is required to submit to FEMA the SAP, an annual update, or a letter stating that the SAP is still current, for FEMA's review and approval by December 31. *Id*

administering the ONA program, legal aid advocates should obtain a copy of the State Administrative Plan from FLS or the State Coordinating Officer (SCO) as soon as possible.⁹³ Florida typically relies on FEMA to administer ONA.

The State Administrative Plan must include procedures for (1) notifying potential applicants of the availability of the program (including application deadlines, program descriptions and eligibility guidelines); (2) registration and acceptance of applications and late applications; (3) damage inspections; (4) eligibility determinations; (5) notification of eligibility; (6) payment of grants; (7) appeal processing; and, (8) protection of applicant privacy.⁹⁴

(1) Eligibility Requirements

Like THA, ONA is needs based, but not means tested. To be eligible, applicants must show that 1) they incurred necessary expenses or have serious needs as a result of the disaster; and, 2) that they cannot obtain relief through other means, including a Disaster Loan from the SBA.⁹⁵ To get ONA, an applicant must exhaust all other sources of potential assistance by applying for insurance reimbursement and/or for assistance from the SBA Disaster Loan Program.⁹⁶ If the disaster-related expense is covered by an insurance policy, the applicant for ONA must demonstrate that insurance proceeds either

⁹³ Other likely sources of the SAP are the Governor's office, the office of the Governor's Authorized Representative (GAR), the FEMA Regional Office, and/or the Disaster Field Office (DFO).

⁹⁴ 44 C.F.R. § 206.120(d)(3).

⁹⁵ 44 C.F.R. §§ 206.110(a); 206.119(a)(1),(2),(3).

⁹⁶ *Id.*

1) will be insufficient to cover the expense; 2) are less than the maximum amount of assistance available through FEMA;⁹⁷ or, 3) have been unduly delayed and the applicant has agreed to repay FEMA from insurance proceeds.⁹⁸ With respect to an SBA Disaster Loan, the applicant must show that s/he has applied and either been denied, or that the loan will be insufficient to cover the necessary expenses or serious needs.⁹⁹

(2) Application Process

After receiving a registrant's application for ONA, FEMA will determine whether the applicant, based on income, is potentially eligible for an SBA loan.¹⁰⁰ If the applicant is found to be potentially eligible, FEMA will mail the applicant a loan application, which the survivor must complete and resubmit to be considered for ONA. If the applicant fails to complete the application, the applicant will likely be denied ONA.

The extent of an applicant's real and personal property losses are determined by a FEMA inspector during an on-site visit. The ONA program bases its decision on both eligibility and the amount of the grant on the FEMA inspector's report. ONA grants may be used only to repair or replace the damaged or destroyed items listed in the award letter. Since inspection reports may contain inaccuracies, advise registrants to take photographs of the damage to their homes or personal property. If an applicant disagrees with the inspection report, photographs and sworn statements from

⁹⁷ 44 C.F.R. § 206.113(a)(4).

⁹⁸ 44 C.F.R. § 206.113(a)(3).

⁹⁹ 44 C.F.R. § 206.119(a)(1)-(3).

¹⁰⁰ *Id.*

landlords, neighbors, or friends regarding the extent of the damage will provide evidentiary proof of the damage for an appeal, if an appeal is necessary.

(3) Types of Assistance

ONA grants are available in any amount up to the \$32,400 maximum (2013-2014 level) for all IHP assistance to the individual or household. Covered items include medical, dental and funeral expenses for disaster-related injury or death, disaster - related damage or destruction of personal property (including automobiles), and money for transportation and specific other expenses.¹⁰¹ See FEMA, *Individuals and Households Program - Other Needs Assistance* at <http://www.disasterassistance.gov/disaster-assistance/forms-of-assistance/4473/1/805>.

(i) Medical and Dental Expenses.

Medical expenses are generally limited to medical costs, dental costs, and repair or replacement of medical equipment.¹⁰²

(ii) Funeral Expenses.

This coverage is generally limited to the cost of funeral services, burial or cremation and other related funeral expenses.¹⁰³

(iii) Repair or Replacement of Personal Property.

This assistance is generally limited to coverage of (1) clothing, (2) household items, furnishings and appliances, (3) tools, specialized or protective clothing, and

¹⁰¹ 44 C.F.R. § 206.119(b)(1), (2).

¹⁰² 44 C.F.R. § 206.119(c)(3).

¹⁰³ 44 C.F.R. § 206.119(c)(4).

equipment required by an employer as a condition of employment,¹⁰⁴ (4) computers, uniforms, school books and supplies required for educational purposes, and (5) cleaning or sanitizing eligible personal property items.¹⁰⁵

(iv) Transportation.

This coverage is generally limited to repairing or replacing vehicles and financial assistance for public transportation and any other transportation related costs or services.¹⁰⁶

(v) Other Expenses.

This category includes (1) moving and storage expenses to avoid additional disaster damage;¹⁰⁷ (2) purchase of a Group Flood Insurance Policy;¹⁰⁸ and, (3) other miscellaneous items or services determined to be necessary expenses and serious needs.¹⁰⁹

c) IHP Decisions and Appeals

FEMA notifies applicants of its decisions on IHP applications in a letter (also called an “award letter”). Normally, FEMA sends this letter within 10 days of the day that the inspector visits the applicant’s property. Explanations of the denial codes that FEMA

¹⁰⁴ This assistance is not available to a self-employed applicant, 44 C.F.R. § 206.113(b)(9), who will need to rely, instead, on an SBA disaster loan.

