

# **Emergency/Disaster Training Manual For Volunteer Lawyers**

**September 12, 2005**

Revised and supplemented September 2015



## **Louisiana State Bar Association**

by

601 St. Charles Avenue  
New Orleans, LA 70130

Phone: (504) 566-1600

Phone: (800) 421-5722

Website: [www.lsba.org](http://www.lsba.org)

Email: [info@lsba.org](mailto:info@lsba.org)

**Update prepared**



## **A special thanks to the following individuals who helped with the writing and production of this manual:**

### **Author**

Susan Simon, Louisiana State Bar Association Volunteer

### **Contributing Editors (2005 Edition)**

Beth Ostheimer, Children's Defense Fund of California

(Bosthimer@CDFLA-ORG; (213) 749-4387)

Kate Meiss, Neighborhood Legal Services of Los Angeles

(Kmeiss@NLS-LA.ORG; (818) 834-7527; (818) 834-7537)

### **Additional Contributors Included (2005 Edition)**

Elena Ackel, Legal Aid Foundation of Los Angeles

David Hall, Texas Rural Legal Assistance

Joan Magana, Disability Rights Network

Monte Mollere, Louisiana State Bar Association

Laurie Peller, Attorney

Lucy Quacinella, Multiforum Advocacy Solutions, Maternal and Child Health Access

Dara Schur, Protection and Advocacy (Oakland, California)

Beth Steckler, Livable Places (Los Angeles)

Laura Tansey, Texas Bar Association

David Williams, Attorney

And the staff of Neighborhood Legal Services of Los Angeles including:

Robert Graziano, Kathryn Sheffield, York Chang, Abby McClelland, Lourdes Nunez,

Tatiana Torres, Anne Lemus, Lorrie Steltzer, Yvonne Maria Jimenez and Neal Dudovitz

### **Production**

Morrison and Foerster, Los Angeles and San Francisco, California. A special thank you to Kathi Pugh of Morrison & Foerster for facilitating this process.

### **2008 Review, Revisions, and Updates**

Phil Edwards, Acadiana Legal Service Corporation

Andrew Capitelli, Milling Benson Woodward, L.L.P., Louisiana Appleseed volunteer

Priscilla Charles, Acadiana Legal Service Corporation

Davida Finger, Loyola Law School Clinic

Laila Hlass, Loyola Law School Clinic

Greg Landry, Acadiana Legal Service Corporation

Sarah Marcello, Southeast Louisiana Legal Services Corporation

Sachida Raman, Acadiana Legal Service Corporation

Ranie Thompson, Southeast Louisiana Legal Services Corporation

Lee Sher, Sher, Garner, Louisiana Appleseed volunteer

## **2009 Review, Revisions, and Updates**

Laila Hlass, Loyola Law School Clinic

Hiroko Kusuda, Loyola Law School Clinic

## **Revisions Editors**

Andrew Capitelli, Milling Benson Woodward, L.L.P., Louisiana Appleseed volunteer

Emma Mekinda, Koeppel Traylor, Louisiana Appleseed volunteer

# Table of Contents

|   |    |
|---|----|
| Title Page.....   | 1  |
| Acknowledgements.....   | 2  |
| Table of Contents .....   | 4  |
| Message to Volunteers.....  | 5  |
| I. The Role of the Volunteer Lawyer.....                              | 8  |
| II. Process of Providing Legal Services to the Disaster Victims ..... | 9  |
| III. FEMA Assistance.....   | 11 |
| IV. Emergency Information .....                                       | 17 |
| V. Rental Housing and Mortgage Issues .....                           | 21 |
| VI. Insurance Issues .....  | 28 |
| VII. Public Education.....  | 33 |
| VIII. Medical Issues - Getting Health Care .....                      | 35 |
| IX. Programs that Can Help with Food, Income, & Children .....        | 38 |
| X. Financial & Banking Issues .....                                   | 49 |
| XI. Immigration Issues & Immigrant Eligibility for Benefits .....     | 53 |
| XII. Lost Document Issues.....  | 56 |
| XIII. Estate Issues and the Heirship Affidavit .....                  | 58 |
| Appendices.....   | 58 |

