



# **Emergency/Disaster Training Manual For Volunteer Lawyers Following Hurricane Katrina**

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**Prepared by**

**Louisiana State Bar Association**

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## Message to the Volunteers

Dear Fellow Volunteer:

Thank you for volunteering your time to help the victims of Hurricane Katrina. Your willingness to give your time and talents to the many people displaced and damaged by this storm is greatly appreciated.

The purpose of this manual is to provide you with an introduction to the legal assistance program established by the Louisiana State Bar Association and to acquaint you with some of the information you may need. Included in this manual is an overview of FEMA and non-FEMA legal assistance, a description of the process of providing legal assistance to disaster victims, information you may need to help answer frequently asked questions on issues such as housing, insurance, unemployment compensation and other relevant issues, as well as an appendix including; FEMA Disaster Assistance Process, Case Intake and Closure Forms, copies of relevant code articles and statutes, important telephone numbers, and legal services contact numbers.

We have also included an interview checklist to help you identify problems and legal issues faced by the individuals and families affected by this disaster, and information to help you can make sure the information you collect and the assistance you provide can “follow” those that you help throughout the course of the long recovery ahead.

### Legal Assistance Provided

The Louisiana State Bar Association has set up a **toll free telephone number (1-800-310-7029) for victims of Hurricane Katrina** to obtain access to pro bono legal assistance.

This legal assistance is being provided to those in need through three main sources:

- 1) **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, its Young Lawyers Division, along with local and national legal service providers, to provide legal services to those disaster victims entitled to FEMA assistance or in need of public assistance benefits;
- 2) The **Louisiana State Bar Association** is also providing additional legal assistance through volunteer Louisiana lawyers to disaster victims; and
- 3) The **local legal service programs** for the regions affected by the disaster continue to provide free legal services to existing and new clients who may now qualify for help as a result of the disaster.

The legal assistance phone number is posted on the LSBA website (lsba.org) and will be publicized throughout the disaster and evacuation areas on television, radio, and in the newspaper so that persons in need can obtain legal services.

## **Time Commitment**

A common question asked by volunteers is the commitment required for this project. First, by volunteering to provide legal services for victims of Hurricane Katrina you are agreeing to provide your legal services on a pro bono basis. In many cases, the time required may be minimal, simply answering a few questions or writing a few letters on the victim's behalf in a single day. In other cases, additional time may be required but your service is not meant to be everlasting. Rather, the pro bono program we have set up is designed to help provide emergency legal assistance to victims of Hurricane Katrina, and to help identify any ongoing or more complex disaster-related legal assistance needs that may require further assistance or referral to another organization. If you find a victim who needs more extended representation you can elect to continue to represent them or refer them to the appropriate legal services program (Appendix "C").

## **Limitations to Representation**

There are several important limitations to your representation:

- 1) **Disaster-related only.** This program is to help persons damaged by Hurricane Katrina, thus problems unrelated to this disaster are not covered;
- 2) **Non-fee generating cases only.** 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));
- 3) **Conflicts of interest.** If you have a conflict of interest with a client referred to you, please notify the bar association which referred you the case that you cannot take this case. Remember you are acting as an attorney for any disaster victim whose case you accept, please review your representation for potential conflicts ;
- 4) **Within legal expertise.** If after speaking to a hurricane victim, you believe the case is beyond your expertise, you should contact the Bar hotline and ask that the case be assigned to another volunteer; and
- 5) **Anti solicitation rule.** Lawyers are strongly cautioned against engaging in solicitation of hurricane victims. Solicitation, whether by direct face to face contact, telephone, fax or other means, and whether by the lawyer personally or someone on his or her behalf, is prohibited by Rule 4-7.4(a). Lawyers cannot mail solicitations within 30 days of the hurricane and any direct mail solicitations must comply with the disciplinary rules and must be filed with the Louisiana State Bar for review. Anyone with information that a lawyer is engaging in solicitation should report the lawyer to the Louisiana State Bar. **Please note that volunteer lawyers who are offering their services to disaster victims at no charge do not violate the anti-solicitation rule.**

## **Quick Summary of What You Should Do**

- 1) **Read through the attached materials** which discusses the role of the volunteer lawyer. This is especially important because it lists common questions which arise in a hurricane or other disaster and details the steps to be followed in

assessing the disaster victim's needs, legal assistance requirements, and in documenting your assistance and follow-up for the client (Attachment N: Disaster Legal Assistance Interview Checklist).

- 2) **Referral procedures.** The victim's initial call into the toll free assistance number will be answered by an intake person who will first determine if the issue is one that should be handled by one of the attorney volunteers. The caller will be asked to provide a telephone number at which he or she can be reached within the next 24 to 48 hours. The intake forms will then be emailed or faxed to an appropriate volunteer lawyer who will then contact the victim. In the event the hurricane victim has no number where he or she can be reached, that victim will be given the name and number of a volunteer lawyer who will be contacted directly by the victim. Do not be surprised if you do not receive a case for several weeks. During the initial days after a disaster of this magnitude, many of the victims of the hurricane have not focused on their legal needs because they are more worried about basic needs like food, shelter, and their health. It often takes time for victims to realize that they may need a lawyer. Volunteer attorneys can help clients navigate through the bureaucratic maze to get the help they need.
- 3) **Respond to victims right away.** Once you do receive a case, please respond to the hurricane victim within one business day. If you cannot return the call within that time, please contact the hotline immediately so that the call can be reassigned. Also, if you plan to be out of town, please alert your staff so that they can contact the hotline to reassign any calls you will be unable to answer.
- 4) **Handling the victim's legal problems.** You should document the client's responses to the Disaster Legal Assistance Interview checklist, all of your contacts and actions taken on behalf of the client, and the outcome of your advocacy efforts. Please keep track of the amount of time spent on each case and notify the hotline when you are done providing services by emailing the attached Case Closure Form, Appendix "B", to [LouisianaBar@yahoo.com](mailto:LouisianaBar@yahoo.com) or faxing the form to 337-233-9450.

Again, our thanks go out to each and every person who has volunteered for this project. Remember that many of the victims of this disaster cannot afford other legal representation so you are their lawyer and the person who will guide them through this difficult time. Additionally, many of the victims of Hurricane Katrina will have suffered and will continue to suffer great personal trauma. Volunteer lawyers should therefore make great efforts to be sensitive to the feelings and behavior of the victims, as well as responsive to their needs.