¹⁰⁵ 44 C.F.R. § 206.119(c)(1)(v).

¹⁰⁶ 44 C.F.R. § 206.119(c)(2).

¹⁰⁷ 44 C.F.R. § 206.119(c)(5).

¹⁰⁸ 44 C.F.R. § 206.119(c)(6).

¹⁰⁹ 44 C.F.R. § 206.119(c)(6).

uses in the award letters are in FEMA, *Help After a Disaster - Applicant's Guide to the Individuals and Households Program* at <http://www.fema.gov/help-after-disaster> and FEMA, *Why am I not Eligible for Assistance?* at <http://www.fema.gov/why-am-i-not-eligible-assistance>.

Any decision regarding eligibility for assistance, or its amount, may be appealed within 60 days after the date that FEMA notifies the applicant of the award or denial.¹¹⁰ In addition to denials and insufficient awards, appealable decisions include, but are not limited to, recoupment of assistance, denial of continued housing assistance, termination of direct housing assistance, denial of a request to purchase a FEMA housing unit, and the sale price of a FEMA housing unit.¹¹¹ The appeal must be in writing and signed by the appellant or his/her representative.¹¹² Applicants or their representatives may request copies of their files.¹¹³ FEMA must issue a decision within 90 days of receipt of the notice of appeal.¹¹⁴ FEMA's decision is final.¹¹⁵

d) Advocacy Issues

¹¹⁰ 42 U.S.C. § 5189a; 44 C.F.R. § 206.115(a). FEMA says that this means that the appeal must be filed "within 60 days of the date listed on the... decision letter." See FEMA, *Appealing a FEMA Assistance Denial Decision*, at <http://www.fema.gov/blog/2012-11-09/appealing-fema-assistance-denial-decision>.

¹¹¹ 44 C.F.R. § 206.115(a)(1)-(10).

¹¹² 44 C.F.R. § 206.115(b). If the appeal is filed by a representative, the applicant must submit a signed statement authorizing the representation. *Id.*

¹¹³ 44 C.F.R. § 206.115(d). If the request is filed by a representative, the applicant must submit a signed statement authorizing the representation. *Id.* See also FEMA, *Copy of your FEMA application*, at http://www.fema.gov/faq-details/Copy-of-your-FEMA-application-1370032117606/copy_of_your for further instructions on obtaining copies of FEMA files.

¹¹⁴ 42 U.S.C. § 5189a(b); 44 C.F.R. § 206.115(f).

¹¹⁵ 44 C.F.R. § 206.115(f).

(1) FEMA Denial Notices: Due Process Rights

To date, at least two federal district courts have held that disaster victims have a property interest in Temporary Housing Assistance protected by the Due Process Clause of the Fifth Amendment so long as FEMA has made the finding that they satisfy eligibility criteria.¹¹⁶ Advocates should research the latest federal court decisions and seek to enforce applicable case law that is favorable to low-income clients whenever possible. A good resource is <http://www.disasterlegalaid.org/>.

(2) Availability of Rental Housing: The Need for Trailers (for short-term housing needs).

When massive destruction creates a situation in which there is no housing available to rent, rental assistance is not a useful form of assistance. In this situation, FEMA is authorized to provide mobile homes, travel trailers, or other manufactured housing units to meet short-term housing needs for people who “lack available housing resources”¹¹⁷ and would be “unable to make use of” rental assistance.¹¹⁸ Therefore, after a catastrophic disaster, advocates should begin assessing the availability of intact rental

¹¹⁶ *McWaters v. FEMA*, 436 F. Supp. 2d 802 (E.D. LA, 2006); *ACORN v. FEMA*, 463 F.Supp.2d 26 (D.D.C. 2006). *But see Ridgley v. FEMA*, 512 F 3d 727 (5th Cir. 2008).

¹¹⁷ “Alternate housing resources” is defined as “housing that is available or can quickly be made available in lieu of permanent housing construction and is cost-effective when compared to permanent construction costs. Some examples are rental resources, mobile homes and travel trailers.” 44 C.F.R. § 206.111. “Adequate, alternate housing” is defined as “housing that accommodates the needs of the occupants; is within the normal commuting patterns of the area or is within reasonable commuting distance of work, school, or agricultural activities that provide over 50 percent of the household income; and is within the financial ability of the occupant.” *Id.* “Reasonable commuting distance” is defined as “a distance that does not place undue hardship on an applicant.” *Id.*

¹¹⁸ 44 C.F.R. § 206.117(b)(1)(ii).

units right away, and begin to urge that mobile homes be provided as soon as it is apparent that rental property is not available. Time is particularly of the essence because FEMA may deny housing assistance to applicants who have previously turned down rental assistance.¹¹⁹

FEMA may also fail to either provide or adequately disseminate information on the availability of mobile homes and how to obtain them, especially among the low-income community. Advocates should urge FEMA to provide adequate information to disaster-affected populations about the availability of mobile homes and the eligibility criteria for obtaining them. Legal aid programs may also want to disseminate this information themselves through flyers or public service announcements.