## 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 provide you with information you will need to provide assistance. The manual describes the legal assistance program that has been established by the ABA/YLD, FEMA, the Louisiana State Bar Association and the Louisiana Civil Justice Center. 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 or more of the following capacities: at the Disaster Hotline; 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 Civil Justice Center, have established a toll free telephone number (1-800-310-7029) for disaster victims to obtain access to pro bono legal assistance.**

The Federal Emergency Management Agency (FEMA) has a contract with the ABA Young Lawyers Division by which the ABA/YLD 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 Section and its Access to Justice Committee to coordinate legal services to those disaster victims entitled to FEMA assistance. The Louisiana Civil Justice Center has expanded its existing legal call center to include those calls for disaster relief. The hotline is physically located at the LSU Law School which

provides the space rent free. As is explained in more detail elsewhere in this manual, the hotline provides two types of services: it provides legal advice to callers with simple questions quickly and it provides a portal for the distribution of extended service cases to pro bono volunteers.

(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 the Hotline for a few hours answering a few questions 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 persons whose residence was located in a parish declared a federal disaster area during 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 or the Louisiana Bar's Attorney Referral Service (see [www.louisiana-legal.com/referral.htm](http://www.louisiana-legal.com/referral.htm));

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 is the individual you are talking to if you are in a Disaster Relief Center or at the Hot-line. 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;

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,

Kim Boyle  
Louisiana State Bar Association  
President

# **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:

1. Assistance with filing for emergency assistance;
2. Assistance with insurance claims (life, property, medical, etc.);
3. Counseling on lessor-lessee, homeowner, and other housing problems;
4. Assistance with home repair contracts;
5. Assisting in consumer protection matters, remedies, and procedures;
6. Counseling on mortgage foreclosure problems;
7. Replacement of important legal documents destroyed in the natural disaster, such as wills/testaments, green cards, etc. (see Appendix "M" for information on how to obtain copies of lost documents);
8. Drafting of powers of attorney;
9. Estate administration (insolvent estates);
10. Tax questions;
11. Preparation of guardianships and conservatorships;
12. Referring individuals to local or state agencies which might be of further assistance (e.g. consumer affairs).

**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:

1. <http://louisiana.gov/>
2. [www.usa.gov](http://www.usa.gov)
3. [www.fema.gov](http://www.fema.gov)
4. <http://gohsep.la.gov/> (Louisiana Office of Homeland Security);
5. <http://louisianalawhelp.org/>
6. [www.disasterlegalaid.org](http://www.disasterlegalaid.org)
7. <http://lavoad.org/>



## II. Process of Providing Legal Services to the Disaster Victims

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

1. **LSBA Call Handling.** The toll-free number set up by the Louisiana State Bar Association is 1-800-310-7029. The organization running the hotline is the Louisiana Civil Justice Center (LCJC), a non-profit spun off from the LSBA.

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.” The staff will then immediately determine whether the case is one on 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 or whether an attorney volunteering at the Louisiana Civil Justice Center can provide the assistance over the phone.

If it is determined the client needs more help than can be offered over the phone, the staff will then immediately fax or email the intake form to the appropriate pro bono organization or to an appropriate legal services organization. When a pro bono organization receives it, that organization 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](http://www.lafayettebar.org); Lake Charles (337) 497-0090; New Orleans (504) 561-8828; Shreveport: <http://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 completion of the matter, the portion of the Disaster Legal Services Form (Appendix “A”) addressing case closure should be completed and returned to the pro bono organization that sent the attorney the case. If the matter is still open ninety 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 is staffing a table at a Disaster Recovery Center and has volunteered through a pro bono organization, 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 staffing a table at a Disaster Recovery Center and is an employee of a public interest law firm (legal aid attorney), 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.** If a volunteer attorney staffing a table at a Disaster Recovery Center has NOT volunteered through a pro bono organization and is not an attorney working for a public interest law firm, the attorney should email or fax any completed cases to Jonathan Rhodes at [jonathan.rhodes@laciviljustice.org](mailto:jonathan.rhodes@laciviljustice.org) or 504-566-0930. For cases that need more assistance than the attorney is capable of providing at the DRC, ideally, we would ask the attorney to inform Jonathan Rhodes that he has an extended service case and complete the case at his office. 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 Jonathan Rhodes at [jonathan.rhodes@laciviljustice.org](mailto:jonathan.rhodes@laciviljustice.org).