Sincerely,

Frank X. Neuner, Jr.  
President, Louisiana State Bar Association

# 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, green cards, and the like (see Appendix "M" for information on how to obtain copies of lost documents).
8. Help with understanding, applying for and navigating the system for public benefit programs (e.g. food stamps, welfare, social security disability, Medicaid, etc).
9. Drafting of powers of attorney
10. Estate administration (insolvent estates)
11. Tax questions
12. Preparation of guardianships and conservatorships
13. Referring individuals to local or state agencies which might be of further assistance (e.g. consumer affairs).
14. Assisting individuals with disabilities to obtain accessible housing, durable medical equipment (e.g., wheelchairs), prescriptions, medical care including mental health services, and accessible transportation.
15. Helping children obtain special education services
16. Assistance in obtaining continued Social Security benefits
17. Assistance with applications to employers for covered family leave

This manual is a work in progress limited by time constraints 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 all of the bar associations and legal service providers throughout the country who have provided assistance and materials in the preparation of this manual.

Helpful disaster websites include: <http://louisiana.gov/wps/portal>; [www.firstgov.gov](http://www.firstgov.gov); [www.fema.gov](http://www.fema.gov); and [www.ohsep.louisiana.gov](http://www.ohsep.louisiana.gov) (which is the Louisiana Office of Homeland Security). For information to help people with disabilities, see <http://www.napas.org/katrinainlinks.htm> .

## **B. Process of Providing Legal Services to the Disaster**

**Victims.** The toll-free number set up by the Louisiana State Bar Association (1-800-310-7029) for victims of Hurricane Katrina to call if they need legal assistance has been publicized by FEMA and by the Louisiana State Bar Association through shelters, FEMA Disaster Recovery Centers, television, radio, and/or local newspapers.

- 1. Intake screening by LSBA and referral to volunteer attorney.** 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 on the Intake form which is included in this packet as Appendix "A". The staff will then immediately determine whether the case is one in which lawyer assistance is required, and if so, whether the matter should be forwarded to an ABA/YLD FEMA attorney or to one of the other attorneys volunteering to provide non-FEMA legal assistance. The staff will then immediately fax or email the intake form to the appropriate volunteer attorney.
- 2. Volunteer attorney review for fee potential, conflicts and legal expertise.** When the volunteer attorney receives the Intake 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 at [www.louisiana-legal.com/referral.htm](http://www.louisiana-legal.com/referral.htm). 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 Louisiana State Bar Association hotline number and ask that the case be reassigned.
- 3. Volunteer attorney contacts victim, interviews and handles case.** 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 after the initial call was made by the victim to the Louisiana State Bar Association for help. 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, including completion of the Disaster Legal Assistance Interview checklist (Appendix N).
- 4. Volunteer attorney case closure.** After completion of the matter, the attached Case Closure form (Appendix B) should be completed and emailed to [Louisiana Bar@yahoo.com](mailto:LouisianaBar@yahoo.com) or faxed to 337-233-9450. If the matter is still open ninety days after the assignment, a brief report on the anticipated closing date should be faxed or emailed in the same fashion. All volunteer attorneys should keep track of the amount of time spent on each case and should include this information in the Case Closure Form.

## **C. Information You May Need to Help the Victims –**

Obtain the following information from the victim:

1. full name,
2. names and ages of family members living with the victim at time of disaster,
3. present and disaster area addresses,
4. telephone number(s) where the victim may be contacted,
5. description of losses and disaster-related problems,
6. insurance information, ,
7. disability or chronic health care needs of victim and/or family members
8. citizenship status.

FEMA emergency disaster assistance (e.g. food and shelter, crisis counseling, non-cash assistance) is available to anyone affected by the disaster, regardless of immigration status.

U.S. citizens and qualified immigrants are additionally entitled to ongoing FEMA individual assistance benefits, including disaster relief Medicaid, mortgage and rental assistance, and other programs.

## II. FEMA Assistance

This chapter provides a brief overview of the major FEMA programs. For an extensive and excellent manual on FEMA and other disaster programs, representation and advocacy see the Florida Bar Foundation's recently updated manual: Florida Legal Assistance Disaster Manual. (Available on line at: [www.povertylaw.org](http://www.povertylaw.org).)

**A. Disaster Declaration** - When the President of the United States declares a "major disaster" anywhere 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.*

In Louisiana, the following 31 parishes were declared disaster areas on August 29, 2005: Acadia, Ascension, Assumption, Calcasieu, Cameron, East Baton Rouge, East Feliciana, Iberia, Iberville, Jefferson, Jefferson Davis, Lafayette, Lafourche, Livingston, Orleans, Plaquemines, Pointe Coupee, St. Bernard, St. Charles, St. Helena, St. James, St. John, St. Martin, St. Mary, St. Tammany, Tangipahoa, Terrebonne, Vermillion, Washington, West Baton Rouge and West Feliciana. FEMA has identified this disaster as number 1603.

Individuals, families and businesses in these 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 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 with FEMA toll-free at 1-800-621-FEMA (TTY: 1-800-462-7585).

Attached are two flyers that provide an overview of Public Assistance (Appendix P) and FEMA benefit programs (Appendix O). These can be copied and adapted for your use. They should also be posted soon at [www.povertylaw.org](http://www.povertylaw.org) Information is also available at [www.FEMA.gov](http://www.FEMA.gov). and [lawhelp.org](http://lawhelp.org). People can also call 1-888-LaHelpU (888-529-4578) for referrals and information.

**B. FEMA Benefits Overview** FEMA has established a policy for preventing and for rectifying duplication of benefits under 44 CFR 206.91. 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 are lower in the sequence. Agencies are not prohibited from disrupting the sequence of delivery when it serves to expedite the recovery of an applicant. However, the agency that disrupts the sequence of delivery must take corrective action.