Just because trailers may be available from FEMA does not mean that an eligible disaster survivor will get one. The site selected for the trailer must: be outside the floodplain; have water, sewer and electrical utilities; and, be inspected by local and state authorities. An even greater barrier may be local reluctance to allow FEMA trailers in the community. FEMA trailers must be allowed under local zoning and building codes, comply with occupancy permits, and meet local and state environmental rules and other restrictions.¹²⁰

(3) Accessibility of Trailers to People with Disabilities

¹¹⁹ 44 C.F.R. § 206.110(c). In order to deny all housing assistance because of a refusal of the first offer, FEMA must also find that the refusal was unwarranted. *Id.*

¹²⁰ See 44 C.F.R. § 206.117(b)(ii)(C). See also, e.g., FEMA, *Travel Trailers and Mobile Homes, Temporary Housing Options* at <http://www.fema.gov/news-release/2004/08/31/travel-trailers-and-mobile-homes-temporary-housing-options>.

In the past, FEMA has failed to provide mobile homes that accommodate the needs of people with disabilities, *e.g.*, trailers with ramps to enter and exit, roll-in showers, toilets with grab bars, rooms with wide doorways and sufficient space to maneuver a wheelchair, and other accessible design features. This has prevented people with disabilities from receiving this form of assistance. After Hurricane Katrina, advocates for the disabled brought suit in *Brou v. FEMA*,¹²¹ challenging this practice as violating Section 504 of the Rehabilitation Act¹²² and the Fair Housing Act.¹²³ The *Brou* case was settled under terms favorable to the plaintiffs: FEMA agreed to ensure that 5 percent of trailers at group sites would meet Uniform Federal Accessibility Standards and to provide various procedural safeguards to disabled disaster victims. Advocates of future disaster victims should be aware of this litigation issue and ensure that FEMA follows federal accessibility requirements.

(4) The “Shared Household” Issue

FEMA provides assistance to “households,” which is defined as those “who lived in the pre-disaster residence who request assistance,” as well as those “expected to return during the assistance period.”¹²⁴ FEMA typically issues one check in the name of the “head of household” and/or one mobile home per pre- disaster household.¹²⁵ If the

¹²¹ See *Brou v. FEMA*, Case No. 06-0838 (Settlement Agreement) (E.D. La. Aug. 15, 2006) at http://www.fema.gov/pdf/library/brou_fema.pdf.

¹²² 29 U.S.C. § 794(a).

¹²³ 42 U.S.C. § 3604.

¹²⁴ 44 C.F.R. § 206.111.

¹²⁵ 44 C.F.R. § 206.117(b)(1)(i)(A).

person who FEMA has determined to be the “head of household” fails to share the assistance, other household members are effectively denied all IHP assistance.¹²⁶

Since many very low-income people share housing in order to be able to afford it, this can result in some disaster victims receiving no assistance. For instance, if two families are sharing a two-bedroom pre-disaster dwelling, one family may apply for disaster benefits and be granted housing assistance for a two bedroom apartment in the form of a check for several months rent. When the second family applies, they will likely be denied because assistance has already been provided to the first family.¹²⁷

FEMA regulations allow the Regional Director to determine that “the size or nature of the household requires” that FEMA provide assistance for more than one residence.¹²⁸ Legal aid advocates can, therefore, serve an important function by alerting FEMA during the early stages of disaster recovery to the prevalence of shared housing situations among members of the low-income community. If FEMA is aware of these shared housing situations at the time it determines the type and amount of assistance, it may either issue a check in the names of all adults in the household, separate checks for each family or individual, or mobile homes to each, depending on the size or nature of the

¹²⁶ The initial determination of who is the “head of household” of a particular dwelling unit is made by the FEMA inspector who visits the applicant’s pre-disaster dwelling to assess the extent of damage; it is generally based on who has the legal obligation to pay the rent or mortgage for the dwelling. “If more than one person from the same home address registered, the applications will be flagged until the head of household can be determined.” See, FEMA, *Ineligible? FEMA May Just Need More Information*, at <http://www.fema.gov/news-release/2013/05/21/ineligible-fema-may-just-need-more-information>.

¹²⁷ A similar situation can occur if a couple splits up after the disaster and FEMA issues a check to one of them.

¹²⁸ 44 C.F.R. § 206.117(b)(1)(i)(A).

household.

If FEMA denies assistance to an individual or household in a shared housing situation, legal representatives can nevertheless advocate for their coverage, by showing that their clients did not receive the assistance provided to the “head of the household” through no fault of their own. After Hurricane Andrew in 1992 and the institution of the *Locket v. FEMA* litigation,¹²⁹ FEMA gave disaster housing assistance to applicants who were previously denied if they could show either that: (1) the head of household used the assistance to obtain housing that was too small to accommodate the applicant or too far from the applicant’s work or school or (2) the head of household’s whereabouts were not known to the applicant. Also, following Hurricane Katrina in 2005, the federal district court in *McWaters v. FEMA*, Civ. No. 05-5488 (E.D. LA, June 16, 2006), noted that FEMA modified its “Shared Household” policy and provided separate assistance to different members of a single pre-disaster household who were scattered after the storm.

(5) Requirements for Continued THA

FEMA often fails to tell disaster victims who are granted temporary housing assistance what they will be required show to continue to be eligible once the initial grant expires. For example, FEMA often neglects to notify disaster victims in correspondence accompanying or following their initial rental assistance check that, in order to receive continued assistance, they will need to provide receipts to establish that they spent the money on rent.