### III. FEMA Assistance

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

**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.*

For example, by September 5, 2012, the following Louisiana parishes were declared disaster areas in which individuals may qualify for assistance from FEMA as a result of Hurricane Isaac: Ascension, Jefferson, Lafourche, Livingston, Orleans, Plaquemines, St. Bernard, St. Charles, St. John and St. Tammany, and Tangipahoa.<sup>1</sup> FEMA has identified this disaster as number 4080.<sup>2</sup>

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](http://www.fema.gov).

For a flyer that provides an overview of previous non-disaster Public Assistance, see Appendix “P.” The flyer can be copied and adapted for your use, though the dates may need to be adjusted. Additional information is also available at [www.fema.gov](http://www.fema.gov) and <http://louisianalawhelp.org/>.

**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.

---

<sup>1</sup> <http://www.fema.gov/news-release/tangipahoa-parish-added-fema-individual-assistance>

<sup>2</sup> <http://www.fema.gov/disaster/4080>

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. 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).
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.

### **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 2015 it is \$25,000. For more detailed information on these programs see the attached excerpt from the Florida Bar Foundation’s Legal Assistance Disaster Manual (Appendix “T”, full version available at: <http://www.flabarfndn.org/resources/disaster-manual>)

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:
  - a. **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));
  - b. **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).
  - c. **Money to make emergency repairs** to owner occupied dwellings (see §5174(c) (2) (A)). FEMA will refer those able to pay to SBA to pay for more extensive repairs. If a person can't afford to repay an SBA loan, they will be eligible for the repairs grant.
  - d. **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).
  - e. **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)).<sup>3</sup>

**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. **Advocacy Tip:** The "household rule" is a major bar to relief for

---

<sup>3</sup> 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.

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).

2. **Other “financial needs”** Under IHP, FEMA will also assist individuals in replacing lost personal property and meeting other basic needs.
  - a. **Critical Needs Displacement Assistance:** Critical needs displacement assistance is intended to help victims meet life-saving and/or life-sustaining items such as: water, 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.
  - b. **Other needs** that can be paid for include:
    - i. Cars, transportation;
    - ii. Clothes (including school uniforms);
    - iii. Furniture, appliances, other household belongings;
    - iv. Work tools;
    - v. Durable medical equipment such as wheelchairs;
    - vi. Moving and storage expenses;
    - vii. Medical or dental expenses not covered by Medicaid or insurance;
    - viii. Funeral expenses.

**D. SBA Loans.** People who can afford to repay a loan (by FEMA’s standard) will be referred to the Small Business Administration for such a loan, before being eligible for money such as housing repairs. Low interest SBA loans are available to both businesses and individuals. The loans include:

1. **Business loans** of up to \$2 million total. These include:
  - a. **Physical Disaster Loans** up to \$2 million to repair or replace property including inventory and equipment damaged in the disaster; and
  - b. **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 person makes enough money to repay a loan the Small Business Administration will give them a loan of up to \$200,000 to buy another home.

**E. FEMA Appeals.** 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 within 60 days after the notice of decision is received. 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. Final decisions are subject to limited judicial review under the federal Administrative

Procedure Act. See 42 U.S.C.A. § 5148. FEMA's Applicant's Guide includes the address and instructions for filing an administrative appeal (Appendix "E").