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

1. **Voluntary organizations** provide emergency assistance in the form of food, clothing, shelter, medical, and transportation needs;
2. **Private insurance benefits** – Insured applicants must file a claim with their insurance company before receiving federal assistance. They may be eligible to receive disaster assistance if they have insufficient coverage or have items not covered by their insurance policy;
3. **Small Business Administration (SBA)** offers low interest, long term loans to victims of disasters. Homeowners may be eligible for loans up to \$200,000 to repair disaster damaged primary residences. Homeowners and renters are eligible for loans up to \$40,000 to replace personal property such as furniture and clothing. Loans to businesses of all sizes and non-profit organizations are available up to \$1.5 million to repair damage to real estate, machinery, equipment, and inventory. Economic Injury Disaster Loans (EIDLs) are also available to small businesses unable to pay bills or meet operating expenses. For more information, follow the links for Disaster Recovery at [www.sba.gov](http://www.sba.gov) or call 1/800-659-2955.
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 and *possibly* mortgage assistance<sup>1</sup>, temporary housing (such as mobile homes), housing repairs, and grants to purchase new housing. 5174 (c). IHP also covers replacement of necessary personal items (clothing, furniture, appliances, etc), transportation and other expenses or “serious needs” (5174(e)(2); and medical, dental, and funeral expenses. 5174(e)(1).
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.

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<sup>1</sup> This program is no longer listed in the statute and/or regulations, but advocates are urging the President to restore it for this disaster.

### **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 \$26,200.

For more detailed information on these programs see the attached excerpt from the Florida Bar Foundation’s Disaster Manual (Appendix T, full version available at: [www.povertylaw.org](http://www.povertylaw.org))

**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 four forms of temporary housing, include:

- a. **Assistance to rent** or lease alternate dwellings including rental units for up to 18 months (5174 (c)(1)(A);
- b. **Temporary housing** on military bases, housing projects, cruise ships, and in mobile homes when units are scarce(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.
- c. **Money to make emergency repairs** to owner occupied dwellings (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.)

**Insurance:** FEMA will refer 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 were in a previous disaster and did not purchase flood insurance after being advised to do so. (See: 44.C.F.R. 206.113(b)(8)).

**Household Rules:** 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. FEMA has not indicated that this rule will be relaxed for Katrina victims. 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 many poor families and individuals. Advocates are discussing trying to get it waived or modified due to the very large number of low- income individuals hurt by Katrina.

**2. Other “financial needs” Under IHP** FEMA will also assist individuals in replacing lost personal property and meeting other basic needs.

- 1) **FEMA’s Expedited Assistance:** This is the section of the law under which FEMA is releasing debit cards and/or checks of \$2,000 to Katrina victims. This money is intended to help victims meet their basic needs for such items as: clothing, food, transportation, and housing. 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.
- 2) **Other needs** that can be paid for include:
  - cars, transportation,
  - clothes (including school uniforms),
  - furniture, appliances, other household belongings
  - work tools,
  - durable medical equipment such as wheelchairs.
  - Moving and storage expenses
  - Medical and dental expenses not covered by Medicaid or insurance
  - 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 1.5 million dollars total. These include:
  - a. **Physical Disaster Loans** up to 1.5 million dollars to repair or replace property including inventory and equipment damaged in the disaster; and
  - b. **Economic Injury Disaster Loans (EIDL)** of up to 1.5 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. FEMA has 90 days to issue a written decision, which is final. (42 U.S.C. 5189). In the FEMA applicant’s guide there is an appeal form and information (Appendix E).

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

**1. Disaster Unemployment Assistance (DUA)**

DUA provides up to 26 weeks of financial help and employment services to people who are otherwise ineligible for regular state unemployment compensation. See Chapter VIII.A of this manual for more information.

Note: People should apply as soon as possible for unemployment benefits since there is a one-week waiting periods. People can call 1-888-LAHELPU or 1-888-524-3578 or 1-866-783-5567 from 7 a.m. to 7 p.m. Online guidance is available at [www.laworks.net](http://www.laworks.net).

**2. Disaster Relief Medicaid.** Medicaid is a public health insurance program that provides simple, easy to obtain coverage for a period of at least four months following the disaster for low-income individuals affected and in need of medical coverage. See Chapter VII for more information on medical care after the disaster.

**3. 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: Warren T. Price Jr., Assistant Secretary, Office of Mental Health, P.O. Box 4049, Bin #12, Baton Rouge, LA 70821-4049, Phone: 225-342-2540, Fax: 225-342-5066, [www.dhh.state.la.us/OMH/index.htm](http://www.dhh.state.la.us/OMH/index.htm). The National Center for Mental Health call center can be reached weekdays from **8:30 a.m. to 5:00 p.m.** Eastern time at **(800) 789-2647** (toll-free) **(866) 889-2647** (tdd).

Services provided include screening, diagnostic testing, counseling, and outreach services such as disseminating public information and community networking. Two types of programs are offered through CC: (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).

**4. 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 VIII of this manual for more information.

**5. Tax Relief.** People affected by Hurricane Katrina who need help with tax matters can call 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".

**6. Payments to Victims of Violent Crimes.** If a person was a victim of a violent crime that occurred during the disaster or after, he or she may be eligible for up to

\$10,000 for damages. (\$25,000 for permanent disability) See [www.corrections.state.la.us/programs/victims.html](http://www.corrections.state.la.us/programs/victims.html) to learn the rules and procedures for this program.

**7. Doing Business with FEMA** For information about doing business with FEMA during Hurricane Katrina recovery, visit [www.fema.gov/ofm](http://www.fema.gov/ofm) or call Acquisitions office at 202-646-4006.

## III. Emergency Information

**A. Locating Missing Family and Friends** - To register a displaced person, a missing relative, or a friend, or view the existing list of registrants, please visit the American Red Cross “Family Links Registry” at [www.familylinks.icrc.org/katrina](http://www.familylinks.icrc.org/katrina). You may also call the American Red Cross’s Family Linking hotline at 877-568-3317.

Another source for information on how to locate a family member or friend affected by Hurricane Katrina is:

[http://firstgov.gov/Citizen/Topics/PublicSafety/Hurricane\\_Katrina\\_Recovery.shtml](http://firstgov.gov/Citizen/Topics/PublicSafety/Hurricane_Katrina_Recovery.shtml).

To inquire about family and friends that did not evacuate the Greater New Orleans area, contact the American Red Cross at 866-438-4636.