¹²⁹ *Locket v. FEMA*, 836 F.Supp. 847 (S.D. Fla. 1993).

The federal district court in *McWaters v. FEMA*¹³⁰ and *ACORN v. FEMA*¹³¹ both hold that disaster victims have a property interest in temporary housing assistance (THA) protected by the Fifth Amendment to the United States constitution. The courts base these holdings on evidence that established that all persons meeting FEMA's eligibility criteria are provided with assistance, thereby creating a reasonable expectation of this benefit. The *McWaters* court finds that since recipients of THA "have protected due process interests in *continuing receipt* of said assistance," FEMA is required to "clearly delineate to recipients the necessary standards and requirements to continue receiving such rental assistance."¹³²

Advocates should examine the award letters sent to clients as soon as possible to ensure that they contain an explanation of how to use the funds and how to obtain additional benefits. If needed, FEMA officials should be reminded of their obligation to include such required notices in their correspondence with disaster victims. If FEMA fails to notify recipients at the time they receive THA of how they are required to expend the funds, advocates should urge that FEMA issue a directive suspending the rent receipt documentation requirement for continued assistance

(6) Termination of Mobile Home Assistance

If FEMA determines that a disaster victim is ineligible for a mobile home after the victim has already been placed in the mobile home, the victim is entitled to the

¹³⁰ *McWaters v. Federal Emergency Management Agency*, 436 F.Supp.2d 802 (E.D.La. Jun 16, 2006).

¹³¹ *ACORN v. FEMA*, 463 F.Supp.2d 26 (D.D.C., 2006).

¹³² *McWaters* at 826 (*emphasis added*).

substantive and procedural protections outlined under federal regulations.¹³³ The tenant must be given 15 days notice of the termination of the lease agreement¹³⁴ and has a right to appeal the decision within 60 days of such notice.¹³⁵ The eviction notice must specify the reasons for termination, the date of termination, the procedure for appealing, and the occupant's liability for additional charges after the termination date.¹³⁶ The occupant may ask for a copy of the information in his or her file.¹³⁷

FEMA can terminate leases or other direct mobile home assistance for reasons that include, but are not limited to (1) The 18 month period of assistance has expired and not been extended; (2) adequate alternative housing has become available;¹³⁸ (3) the occupant obtained the housing assistance through fraud or misrepresentation; (4) the occupant failed to comply with the lease or other site rules; or, (5) the occupant failed to provide evidence showing that s/he is working toward a permanent housing plan.¹³⁹

In addition to requiring FEMA to abide by its own procedural and substantive rules regarding eviction, the advocate should also insist that FEMA follow applicable

¹³³ 44 C.F.R. §§ 206.117(b)(1)(ii)(G),(H); 206.115(a)(7).

¹³⁴ 44 C.F.R. § 206.117(b)(1)(ii)(H).

¹³⁵ 44 C.F.R. § 206.115(a)(7).

¹³⁶ 44 C.F.R. § 206.117(b)(1)(ii)(H).

¹³⁷ 44 C.F.R. § 206.115(d).

¹³⁸ "Adequate alternate housing" is defined as "housing that accommodates the needs of the occupants; is within the normal commuting patterns of the area or is within reasonable commuting distance of work, school, or agricultural activities that provide over 50 percent of the household income; and is within the financial ability of the occupant." 44 C.F.R. § 206.111.

¹³⁹ 44 C.F.R. § 206.117(b)(1)(ii)(G).

state law and obtain an order from a court of competent jurisdiction in order to legally evict a tenant from a mobile home.

(7) Recoupment Issues

After an initial phase of awarding benefits, FEMA begins an extensive process of review of the grants it has awarded in order to determine if recipients were eligible. FEMA's reexamination of eligibility for grants may go on for several years. Sadly, FEMA's recoupment procedures can be intimidating to low-income people, especially among the elderly and newly arrived immigrants. As a result, recipients may enter into repayment agreements despite valid defenses or the availability of debt forgiveness. Advocates should warn disaster- assistance recipients not to enter into repayment agreements without consulting an attorney. It may also be necessary for advocates to advise FEMA staff not to initiate contact with represented recipients.

Further, unlike middle-income disaster victims, most low- income people do not have the resources to repay the alleged debt while they attempt to resolve the issue with FEMA. Those who enter into a repayment agreement may be forced to choose between eating, keeping a roof over their heads, obtaining necessary medical care or medication, and repaying FEMA. Advocates may want to address this issue with FEMA, federal legislators or federal courts, based on the recoupment process' discriminatory impact on low-income disaster victims.¹⁴⁰ Common reasons for overpayments among low-income clients include:

¹⁴⁰ See 42 U.S.C. §5151(a); 44 C.F.R. §206.11(b).

FEMA “Shared Household” rule

44 C.F.R. § 206.117(b)(1)(i)(A) states that, “FEMA will include all members of a pre-disaster household in a single registration and will provide assistance for one temporary housing residence, unless the Regional Director or his/her designee determines that the size or nature of the household requires that we provide assistance for more than one residence.” Because so many low-income people “double-up” to save money on housing prior to a disaster, this rule disproportionately affects low-income disaster victims. After a disaster, either (a) they may be unable to relocate together; (b) the person who is given the disaster assistance may not share it; or, (c) the disaster crisis may cause the two households to be unable to continue to live together due to tension, threats or violence between them.