**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 1-866-487-2365. Online guidance is available at [www.laworks.net](http://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. Contact information for Louisiana's mental health agency is as follows: Rochelle Head-Dunham, M.D., FAPA, Assistant Secretary, Office of Behavioral Health, 628 North 4th Street, Baton Rouge, LA 70802, Phone: 225-342-9500, <http://www.dhh.state.la.us/index.cfm/page/80/n/114>.

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
  - b. Regular services designed to provide up to 9 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 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>



## 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.
- 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.

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.

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.

9. **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.

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

11. **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.

12. **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.

13. **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 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.

## 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. See Appendix “V”. 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 The Advocacy Center at 1-800-960-7705 (TTY 1-866-935-7348) for referrals or disability rights information.

The Department of Health and Hospitals, 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) 342-9500 or toll-free at 1-866-783-5553.

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).

**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.

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 fraud to your state Office of the Attorney General.

## E. Commonly Asked Housing Questions (See Appendix “L”)

1. **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.

See Appendix “V” for other HUD loan programs – Section 203(b) and 203(k).

2. **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 III 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 X, Section A of this manual for information on Bankruptcy.

3. **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.
4. **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 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](http://www.fema.gov).

5. **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.
6. **What if my landlord won't 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.
7. **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.
8. **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](http://www.fema.gov). See Chapter III of this manual for more information.
9. **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 Louisiana Civil Justice Center Hotline number

(1-800-310-7029) 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.

10. **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 including an itemized list of damages. However, before you leave, you must turn in your keys and give your landlord your new address. If you and your landlord disagree about whether you should get your deposit back, you can call the Louisiana Civil Justice Center Hotline number (1-800-310-7029) for legal assistance.
11. **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.
12. **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.
13. **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.
14. **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.

## VI. Insurance Issues

### A. Commonly Asked Insurance Questions

1. **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.

2. **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.
3. **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.
4. **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.

5. **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.

6. **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.
7. **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.
8. **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.

9. **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.

10. **Is the damage to my home covered** under my insurance policy? Hazard insurance (homeowners' policies or other fire and extended coverage properties) 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.**
11. **What if my insurance does not cover all of the damages** to my home or personal property? 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. See the FEMA section of this manual in Chapter III. 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.
12. **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.
13. **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.
14. **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.
15. **I do not have flood insurance, is assistance available?** Contact FEMA. You may be eligible for help from them. Apply as soon as possible.

16. **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.

17. **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 \$1500 for mortgage/rent, utilities, food, etc. and you now spend \$2000 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.

18. **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.

19. **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.

20. **Is food spoilage covered?** Review your policy. While some policies cover food spoilage due to a natural disaster, others do not.

## **B. 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.



## VII. Public Education

### A. Frequently Asked Questions

**1. 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 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 the Advocacy Center at 1-800-711-1696 for assistance.

**2. 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. 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. See <http://www.center.serve.org/nche/m-v.php> for more information about the McKinney-Vento Act.

**3. 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).

**4. 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 IX).

- 5. 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.
- 6. 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 [customerservice@la.gov](mailto:customerservice@la.gov).
- 7. What about TOPS scholarship eligibility?** Information concerning Louisiana's TOPS scholarships can be found at [www.osfa.state.la.us](http://www.osfa.state.la.us) or by calling 1-800-259-5626, Ext. 1012, 8 a.m. to 4:30 p.m., Monday through Friday.
- 8. 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                  |
- 9. 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.
- 10. 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.

## VIII. Medical Issues - Getting Health Care

### A. Frequently Asked Questions on Medical Care

1. **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). See Appendix “Q”.
2. **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.
3. **How can I enroll in Medicaid or enroll my child in the children’s health insurance program (SCHIP)?** Medicaid is a federal health insurance program that helps many low-income children, families, seniors and disabled persons. SCHIP is federal health insurance program for low-income children. Eligibility for both is considered when you apply for Medicaid, discussed above.
4. **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 Bayou Health, first call your plan to see if they have any providers in the area where you are. If they do not, but you have found some proviers that are enrolled with Louisiana Medicaid, but not your Bayou Health plan, call Louisiana Medicaid and ask to be immediately discharged from Bayou Health 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 (Appendix “Q”) 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](http://www.usps.com).