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

- Find out if the authorities have declared the area safe.
- 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.
- Watch for debris on the road while driving;
- 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;
- Make sure the main electrical switch to your home is off before entering the structure;
- Be careful when entering a structure that has been damaged;
- If you suspect a gas leak, leave immediately and notify the gas company;
- 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;
- Report utility damage to the proper authorities;
- Continue to monitor your radio or television for up-to-date emergency information.

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

Upon returning to dwellings evacuated before the 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.

**2. 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.

**3. 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.

**4. Downed Powerlines.** If powerlines 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.

**5. 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/ncidod/dvrd/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.

**6. 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 protection. Cars can be swept away or may break down in moving water. Be alert and follow hazard warnings on roadways or those broadcast by the media. Police and public works departments should be contacted for up-to-date information regarding safe roadways.

**7. 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 (whether 20-lb. tanks from a gas grill or household propane tanks) are discovered, do not attempt to move them yourself. These represent a very 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.

**8. Knowing Where and When It's Safe.** Continue to monitor your radio or television for up-to-date emergency information and find out what roads, areas, and buildings are safe to return to. You can get this information from public announcements or the authorities. Avoid moving water, regardless of depth or speed. Do not drive through flooded roads. Cars can be swept away or break down.

**9. 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.

### **10. Utility Hazards**

- 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.
- Make sure that all electrical equipment and appliances are completely dry before you use them.
- Stay away from downed power lines. Notify the power company immediately.
- 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.
- Report utility damage to the authorities.

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

- learn proper safety procedures and operating instructions before operating any gas-powered or electric chain saw;
- with an electric chainsaw, use extreme caution to avoid electrical shock;
- when using any power equipment, always wear a safety face shield or eyeglasses, and gloves;
- avoid all power lines, particularly those in water;
- avoid wading in water. Broken glass, metal fragments, and other debris may be present in the water; and
- 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.

**12. 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 also 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.

## IV. 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. To facilitate handling of housing issues, Louisiana's lessor-lessee code articles and statutes are attached as Appendix L.

**B. HUD Programs and Questions.** The U.S. Department of Housing and Urban Development (HUD) HUD has established a single toll-free number, 1-888-297-8685, to assist the victims of Hurricane Katrina. The number operates from 7 a.m. to 8 p.m. CST, seven days a week. HUD has granted a 90-day moratorium on foreclosures and forbearance on foreclosures of Federal Housing Administration-insured homes.

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 is identifying vacant multi-family housing and HUD-owned homes that could be used as temporary housing for those forced from their homes.

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 of who lived in Public Housing Authority apartments that are no longer habitable or tenants with Housing Choice Vouchers (formerly Section 8) who rented from private landlords will have rights in addition to state law. HUD should be issuing guidance to the Public Housing Authorities on what they should be doing. 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, 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 when needed 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 for Elderly and Disabled at 800-711-1696 for referrals or disability rights information.

The Department of Health and Hospitals—**Office for Citizens with Developmental Disabilities** has established four OCDD Response Teams to facilitate the handling of requests from people with disabilities, their families, providers, employees and the community.

The teams are established to 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 1 (888) LAHELPU or 1(888) 524-3578 from 7 a.m. to 7 p.m.

**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:

- 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.
- 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.
- Check references. Contractors should be willing to provide the names of previous customers.
  - Call several former customers who had similar work done to make sure they were satisfied with the job.
  - 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.
  - Use reliable, licensed contractors. Call your local Better Business Bureau to inquire about a business before signing a contract.
  - People should 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.

- Be wary of anyone claiming to be 'FEMA certified,' because FEMA does not certify or endorse any contractor.
- 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.
- 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.
- 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.
- 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.
- 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.
- Canceling a contract. This should be done within three business days of signing.
- Be sure to 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.
- Report problems with a contractor or fraud to your state Office of the Attorney General.

## **E. Commonly Asked Housing Questions**

**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 instructed FHA-approved lenders to provide foreclosure relief – a 90-day moratorium on foreclosures of FHA-insured properties in the 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.

There are other HUD mortgage loan programs – Section 203(b) and 203(k)—see Attachment V.

**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 another section of this manual. HUD and some lenders may have forgiveness programs under which they will suspend your payments for a period of time (call them to find out).

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 of how (s)he will pay regular mortgage payments and all other living expenses, and also pay an amount every month toward the mortgage arrears. If you think you may want to file a Chapter 13 bankruptcy, you should consult an attorney.

**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 will most likely be eligible for money for living expenses while you cannot live in your house. 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.

**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 certified letter to your landlord notifying him/her of your actions.

**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 insurance 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.

**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, 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, 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 State Bar Association 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?** Once you move out of rental housing, you must send a written request to your landlord to ask for the return of your security deposit. Usually a tenant has to give a landlord notice in advance of moving to get the security deposit back. However, Hurricanes Katrina and Rita made this impossible for most tenants. A landlord has 30 days after getting notice that you want your deposit back to either (1) Send your deposit back in full or (2) Send you an itemized list of any deductions he has made from your deposit along with the remainder of the deposit if there is any left after deductions. If you do not agree with the landlord's actions or the landlord does not respond to your letter, you can file a lawsuit. The law allows a \$200 penalty if the landlord willfully refuses to refund your deposit.

The law also allows you to be awarded interest, attorney's fees, and court costs if you win the lawsuit.

**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, "no." Where the injury results from the disaster itself and not from defects in the premises, 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 recent litigation, the Louisiana Third Circuit held the homeowner responsible for removal of a tree that fell on a neighbor's property. 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).

**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.

# V. 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, renter's, 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 request the 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 and, 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 company representative whether the company will reimburse you 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 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 handout. 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 1-(866)-562-5227.

**12. I know I have flood insurance, what do I do?** Call your insurance company. See attached list of insurance companies.

**13. I am not sure if I have flood insurance, what do I do?** Attempt to contact your bank or check the following website [www.fdic.gov/news/katrina/katrinastatus.pdf](http://www.fdic.gov/news/katrina/katrinastatus.pdf).

**14. I know I have flood insurance, but my bank is closed – what do I do?** Banks having offices in the most devastated areas are making every attempt to establish temporary facilities to service customers.

**15. I know 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 be covered under the 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) where 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?** Read the 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 an 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.

## VI. 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 number to the helpline is 1-877-453-2721. Education officials in Texas have set up a toll-free number for Louisiana parents to get information concerning enrolling their children in Texas schools. The phone number is 1-800-957-5109. 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 for the Elderly and Disabled at 800-711-1696 for assistance.