FEMA Duplication of Benefits Rule

In the past, FEMA has interpreted 42 U.S.C. § 5155 and 44 C.F.R. § 206.110(h) (limiting duplication of assistance from other programs or from insurance) as prohibiting FEMA from providing more than one form of disaster housing assistance to households. For example, FEMA has in the past attempted to recoup benefits from disaster victims if they were awarded both cash rental assistance and a mobile home.

FEMA’s Recoupment Process

When FEMA determines that a recipient of disaster assistance has been overpaid, recoupment is required by federal law. 44 C.F.R. § 206.116. See *also* Ready.gov at *Appealing Recoupment Decision* at <http://www.ready.gov/faq-details/Appealing-Recoupment-decision-1370032123041> Because FEMA requires households to “re-pay

now” and “appeal later,” its recoupment process disadvantages low-income disaster victims. Regardless of whether a disaster victim appeals, if (s)he fails to pay the alleged debt or enter into a repayment agreement within 30 days of FEMA’s notice, the victim is charged interest and penalties.

Claimants or their representatives are entitled to copies of their FEMA debt-related records if they make the request for those records in writing. Among other requirements, the request must be notarized or include a statement attesting to the truth and accuracy of the information in the records request. See FEMA, *Debt Repayment Process: Your Rights and Options*, § C (referenced in FEMA, *Notice, Collection of Overpayments*, 76 Fed. Reg. 14039, at <http://www.gpo.gov/fdsys/pkg/FR-2011-03-15/html/2011-6036.htm>).

If FEMA determines that an applicant was ineligible, it initiates recoupment procedures by sending a notice to the recipient.¹⁴¹ FEMA asks that the recipient to repay the entire amount or enter into a repayment agreement within 30 days of this letter. See FEMA, *Options Related to a FEMA Debt* at <https://www.fema.gov/faq-details/Options-related-to-a-FEMA-debt-1370032122419/>. If the recipient does not do so, (s)he is charged interest (presently 1%).¹⁴² See FEMA, *Interest, Penalties and Fees on FEMA Debts* at <https://www.fema.gov/faq-details/Interest-penalties-and-fees-on-FEMA-debts-1370032123039/>. The recipient may appeal in writing within 60 days, but this does not toll

¹⁴¹ See, e.g., FEMA, Bill for Collection, <http://s3.documentcloud.org/documents/682556/fema-recoupment.pdf>; 6 C.F.R. § 11.3(a); 31 C.F.R. § 901.2.

¹⁴² See 6 C.F.R § 11.10(a). See also <http://www.fms.treas.gov/cvfr/index.html>.

the repayment obligation.¹⁴³ The recipient may obtain a copy of his/her file, but this does not toll the time within which to appeal.¹⁴⁴ If the recipient has not paid or entered into a repayment agreement within 90 days, (s)he is charged an additional penalty of 6% per year on the unpaid principal and interest.¹⁴⁵ If the recipient has not paid or entered into a repayment agreement within 120 days, and FEMA's review indicates that a debt is due, FEMA uses administrative offset to collect principal, interest and penalty.¹⁴⁶

Administrative offset allows recoupment via: (a) income tax refunds (including any Earned Income Tax Credit);¹⁴⁷ (b) Social Security benefits and other federal benefits of more than \$9,000 per year.¹⁴⁸ FEMA may also offset a debt from wages,¹⁴⁹ and may sell or assign the debt to a credit collection agency.

Recoupment is done in three stages. In the first stage, FEMA sends the claimant a Notice of Debt. In the second stage, FEMA sends a Letter of Intent. In the third stage, FEMA sends the overpayment to the United States Department of Treasury for collection. See *FEMA Debt Repayment Process: In Summary* (referenced in FEMA, *Notice, Collection of Overpayments*, 76 Fed. Reg. 14039, at <http://www.gpo.gov/fdsys/pkg/FR-2011-03-15/html/2011-6036.htm>).

¹⁴³ 44 C.F.R. § 206.115(a) and (b).

¹⁴⁴ 44 C.F.R. § 206.115(d).

¹⁴⁵ 6 C.F.R. § 11.10(a); 31 CFR § 901.9(d).

¹⁴⁶ 6 C.F.R. § 11.4

¹⁴⁷ 31 U.S.C. § 3716; 31 CFR 901.2(d)

¹⁴⁸ 31 U.S.C. § 3716(c)(3)(A)(ii).

¹⁴⁹ 5 U.S.C. § 5514.

Stage 1

The Notice of Debt (the Notice) is an individualized bill from FEMA's National Processing Service Center (NPSC). It informs the claimant how much money is owed and the reasons for the overpayment. If the claimant does not repay the debt within 30 days of the date of the Notice, FEMA begins charging interest. *Id.* However, claimants are given four options in the Notice of Debt:

1) Pay the debt in full.

FEMA accepts payment by check (including electronic check), money order, or credit card. In the alternative, claimants can return uncashed FEMA checks by mail. *Id.* at *Your Rights and Options*, A.

2) Request a payment plan.

Requests for a payment plan are appropriate if the claimant "cannot pay the full amount now." *Id.* at B. Note that claimants who enter into payment plans will be charged interest if the debt is not repaid in full within 30 days of the Notice of Debt. However, they will not be charged the additional penalty (6% per year) that is otherwise imposed on unpaid debts. *Id.* at E.