5. **Will Medicaid or SCHIP providers in the state where I’m at now get paid if they provide me with medical services, even though my family and I enrolled in a different state?** Only if they are enrolled with the Medicaid program that issued your Medicaid card. If you are under Bayou Health, they also need to be enrolled with your particular Bayou Health plan.

6. **My family and I were already enrolled in a Medicaid or an SCHIP HMO before 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 Bayou Health based on your evacuation and the lack of medical care under your plan.
7. **I'm 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 email [MedWeb@dhh.la.gov](mailto:MedWeb@dhh.la.gov) to have a temporary proof of coverage sent to you. (If you can't provide your social security number, you should call for help).
8. **Where can I apply for Medicaid or SCHIP?** Call 1-888-342-6207 to find a location near you.
9. **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.
11. **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;
  - d. your child's adult brother or sister; or
  - e. your child's adult aunt or uncle.
12. **I have a child in my home who was placed by the Department of Social Services. 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).

13. **I evacuated from the hurricane and have no means of paying for my prescription medications – what can I do?** Eligible individuals may be provided essential pharmaceutical and durable medical equipment written prescription assistance to replace maintenance prescription drugs or medical equipment lost as a direct result of the hurricane or as a secondary result of loss or damage caused while in transit from the emergency site to the designated shelter facility at no cost to the patient. In addition, people needing medication or durable medical equipment (e.g., wheelchairs), may qualify for Medicaid and should call 1-888-342-6207.

## **B. Frequently Asked Questions on Mental Health Counseling**

1. **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 Civil Justice Center hotline at 1-800-310-7029. Louisiana Statewide Domestic Abuse Hotline 1(888)411-1333 Free, 24hrs, Confidential.
2. **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 The Advocacy Center 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 Family Services at 1-888-LAHELPU (524-3578) from 7 a.m. to 7 p.m. The National Mental Health Information Center has a call center which can be reached at 1-800-789-2647, (TDD 1-866-889-2647).

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

See Appendix "P" for a flyer which can be given to clients, summarizing these benefits.

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 this 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.

## **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 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.

## **Filing a Claim**

Claims should be filed in accordance with the state's instructions published in announcements about the availability of Disaster Unemployment Assistance.

**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.

**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.

**Advocacy Tip:** Unemployed workers should always apply for both regular Unemployment and Disaster Unemployment by the applicable deadline to ensure that they get (1) UIB or (2) DUA or (3) both UIB for 21 weeks and DUA for an additional 5 weeks.

- 2. 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. If workers lost their jobs as a direct result of a hurricane, but apply for regular 21 weeks of regular UIB,

they should always simultaneously apply for DUA to ensure that they get an additional 5 weeks of DUA benefits after regular UIB runs out to get the maximum of 26 weeks of 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.

3. **How to Apply:** Regular Louisiana Unemployment Benefits and federal Disaster Unemployment Benefits may be simultaneously applied for:
  - a. Online;
  - b. In person at a One-Stop Career Center (use the service locator to find the Center nearest the individual's residence).
4. **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.

## **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:  
<http://dss.louisiana.gov/index.cfm?md=pagebuilder&tmp=home&nid=163&pid=158&pid=139>. This program, along with the Food Stamp program, is administered by the Louisiana Department of Children and Family Services. For information call 1-888-524-3578 or go to the DSS website:  
<http://www.dss.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/index.cfm?md=pagebuilder&tmp=home&pid=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](http://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. Also see [www.LawHelp.org/LA](http://www.LawHelp.org/LA).

#### **D. Food Stamps and Other Food Programs**

1. **Disaster Food Stamps** (7 U.S.C. § 2014(h) (3)): Disaster Food Stamps 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:
  - a. Had damage to their homes from a disaster or its aftermath;
  - b. Lost a job;
  - c. Lost income/wages; or
  - d. Have no access to their bank accounts.