Colleges throughout the state and nation are accepting displaced college students. Please check [www.regents.state.la.us](http://www.regents.state.la.us).

**2. How long will children be out of school and what can be done for students?** It is impossible to know how long schools will be closed in parts of Louisiana. The Department of Education is encouraging displaced students to enroll in school in the community where they are seeking temporary shelter. You should contact the local school district office concerning placement of your child. A complete list of local school district contact information can be found on our website by clicking on "School Directory."

East Baton Rouge Parish is asking that evacuee parents contact them at 225-226-3762, 8 a.m.-4:30 p.m.

If you are seeking temporary shelter out of state you should contact the local county school system and inform them that your child has been displaced by Hurricane Katrina. We are sending information throughout the country concerning availability of student records and information. . 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.ndrn.org/katrinainlinks.htm> for more information about the McKinney-Vento Act.

**3. What about school uniforms?** We have asked all local school districts in Louisiana to provide flexibility for evacuee students in the area of uniforms. It is important for students enrolled quickly with as little disruption as possible. School uniforms may be covered by the FEMA Individuals and Households Program (IHP).

**4. What should teachers and support workers in the impacted areas do about employment?** Teachers and support workers who have been displaced by Hurricane Katrina are being encouraged to apply for jobs in the areas where they are seeking temporary shelter. Many of these districts are enrolling evacuee students will need additional teachers and support staff. Teachers can also file for unemployment

through the Louisiana by visiting local unemployment agencies or filing on line with the Department of Labor, [www.laworks.net](http://www.laworks.net).

**5. What about teacher and support worker pay?** If you are employed in Orleans Parish, you can call 1-877-771-5800 for more information. Orleans Parish school employees will continue to receive health care benefits, including individuals who recently received layoff notices.

Other impacted school districts are attempting to reestablish their business operations in Baton Rouge. Future updates will be given in the future.

**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).

Additionally, the U.S. Department of Education has established a web link that lists various organizations that are willing to donate school supplies to needy institutions that experience an influx of students. The site is designed so that schools may indicate what supplies are needed and to allow schools to search for what supplies companies have available. The link is: <http://www.ed.gov/news/hurricane/index.html>

**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 7 p.m.

**8. Additional contact information:**

Red Cross	1-800-GET-INFO (1-800-438-4636)
	1-800-HELP-NOW (1-800-435-7669)
FEMA	1-800-621-FEMA
Louisiana Dept. of Education	1-877-453-2721
Texas School Information	1-800-957-5109

**9. I did not bring my children's immunization records with me when we evacuated. Can I still enroll them in new schools?** The state has 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 is using its internal LINKS system to track immunizations records and will share that 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?** The Department of Health and Hospitals is offering no-cost birth cards (small versions of birth certificates) to evacuees and their children. Birth cards can be 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 will offer no-cost birth cards.

## VII. 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 LAHELPU (1-888-524-3578).

**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.

On September 9, 2005, the federal government announced a special federal program to help disaster survivors enroll in Medicaid and SCHIP temporarily using a simple application form and process. Not all of the details are clear yet, but we do know for sure that the new, simpler application process is available to those persons affected by the disaster who have remained in states hit by the hurricane as well as to evacuees who have fled to another in state. People who don't have identification or other proof of their situation, such as income documentation, will not have to provide it.

Adults who do not have children or who are not pregnant, blind or disabled or age 65 or older may not qualify for this new disaster Medicaid program. Some members of Congress are trying to get this restriction dropped from the disaster Medicaid program, and that might happen soon. In the meantime, the Louisiana Medicaid program is taking applications from anyone from the affected parishes in Louisiana, and providing information and other assistance. Call 1-888-342-6207.

Louisiana has already started using a new, simpler Medicaid application, the BHSF Form 1-K. You can apply through Louisiana Medicaid by calling 1-888-342-6207. Louisiana Medicaid staff members will be available at FEMA centers being set up and at many shelters across the state. Louisiana policy allows people in the hurricane-affected areas as well as evacuees from other states who have come to Louisiana to apply with a simple form and to self-declare the following:

- State of residence;
- Citizenship or immigration status;
- Income and resources or assets; and,

- Unpaid medical bills.

Household size will be based on the number of individuals who are currently physically present with the applicant. Disaster payments that a person receives will not be counted as income for purposes of determining eligibility for Medicaid in Louisiana.

Louisiana will also be using a simplified "Medical/Social" form to determine if an individual meets the test for Medicaid eligibility due to disability; Louisiana has also set up a process for expedited disability determinations. These simplified procedures will apply to people who had a disability application pending at the time of the hurricane or who became disabled as a result of the disaster. At least for now, Louisiana is also waiving the usual 8 prescription limit and the pre-certification requirement for hospital stays for disabled disaster survivors, but this could change.

Even though the application and disability determination procedures have been simplified, Louisiana still requires medical certification for coverage in a nursing facility, an ICF/MR, and for Home and Community-Based Waiver services for the disabled.

People (whether disabled or not) who had Medicaid applications pending at the time of the disaster will have their applications decided using the new, simpler procedures but will be certified for eligibility for the regular time, not the temporary four (4) months.

People who are determined to be eligible for Louisiana's new temporary Medicaid program will get a special decision notice, BHSF Form 18-K. They will also get a letter from the State of Louisiana verifying their Medicaid eligibility. Disaster Medicaid enrollees will **not** get a regular plastic Medicaid card and will need to present their paper form to get medical services.

Enrollments in this special Medicaid and SCHIP program for disaster survivors will last for 4 months. This could be extended, depending on what Congress does. At the end of the temporary period, a person will have to re-enroll using the state's regular procedures to continue coverage.

It will likely take at least a little while for all states to start using the new, simpler system for enrolling hurricane survivors into temporary Medicaid. But the federal government has said it will pay for coverage back to the date of the disaster declarations.

**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?** Yes, you should be able to use these programs anywhere in the U.S. You should also file a change of address form with Louisiana Medicaid (Appendix Q). (Mail or fax to 1-877-523-2987.) See [www.dhh.louisiana.gov/offices/publications](http://www.dhh.louisiana.gov/offices/publications).