3) Request compromise.

Compromise requests are granted based on inability to pay. *Id.* at C. In cases with compelling facts, nothing prevents an advocate from including and arguing other persuasive grounds. Note that, while claimants whose debt is in compromise will be charged interest if the debt is not repaid in full within 30 days of the Notice of Debt, they will not be charged the additional penalty (6% per year) that is otherwise imposed on

unpaid debts. *Id.* at E.

4) Appeal within 60 days.

An administrative appeal may be taken if a claimant disagrees with anything about the debt or the debt amount. *Id.* at D. Claimants must file their appeal within 60 days of the date of the Notice of Debt. However, even if a claimant appeals and that appeal is still pending, interest will still begin to accrue if the debt is not paid in full within 30 days of the date of the Notice of Debt. For this reason, FEMA urges claimants to pay the debt in full, or negotiate a repayment or compromise plan, within those 30 days. Repaid money will be returned to claimants who are successful on appeal.

FEMA permits claimants to have an appeal hearing (an “oral hearing”) if credibility is an issue or, *sua sponte*, if FEMA is unable to decide the appeal based on record evidence and additional documentation. Claimants who want an oral hearing must give a sufficient reason. Oral hearings are conducted by telephone, or, in some cases, in person, by an oral hearing officer with FEMA’s Alternative Dispute Resolution Division. If requests for oral hearings are denied, FEMA will decide the appeal through a paper review of the complete case file, including the claimant’s appeal letter and any documents that the claimant has provided on appeal. *Id.* at (D)(2).

Appeals can only be submitted by mail or fax, not electronically. *Id.* at D. FEMA decides appeals and issues final written decisions within 90 days after it receives the appeal letter. *Id.* at D(3). FEMA cautions, however, that this deadline may be extended for oral hearings. *Id.*

Stage 2

In the second stage, the claimant is sent a “Letter of Intent” warning that the debt will be forwarded to the U.S. Department of Treasury (Treasury) for collection. The claims of persons who do not pay the debt in full, request a payment plan or compromise, or file an appeal within 60 days are considered “final” and subject to stage 2 of the recoupment process. See *Id.* at *FEMA Debt Repayment Process: In Summary*.

Stage 3

In the third stage, the claimant’s debt is forwarded to Treasury for collection. Collection methods used by Treasury include, but are not limited to, referral to a private collection agency, wage garnishment, an offset from Social Security, or tax refund intercept. The claims of persons who did not appeal, whose appeal was denied, or who did not negotiate a payment plan or compromise at Stage 2 are subject to State 3 collection. *Id.* Claims referred to Treasury continue to accrue interest. *Id.* at *FEMA Debt Repayment Process: Your Rights and Options*, § G.

A Few Substantive Defenses - If recoupment is based on the “shared household” rule, the advocate should show that the household split up after the disaster and that the amount provided to the other individual was not available to the client because: 1) the other individual relocated to another area; 2) the client was unable to locate the other individual; or, 3) another reason existed which made sharing the money or mobile home impossible (e.g., in a domestic violence situation).

If recoupment is based on the client receiving a rental assistance check initially and later receiving a mobile home, the advocate may be able to argue that disaster victims should not be penalized for having been erroneously given a rental check when

no rental housing was actually available, that the client used the money for necessities, and that the client did not receive notice that the money could only be used for rent. If recoupment is based on FEMA erroneously providing two rental assistance checks, the advocate may be able to establish that the recipient used all of the money for rent and required continued assistance beyond the initial eligibility period.

3. SBA Disaster Loans

The Disaster Loan Program is administered by the Small Business Administration (SBA) in coordination with FEMA.¹⁵⁰ Three types of SBA loans may be made available following a declaration of disaster: disaster home loans, business disaster loans, and economic injury disaster loans.¹⁵¹ Disaster home loans are available to individuals; business disaster loans and economic injury loans are provided to businesses. This chapter addresses disaster home loans only.

SBA disaster home loans are available to disaster victims only when the disaster declaration authorizes IHP Assistance.¹⁵² Such loans can be used to repair or replace uninsured or under-insured privately owned real or personal property damaged or destroyed as a result of the disaster.¹⁵³

(a) Application Process

When a disaster survivor applies for disaster benefits, FEMA makes an initial

¹⁵⁰ 15 U.S.C. § 636(b); 13 C.F.R. Part 123.

¹⁵¹ 13 C.F.R. § 123.5.

¹⁵² 13 C.F.R. § 123.3(1)

¹⁵³ 15 U.S.C. § 636(b)(1); 13 C.F.R. § 123.2.

“desk determination” of the applicant’s eligibility for an SBA loan based on income and family size. Applicants who are “desk denied” are automatically referred for a grant from the “Other Needs” portion of the IHP program.¹⁵⁴

Applicants who are not summarily determined ineligible for an SBA loan are given an SBA loan application packet that must be completed and returned to SBA before the published deadline. SBA applications submitted after the deadline will be accepted only if SBA determines that the late filing is due to “substantial causes” beyond the applicant’s control.¹⁵⁵

Because SBA will not verify the loss until after the application is received, applicants should file promptly with SBA. If not, delays may make verification of loss difficult. Applicants who relocate after a disaster are responsible for insuring that SBA is informed of their current address and telephone number. If SBA is unable to verify loss or cannot reach an applicant, the application will be denied, no benefits will be disbursed, and the applicant’s case will not be referred to the “Other Needs” portion of the IHP program for consideration of a grant. This situation can be corrected by requesting reconsideration in writing.¹⁵⁶

b) Eligibility

¹⁵⁴ 44 C.F.R. § 206.119(a).