For individuals already getting Food Stamps, an extra month of benefits will be added to their account on their EBT card. To pre-register, and review registration information, visit:  
[http://wwwcfprd.doa.louisiana.gov/LaServices/PublicPages/ServiceDetail.cfm?service\\_id=3289](http://wwwcfprd.doa.louisiana.gov/LaServices/PublicPages/ServiceDetail.cfm?service_id=3289)

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.

**Advocacy Tip:** 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.

2. **Replacement Food Stamps:** 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) (3); 7 CFR §280.1). This is most likely not an issue since people now use electronic benefits cards (see EBT Section above).
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:

- a. Evacuees can get their own benefits separate from anyone they live with; and,
- b. 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. **To Apply for Disaster or Regular Food Stamps:** Go to a local welfare office. Picture I.D. is NOT required. If you can, you may have a friend, relative, or minister verify your identity (called a collateral contact). Due to the massive destruction, applicants should be able to simply tell welfare who they are and where they live. This is called "self-certification." The federal government may relax normal verification requirements for welfare healthcare and other public benefit programs (Appendix "U"). For more information call 1-888-524-3578.
5. **Advocacy Tips:**
  - a. Work with local food banks and USDA to make sure the word gets out that this help is available;
  - b. If necessary, ask for an extension of the application deadline;
  - c. Ask FEMA to translate and disseminate disaster food stamp flyers in all relevant languages;
  - d. Find out who is on the food stamp disaster task force in your state and let them know what your clients need.

## **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 and Human Services 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 Hurricane Victims seeking information may 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:

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

You can find out how to apply for WIC by calling 1-888-524-3578.

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:**

- a. **I was evacuated due to a hurricane or disaster. Can I still receive my WIC foods and nutritional information?** Yes.
- b. **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 WIC toll free numbers at on the USDA's Food and Nutrition Service website. To continue using WIC after that time, you will need to re-apply.

- c. **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. (Current Social Security Hurricane information is in Appendix J.)**

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. Information on how to help a victim receive his or her social security benefits payment is attached as Appendix "J". 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. To find the nearest open Social Security office, call 1-800-772-1213 (TTY 1-800-325-0778).

**For Paper Checks:** The United States Postal Service (USPS) may have suspended or limited mail service in some damages 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."

**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."

**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).

2. **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. 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;
- b. 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;
- c. 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
- d. 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.

3. **Survivors Benefits for Parents.** A parent of a deceased worker is entitled to survivor's benefits if all of the following requirements are met:
  - a. The deceased worker had worked at least 40 quarters (10 years) at the time of death; and
  - b. The parent of the deceased worker is 62 or older; and
  - c. The parent is not entitled to other Social Security benefits equal to or larger than the amount of the survivors benefits; and
  - d. The parent was receiving at least one-half support from the deceased worker; and
  - e. The parent has not remarried since the worker died; and
  - f. 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.

**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:**

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

To file for benefits, you should call 1-800-772-1213 and ask for an appointment.

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.

- 4. **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 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 and request an appointment.

## **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 2015 the SSI payment for an eligible individual is \$733 per month and \$1,100 per month for an eligible couple for

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

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. Individuals with disabilities who would like assistance with a Medicaid coverage or eligibility question may contact The Advocacy Center at 1-800-960-7705 (TTY 1-866-935-7348). 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 which can be used in case of a disaster to attempt to set child visitation arrangements is included as Appendix "Z".

### **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:** 1-800-310-7029 or your local legal aid program (Appendix "C")



## 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 an attorney.

If you are current on your house note, 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

1. **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.
2. **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.

3. **My ATM card does not work, what should I do?** If your ATM card will 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.