**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?** Yes.

**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?** Yes. Community CARE members from areas affected by Hurricane Katrina **do not** need a referral from their primary care doctor to get medical services.

**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. Who will qualify for the new disaster relief Medicaid and SCHIP programs?** As discussed above, pregnant women, blind and disabled persons, children up to age 18 (19 if in school), some parents of minor children, persons age 65 or older and immigrants who qualify for emergency Medicaid can qualify for Disaster Medicaid. Other adults may not qualify, but this could change since many people are demanding a quick expansion to meet the needs of hurricane survivors.

In Louisiana, if you are not able to qualify for the new Disaster Medicaid Program, you can still get medical help through hospital emergency rooms or by calling 1-888-342-6207.

**10. 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.
- 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 who possesses a 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.
- 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 or 1(888) 524-3578 from 7 a.m. to 7 p.m.

**13. I evacuated from the hurricane and have no means of paying for my prescription medications – what can I do?** The Louisiana Board of Pharmacy has received confirmation that emergency prescription needs will be taken care of for Hurricane Katrina evacuees without means to pay for their medications. Evacuees can go to any Wal-Mart, CVS, Rite Aid, Walgreen's or Kroger's pharmacy in Louisiana or around the country to have their emergency prescriptions filled at no cost *depending on the patient's need*. Nurses and doctors who have authority to write prescriptions and are treating patients in special needs shelters as part of the recovery effort can send their patients' prescriptions to these pharmacies to be filled. 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 on everyone. This can lead to increased tension and violence in family and household units. 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, you should contact the Louisiana State Bar Association hotline at (1-800-310-7029).

**2. How can I get counseling for myself or my family?** There are numerous providers of counseling services on an ongoing basis. After a natural disaster, additional providers will be available. Information on disaster counseling is usually made available through public information announcements after the disaster. You should also check with hospitals and other mental health agencies in your community in reference to the availability and cost of disaster counseling. If needed services are denied, contact Advocacy Center for the Elderly and Disabled at 800-711-1696.

In Louisiana, you may call the Louisiana State Hotline at 1 (888) LAHELPU or 1 (888) 524-3578 from 7 a.m. to 7 p.m. or Warren T. Price Jr., Assistant Secretary, Office of Mental Health, P.O. Box 4049, Bin #12, Baton Rouge, LA 70821-4049, Phone: 225-342-

2540, Fax: 225-342-5066, [www.dhh.state.la.us/OMH/index.htm](http://www.dhh.state.la.us/OMH/index.htm). The National Center for Mental Health call center can be weekdays from **8:30 a.m.** to **5:00 p.m.** Eastern time at **(800) 789-2647** (toll-free) **(866) 889-2647** (TDD).

## VIII. Disaster & Ongoing Programs that Can Help with Food, Income, & Shelter

For a flyer summarizing these benefit programs, which can be given to clients see Appendix P.

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. (42U.S.C. §5155(d)). The \$2,000 payment from FEMA should **not** disqualify anyone from these programs.

### A. Unemployment Benefits

#### 1. Disaster Unemployment Assistance (DUA) (42 U.S.C. §5177(a))

Disaster Unemployment Assistance (DUA) is a cash benefit for up to 26 weeks available to unemployed workers or self-employed individuals who meet two requirements:

- they become unemployed as a direct result of a declared disaster and
- they are not eligible to receive regular unemployment benefits from any state.

DUA is also available to individuals who:

- a) become the breadwinner or major support of a household due to the death of the head of household as a direct result of a declared disaster,
- b) become unemployed as a result of an injury caused as a direct result of a disaster,
- c) cannot reach their employment as a direct result of a disaster,
- d) were scheduled to start work but became unemployed because they no longer have a job as a direct result of a disaster, or
- e) became unemployed due to unemployment directly caused by the disaster and who run out of regular UIB benefits before the end of 26 weeks.

The President declared a disaster in Louisiana on August 29, 2005. DUA benefits have been authorized. The Louisiana Department of Labor announced the deadline for applying for DUA is October 7, 2005.

People should apply as soon as possible since there is a waiting period for receipt of benefits. Call 1-888-LAHELPU (1-888-524-3578); 1-866-783-5567 from 7 a.m. to 7 p.m.; or, 1-800-818-7811 from 3 p.m. to 7 p.m. only. Online guidance is available at [www.laworks.net](http://www.laworks.net).

**Advocacy Tip:** Advocates should urge that the application deadline be extended beyond October 7 given the magnitude of the destruction and its aftermath.

Documentation to substantiate proof of former employment and Social Security number must be submitted within 21 days after filing the claim. However, if no verification documents are available to claimant, a sworn statement and other forms of verification can be submitted. NOTE: Interim DUA payments can be paid while the necessary documentation is gathered and the application is processed.

**Call the IRS to get lost earnings records:** Individuals who need to verify their earnings for DUA claims can contact IRS at 1-866-562-5227 from 7 a.m. - 10 p.m. EDT to request this information.

**Retraining/Employment Services:** DUA recipients should familiarize themselves with additional rights and responsibilities described in "Disaster Unemployment Assistance Benefit Rights" (form DUA 4), which is available at any Job Center in Louisiana. Individuals are eligible for help finding jobs and with retraining for new jobs through the Job Centers.

**Advocacy Tip:** Unemployed workers should always apply for both regular Unemployment and Disaster Unemployment by the current October 7 deadline to ensure that they get UIB or DUA or both UIB for 21 weeks and DUA for an additional 5 weeks

**2. Regular Unemployment Benefits** Louisiana offers 21 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 the Hurricane Katrina, 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 the 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.

**How to Apply:** Regular Louisiana Unemployment Benefits and federal Disaster Unemployment Benefits may be simultaneously applied for

- online at [www.ldol.state.la.us](http://www.ldol.state.la.us)
- in person at a One-Stop Career Center (use the service locator at [www.ldol.state.la.us](http://www.ldol.state.la.us) to find the Center nearest the individual's residence)
- by telephone at 1-800-818-7811 (from 3 p.m. to 7 p.m. only) or 1-888-524-3578 or 1-866-783-5567 (from 7 a.m. to 7 p.m.).

**Note:** If a victim is not eligible for regular Louisiana Unemployment Benefits, he or she may be entitled to disaster unemployment assistance under FEMA.