¹⁵⁵ 13 C.F.R. § 123.3(b). SBA publishes a notice of the disaster declaration, including the kinds of assistance available, the date of the disaster, and the deadline and location for filing loan applications in the Federal Register. *Id.*

¹⁵⁶ 13 C.F.R. § 123.13. A request for reconsideration must be received by the SBA office that declined the original application within six months of the date of the declined notice. *Id.*

Loans are available to repair or replace primary residences or personal property.¹⁵⁷ An applicant must establish (1) a verifiable disaster-related physical loss to personal or real property owned by the applicant, (2) that the loss is not covered by insurance, and (3) the ability to repay a loan.¹⁵⁸ Loan officers review completed applications received by SBA to determine if the individual is able to repay a loan and, if so, the amount of the loan and the terms that should be offered. Age is not a factor in determining eligibility for an SBA loan, but the applicant must be an adult.¹⁵⁹

Loans for the repair or replacement of real property may be made only to homeowners, and “beneficial owners.”¹⁶⁰ Home disaster loans may not be used to repair or replace a secondary home.¹⁶¹ Individuals living in a disaster-damaged dwelling who are not dependents of the owner-occupant may qualify for personal property loans.¹⁶² Such loans may not be used to repair or replace a vehicle of a type normally used for recreational purposes.¹⁶³

c) Other Requirements

Flood insurance is required for all loans made for the repair or replacement of

¹⁵⁷ 13 C.F.R. § 123.7.

¹⁵⁸ 13 C.F.R. §§ 123.6, 123.100.

¹⁵⁹ 15 U.S.C. § 636c.

¹⁶⁰ 13 C.F.R. § 123.100(b).

¹⁶¹ 13 C.F.R. § 123.101.

¹⁶² 13 C.F.R. § 123.100(a)(2).

¹⁶³ 13 C.F.R. § 123.101(f).

property located in a flood zone.¹⁶⁴ In addition, the SBA loan authorization generally requires applicants for home-repair loans to carry homeowner's insurance as a condition of receipt. However, both of these requirements can be relaxed by SBA in accordance with the applicant's circumstances and the conditions following the disaster.

d) Amount of Loans

A loan for repair or replacement of household or personal effects may not exceed \$40,000.¹⁶⁵ A loan for repair or replacement of a primary residence may not exceed \$200,000.¹⁶⁶ SBA does not require collateral for home loans of \$10,000 or less. For loans larger than this amount, the applicant must provide a lien on the damaged or replacement property and/or a security interest in personal property.¹⁶⁷

e) Terms of Loans

Home disaster loans may be granted for up to 30 years and may cover 100 percent of the verified loss, subject to the applicable limit of \$200,000.¹⁶⁸ Loan interest rates are established by regulation, and are lower for applicants who cannot obtain credit elsewhere.¹⁶⁹ SBA determines each applicant's loan maturity and installment terms

¹⁶⁴ 13 C.F.R. § 123.17.

¹⁶⁵ 13 C.F.R. § 123.105(a)(1).

¹⁶⁶ 13 C.F.R. § 123.105(a)(2).

¹⁶⁷ 13 C.F.R. § 123.11.

¹⁶⁸ 13 C.F.R. § 123.105(a),(c).

¹⁶⁹ 13 C.F.R. § 123.104.

based on the borrower's needs and ability to pay.¹⁷⁰ Monthly installment payments beginning five months after the signing of the note are usual, but variations in these terms may be arranged.¹⁷¹ Payment amounts may be modified if the economic conditions of the borrower change. There is no penalty for prepayment of a loan.¹⁷²

f) Misapplication of Funds

In order to verify that loan proceeds are used in accordance with their stated purpose, SBA requires borrowers to save receipts for a period of three years from the date of last disbursement.¹⁷³ Willful use, without SBA approval, of any part of an SBA loan in a manner contrary to the loan authorization and agreement subjects the borrower to a fine in the amount of one and one-half times the original principal amount.¹⁷⁴

g) Advocacy Issues

(1) Refusal or Rescission of an SBA Loan

An eligible applicant who refuses an SBA loan will be precluded from obtaining an "Other Needs" award from the IHP program.¹⁷⁵ Applicants who believe they should be found ineligible for an SBA loan because of inability to repay the loan should ask the SBA to reconsider and establish that the award of the loan was a mistake by showing that their

¹⁷⁰ 13 C.F.R. § 123.105(c).

¹⁷¹ *Id.*

¹⁷² 13 C.F.R. § 123.105(c).

¹⁷³ 13 C.F.R. § 123.12.

¹⁷⁴ 13 C.F.R. § 123.9.

¹⁷⁵ 44 C.F.R. § 206.119(a).

income is offset by high debt and existing obligations. Even applicants who have already signed an SBA loan agreement may be allowed to rescind their agreement if they were required to pledge collateral for their loan.¹⁷⁶ Such applicants may then be found ineligible by the SBA program and referred to the “Other Needs” portion of the IHP program on the condition that they agree to repay any portion of the SBA loan they have expended with the IHP award.