4. **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 those hardest hit by the disaster.
5. **I can't 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.
6. **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.
7. **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.
8. **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.
9. **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.
10. **Will there be enough cash?** The Federal Reserve System has and will continue to meet the currency needs of the financial institution industry. The banking industry nationwide has more than sufficient resources to fill any shortfall.
11. **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.
12. **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, go to the bank's Web page. 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**

- 1. I am no longer working and don't have the income to live on and 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.
- 2. 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.
- 3. 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](http://www.fdic.gov/news/katrina/katrinastatus.pdf).
- 4. 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 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](http://www.irs.gov), as well as in Appendix "K".

## **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 “R.”

**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 Metairie Centre, Suite 300 (Third Floor), 2424 Edenborn Avenue, Metairie, LA 70001.

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 some court dates in the week of Hurricane Gustav were postponed. An immigrant in 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 – 6<sup>th</sup> 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**

- 1. 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 “R”.
- 2. 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.

3. **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](http://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](http://www.uscis.gov).

4. **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](http://www.USCIS.gov).

## **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 Department of Health and Hospitals 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](http://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](http://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.google.com/#q=louisiana%20bar%20association%20membership%20directory> or by calling 1-800-421-LSBA (5722).
- 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 "M2".
  - 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 "M1".
  - 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 XI of this manual and Appendix "M2".
  - 5. Insurance Documents—contact your insurance company for help (See Appendix "D")



6. Medicare/Medicaid cards—See Chapter VIII of this manual and Appendix “M1” for information on replacement cards.
7. Social Security cards— See Chapter IX, Section F of this manual and Appendix “M1” 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 "M2".

## 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 be barred from obtaining the needed relief.

### **Establishing Clear Title through and Heirship Affidavit:**

The passage of Act No. and Act 323 created an efficient method for establishing clear title. The Acts permit a property owner to file an Heirship Affidavit to clear title to their property if the estate is valued at less than \$75,000. Additionally, Act 618 allows property owners to use the Heirship Affidavit to clear title for estates of any value where the record property owner died over 25 years ago.

### **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.

Additional Steps to Protect Your Property:

- **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 their relatives.

# Appendices

*\*Information in appendices is subject to change. Some references apply to assistance available after the Hurricanes of 2005 and 2008, unique to those storms. In the case of a natural disaster, please verify or ask client to verify the information.*

**Appendix A** - Disaster Legal Services Form (form)

**Appendix B** – (Reserved)

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

**Appendix D** – Insurance Company Phone Numbers (2005 dated list)

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

**Appendix F** - FEMA disaster assistance process (flyer)

**Appendix G** – FEMA contact information (web page)

**Appendix H** – FEMA Gustav & Ike designated parishes (list)

**Appendix I** – FEMA Federal Aid Programs for Louisiana Disaster Recovery (list)

**Appendix J** – Social Security Hurricane Information (web page)

**Appendix K** – IRS Disaster Relief for Gustav and Ike (web pages)

**Appendix L** – Louisiana Residential Landlord-Tenant law (outline)

**Appendix M1** – Replacing Lost Documents – Social Security, Medicare, Passport, Birth

**Appendix M2** – Replacing Lost Documents – OMV, Aliens (forms)

**Appendix N** – Disaster Legal Assistance Interview Checklist (list)

**Appendix O** – Katrina Hurricane Help (flyer)

**Appendix P** – Emergency Programs for Hurricane Victims (flyer)

**Appendix Q** – Medicaid for Gustav Victims (flyer)

**Appendix R** – Disaster Assistance for Immigrants (book excerpt)

**Appendix S** – SBA Disaster Loans (fact sheet)

**Appendix T** – Florida Bar Foundation’s Disaster Legal Assistance Manual (excerpt)

**Appendix U** – Katrina Health Care (flyer)

**Appendix V** – HUD Assistance for Gustav and Ike Victims (web pages)

**Appendix W** – Red Cross/Legal Services Agreement on Shelter Access (memo)

**Appendix X** – Louisiana Executive Order BJ 08-92 Suspending Legal Deadlines

**Appendix Y** – Disaster Unemployment Assistance (fact sheet)

**Appendix Z** – Visitation Pleadings (form pleadings in editable format)