**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.

## **A. 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)**. This program, along with the Food Stamp program, is administered by the Louisiana Department of Social Services. For information call LAHELPU 1-888-524-3578 or go to:  
[http://www.dss.state.la.us/departments/ofs/Family\\_Independence\\_Temporary\\_.html](http://www.dss.state.la.us/departments/ofs/Family_Independence_Temporary_.html)

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) 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). Go to [http://www.dss.state.la.us/departments/ofs/Kinship\\_Care\\_Subsidy\\_Program.html](http://www.dss.state.la.us/departments/ofs/Kinship_Care_Subsidy_Program.html) for information. The cash grants are \$222 per month for each eligible child living with qualified relatives (see web site for list). Benefits are issued on Electronic Benefits (EBT) cards. *See Section C (below) for more on EBT.*

**Call 1-800-706-8263 (or 1-800-706-TANF)** to obtain information about TANF programs and other social services that may be of assistance.

## **B. 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 Katrina should have received electronic payments for September 2005 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 Social Services number at (866) 334-8304 or call JP Morgan (the EBT contractor) at (888) 997-1117.

For questions regarding cash aid or Food Stamp benefits, as opposed to problems using the EBT card itself, call (866) 334-8304 or the disaster relief hotline at 888-524-3578.

**2. Lost EBT Cards:** People who get benefits, but have lost their EBT cards, can go to any Louisiana Department of Social 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. Also, they can call the department at 1 (866) 334-8304. Because so many phone lines are 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: (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)):** The federal government has authorized disaster Food Stamps for parts of Louisiana. For individuals already getting Food Stamps, an extra month of benefits will be added to their account on their EBT card.

Disaster Food Stamps are also available to people not receiving regular Food Stamps. Disaster victims can be eligible even if they are over the usual income or resource limits (e.g. have too many cars, too much in their bank accounts, etc). People who may be able to get Disaster Food Stamps include those who have:

- had damage to their homes from Katrina or its aftermath
- lost a job
- lost income/wages
- have no access to their bank accounts

The application period for Disaster Food Stamps was originally limited to September 2 through the 9th— but it could be extended.

**Advocacy Tip:** Advocates should push for additional benefits and a longer application period given the scope of the disaster and the fact that 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).

### **Advocacy Tips:**

- 1) Work with local food banks and USDA to make sure the word gets out that this help is available.
- 2) If necessary, ask for an extension of the application deadline.
- 3) Ask FEMA to translate and disseminate disaster food stamp flyers in all relevant languages.
- 4) Find out who is on the food stamp disaster task force (7 U.S.C. §2017(h)(2)) in your state and let them know what your clients need.

**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 receiving Food

Stamps prior to the disaster. These applicants should get "expedited" help which should be available within seven calendar days of application (called expedited Food Stamps).

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

- Evacuees can get their own benefits separate from anyone they live with
- People won't have to do the usual work/workfare program to get this benefit
- For now, they will get up to four months of money for food. Then they may be able to get regular Food Stamps.

**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 (which is usually not allowed.).

**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 a 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." No additional proof should be needed at this time. The federal government released a statement that normal verification requirements will be relaxed for welfare healthcare and other public benefit programs (Appendix U). For more information call: (888-524-3578; 866-334-8304). You may also get help from 1 (888) LAHelpU or 1 (888) 524-3578 from 7 a.m. to 7 p.m.

## **E. WIC Benefits For 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** for this information or Hurricane Victims seeking information may call 1 (888) LAHELPU or 1(888) 524-3578 from 7 a.m. to 7 p.m.

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

- pregnant women,
- women who have had a baby in the last 60 days,
- women who are breastfeeding,

- and children under age six years.

You can find out how to apply for WIC by calling (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:**

**1. I am a Louisiana WIC recipient who has been evacuated from Hurricane Katrina. Can I still receive my WIC foods and nutritional information?** Yes.

**2. 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. until the end of September 2005. 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 [www.fns.usda.gov/bic](http://www.fns.usda.gov/bic) under "How to Apply." To continue using WIC after that time, you will need to re-apply.

**3. I've lost all of my papers and I don't have any identification or other kinds of proof for myself or my children: can I still get WIC?** Yes, although when you apply for WIC you will have to sign a statement explaining why you have no proof of identity or of state residence.

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

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

## **F. Social Security and SSI Issues**

**1. Ongoing Monthly Payments** The Social Security Administration is attempting to ensure that all Social Security Benefit Checks are received by beneficiaries affected by Hurricane Katrina. Information on how to help a victim receive his or her social security benefits payment is attached as Appendix J. Hurricane victims seeking

information on Social Security benefits or Social Security disability benefits may also call 1(888)LAHelpU or 1(888) 524-3578 from 7 a.m. to 7 p.m.

**(a) For Paper Checks:** The United States Postal Service (USPS) has suspended mail service in some areas of Louisiana and Mississippi damaged by Hurricane Katrina. These locations are listed on <http://www.socialsecurity.gov/emergency/usps.htm>. 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.”

**(b) 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.”

**(c) Social Security Offices: For** information, updated daily, on closed Social Security offices and offices with extended hours, see <http://www.socialsecurity.gov/emergency/>.

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

- The deceased worker had worked at least 40 quarters (10 years) at the time of death; and
- The parent of the deceased worker is 62 or older; and
- The parent is not entitled to other Social Security benefits equal to or larger than the amount of the survivors benefits; and
- The parent was receiving at least one-half support from the deceased worker; and
- The parent has not remarried since the worker died; and
- The parent is either a natural parent or legally adopted the deceased worker before he/she turned 16; or the parent became the deceased worker's stepparent before the deceased worker turned 16.