(2) Need for Both SBA Loan and ONA

Disaster victims may qualify for both an SBA loan and an “Other Needs” IHP grant by showing that they continue to have “unmet needs” after receiving the maximum SBA loan for which they are eligible.¹⁷⁷ Unmet needs must be documented and presented to SBA for review. SBA may certify the amount of the individual’s unmet needs and refer the case to the IHP “Other Needs” program for award of a grant.

(3) Modification of the Terms of the Loan

Borrowers whose economic circumstances change may request that SBA modify the terms of a loan by extending the life of the loan or decreasing the amount of the monthly payments.¹⁷⁸ Borrowers may obtain an increase in the amount of their loan within two years of approval by showing that the cost of repair or replacement increased after loan approval due to circumstances beyond their control.¹⁷⁹ Borrowers who wish to

¹⁷⁶ 13 C.F.R. § 123.15.

¹⁷⁷ 44 C.F.R. § 206.119(a)(3).

¹⁷⁸ 13 C.F.R. § 123.16(b).

¹⁷⁹ 13 C.F.R. §§ 123.18, 123.20.

use a loan for a purpose different from that originally authorized may request modification of the purpose of a loan, subject to the limitation that physical home disaster loans must be used to restore or replace the applicant's disaster-damaged primary home and/or personal property.

FACT SHEET

Disaster Unemployment Assistance

FEMA's Disaster Unemployment Assistance (DUA) program is available to state, tribal, and territorial governments to provide unemployment benefits and reemployment services to individuals who have become unemployed as a direct result of an incident that resulted in a Presidential major disaster declaration for Individual Assistance and who are not eligible for regular state unemployment insurance.

The Department of Labor oversees the DUA program in coordination with FEMA. Following a Presidentially declared major disaster, FEMA provides funds to the Department of Labor for payment of DUA benefits and reimburses the state for administrative costs associated with DUA benefits. The Secretary of the Department of Labor is responsible for administering the DUA program and payment of DUA benefits.

DUA is administered by the state, tribal or territory¹ unemployment insurance agency. Once funding is in place, the unemployment insurance agency will issue public announcements throughout the declared disaster area announcing availability, and will issue payments to eligible applicants for up to 26 weeks after the declaration date, as long as the individuals' unemployment was, and continues to be, a direct result of the declared disaster event.

General Requirements

To be eligible for DUA, individuals must:

- Provide proof of identity
- Be a U.S. citizen, non-citizen national, or qualified alien
- File an application for DUA with local unemployment insurance agency within 30 days of the date of the public announcement of availability of DUA²
- Not be eligible for regular unemployment insurance
- Be unemployed or partially unemployed as a direct result of the major disaster
- Be able and available for work, unless injured as a direct result of the disaster (see conditions below)
- Have not refused an offer of employment in a suitable position.

¹ If a tribe receives a Presidential major disaster declaration with IA, requests DUA, and is approved, the DUA program is administered through the state in which the tribal headquarters is located. Any approved funding is processed through the same state or territorial workforce agency that processes regular unemployment insurance claims.

² While 30 days is the standard deadline, under extenuating circumstances unique to the disaster, the U.S. Department of Labor may extend the deadline. Survivors should consult with their local unemployment or workforce agency to confirm deadlines for applying.



FEMA

Conditions of Unemployment

Applicants must meet one of the following conditions of unemployment or inability to perform services in self-employment as a direct result of the disaster:

- The individual has had a week of unemployment following the date the major disaster began
- The individual is unable to reach his/her place of employment
- The individual was scheduled to start work and the job no longer exists due to the major disaster, or the individual was unable to reach the job
- The individual became the major support of the household because the head of the household died as a direct result of the disaster
- The individual cannot work because of an injury caused as a direct result of the major disaster
- The individual experienced lack of work or loss of revenues when the employer (or the self-employed individual's business) lost a majority of income or revenue from an entity in the major disaster area that was damaged, destroyed, or closed by the federal, state or local government as a direct result of the major disaster.

Suffering a monetary loss due to damage of property or crops does not automatically entitle an individual to DUA. Applicants must follow the instructions in the public announcements and file for DUA based on the filing method used by the applicable unemployment insurance agency (i.e., in-person, mail, telephone or internet).

Individuals who moved or evacuated to another state, tribe, or territory should contact the unemployment insurance agency for the affected area or the state in which they are currently residing for claim filing instructions and assistance.

For additional information concerning the DUA program, contact the DOL at **1-866-487-2365** or your state or territory unemployment insurance agency.

Rules and Responsibilities

Non-Discrimination

All forms of FEMA disaster assistance are available to any affected household that meets the eligibility requirements. No federal entity or official (or their agent) may discriminate against any individual on the basis of race, color, religion, age, nationality, sex, disability, English proficiency, or economic status.

Documentation

Individuals are required to substantiate employment or self-employment or to substantiate work that was to begin on or after the date of the disaster. If proof of employment cannot be provided at the time the claim is filed, individuals have 21 calendar days from that time to meet this requirement. Failure to submit this documentation within 21 days will result in a denial of DUA, and any benefits already paid will be considered overpaid. Individuals are required to repay any benefits overpaid.

Residency Status in the United States and its Territories

To be considered for DUA, individuals must provide proof of identity and citizenship (U.S. citizen, U.S. national, or qualified alien).