**Amount Of Benefits:** The amount of the survivor's benefit is based on the earnings of the person who died. The more the worker paid into Social Security, the higher the benefits will be. The amount a survivor receives is a percentage of the deceased's basic Social Security benefit. However, benefits may be lower if the family maximum, which limits the total amount that can be drawn on one worker's account each month, is reached. The following provides the most typical situations:

- Widow or widower full retirement age or older- 100 percent.
- Widow or widower age 60 to 64-about 71 – 94 percent.
- Widow or widower at any age with a child under age 16 – 75 percent.
- 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 Hurricane Katrina, the 9-month requirement is likely to 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 2005 the SSI payment for an eligible individual is \$579 per month and \$869 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 a two-step process. First she must file a request for reconsideration within 60 days of the date of the initial decision. When the reconsideration is denied, she will need to request a hearing. 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** Hurricane Victims seeking information may call 1 (888) 342-6207 from 7 a.m. to 7 p.m. Individuals with disabilities who would like assistance with a Medicaid coverage or eligibility question may contact the Advocacy Center for the Elderly and Disabled at 800-711-1696 for assistance. See Chapter VII 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, and Louisiana Rehabilitation Services, please call 1 (888) LAHELPU or 1 (888) 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 Department of Labor 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. Claimants who have been relocated by Hurricane Katrina should call (225) 342-7561, (225) 342-7555, or toll free at (800) 201-2494 or (800) 201-3457.

### **Useful Phone Numbers**

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

**Food Stamp information:** Louisiana Department of Social Services at (866) 334-8304.

**Cash Aid/TANF** (Family Independence Temporary Assistance Program) information: Louisiana Department of Social Services at (866) 334-8304.

**Medicaid:** (818) 342-6207

**EBT Problems:** Louisiana Department of Social Services at (866) 334-8304 or Customer Service Helpline/J.P. Morgan: (888) 997-1117

**Social Security:** (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)

## IX. 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 of how (s)he will pay regular mortgage payments and all other living expenses, and also pay an amount every month toward the mortgage arrears. If you think you may want to file a Chapter 13 bankruptcy, you should consult an attorney.

Before Katrina, certain limits on an individual's ability to file a Chapter 7 bankruptcy were scheduled to take effect on October 17th, 2005. There is some talk of modifying this limitation in the wake of the disaster, and you should talk with an attorney about all available disaster assistance and 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, it 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.

**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. The delays should be rectified soon.

Please 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. If 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?** Please contact your banks and explain your situation. The regulators are strongly encouraging banks to 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. What happens if my bank has lost my records?** Be assured that 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 duplications that are housed in safe locations so that financial records can be reconstructed and restored.

**8. If 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 \$100,000. However, you should keep 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?** Be assured 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 not aware of any bank that has closed 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.

### **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?** Regulators are telling banks to be understanding during this time of crisis. They have asked banks to work with customers hit hardest by the hurricane. Banks are being encouraged to allow some loan payments to be skipped without it counting against credit histories, extend the terms of loans, and to restructure loans to take into account new sets of circumstances. Before skipping payments or changing the terms of the loan, contact your bank. FDIC is encouraging banks to be flexible in this time of crisis, including fees.

**2. I need longer term financing until insurance checks come in and I can find another job, will banks help?** We understand that 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. We have promised banks waivers of certain rules governing this area.

**3. Where can I find a list of banks that are working with displaced people?**

The FDIC is attempting to keep such a list of banks. Here is the link to the most up-to-date list we have available. [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 has a consumer hotline set up for this crisis. Please call 1-877-ASK-FDIC (275-3342). The hotline is operating 24 hours a day, 7 days a week.

**D. Tax Relief** – People affected by Hurricane Katrina who need help with tax matters can call 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".

## **X. 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, NILC flyer on immigrant eligibility for disaster relief at <http://www.nilc.org/immspbs/misc/index.htm#disasterassist>

**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 has temporarily relocated to the USCIS Sub-office at 842 Virginia Run Cove in Memphis, Tennessee 38122. Other offices in the region are located at:

- 100 West Capitol Street in Jackson, Mississippi, 39269
- 4977 Old Greenwood Road in Fort Smith, Arkansas, 72903

All USCIS field officers are prepared to assist Hurricane Katrina victims and work to replace all documentation.

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). Such agencies can be found by contacting the National Immigration Law Center at <http://www.nilc.org>.

For up-to-date information on USCIS operations in the wake of Hurricane Katrina, please visit <http://uscis.gov/graphics/katrina.htm> or call the National Customer Service Center at 1-800-375-5283.

**C. Immigrants in Court Proceedings.** The New Orleans Immigration Court is closed due to Hurricane Katrina. An immigrant can also 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.

### **C. 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 local immigration office. You can obtain the immigration form by calling 1-800-870-3676.

For a replacement work permit you need to fill out immigration form I-765. If you have a copy of your lost work permit attach it to I-765. Also attach a photocopy of any applications or documents which entitle you to receive a work permit, such as application for asylum, suspension of deportation, or adjustment of status.

**4. Do I need to let the INS 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.

More information about immigration matters may be obtained online at [www.USCIS.gov](http://www.USCIS.gov).

## XI. 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:

**1. 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.

**2. Birth, death, and marriage certificates, divorce decrees:** The Department of Health and Hospitals is offering no-cost birth cards (small versions of birth certificates) to evacuees and their children. Birth cards can be 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 will offer no-cost birth cards.

Although the website is currently down, birth and death certificates will be available through vital check at [www.vitalcheck.com](http://www.vitalcheck.com) or [www.vitalrec.com](http://www.vitalrec.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).

**3. 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 through the State Bar at (337) 272-0356 or at [www.LSBA.org](http://www.LSBA.org).

### 4. Miscellaneous Documents.

- Driver's license, passports, identification card, vehicle registration, and ownership (title records)
- Driver's licenses may be obtained by calling 1-877-DMV-line (5463) or on [www.expresslane.org](http://www.expresslane.org). The cite indicates the driver's license will be obtainable with no records or additional information based upon DMV records.
- United States Passports may be obtained through [www.travel.state.gov/passport\\_1738.html](http://www.travel.state.gov/passport_1738.html) or calling 1-877-487-2778 or 1-888-874-7793.
- For a foreign passport contact you country's nearest consulate.
- Food stamps, and Food Stamp Cards or EBT cards. See Chapter VIII.C. of this manual for more information.
- Immigration documents—see Chapter XI of this manual.
- Insurance Documents—contact your insurance company for help

- Medicare/Medicaid cards—See Chapter VII of this manual for information on replacement cards.
- Social Security cards— See Chapter VIII Sec. F of this manual for information on replacement cards.
- Credit cards—Contact the nearest bank or institution that issued your card.
- 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 through the State Bar at (337) 272-0356 or at [www.LSBA.org](http://www.LSBA.org).

See Appendix "M" which outlines how to obtain replacement copies of lost governmental documents.