

# **ABA YLD Disaster Legal Services Manual**

**Prepared for Lawyers  
of the Missouri Bar  
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**FEMA**

**The Missouri Bar Young Lawyer's Section  
American Bar Association Young Lawyers Division**

This manual was prepared to better orient volunteer lawyers with the pro bono Disaster Legal Service (DLS) program for victims of natural disasters occurring in the state of Missouri. Through this program, volunteer attorneys provide legal services to eligible individuals following a major disaster declaration. The text of this manual can be read relatively quickly. We encourage you to read the entire manual and to introduce your colleagues so that they will become familiar with the program and volunteer to help.

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## **II. INTRODUCTION TO FEMA AND DISASTER LEGAL SERVICES**

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 under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended 42 U.S.C. § 5121. This federal assistance is coordinated by the Federal Emergency Management Agency (FEMA), and may include free legal services to low-income and other qualifying individuals affected by a disaster.

### **A. FEMA**

FEMA is the executive agency responsible for administration of the Stafford Act. Under Executive Order 12148, the Director of FEMA, is responsible for providing a wide range of federal disaster assistance. This responsibility has been further delegated to the FEMA Associate Director, Response and Recovery Directorate, and to FEMA's Regional Directors.

Once a major disaster is declared, the Associate Director appoints a Federal Coordinating Officer (FCO) to coordinate the administration of disaster relief activities. All federal relief efforts for declared major disasters, including those provided by other federal agencies and voluntary organizations, are coordinated by the FCO. Disaster relief activities are aimed at providing unified and comprehensive service to disaster victims (individuals, organizations and government entities), reducing response time, and eliminating duplication of efforts and benefits.

### **B. ABA/YLD/The Missouri Bar's Young Lawyers' Section**

The American Bar Association (ABA)'s Young Lawyers Division (YLD) in conjunction with The Missouri Bar's Young Lawyers' Section provides volunteer lawyers to the DLS program. Volunteer lawyers provide legal advice, counseling and representation in non-fee generating cases to individuals affected by the disaster. Volunteer lawyers may spend several hours or days providing legal assistance to qualified individuals at a FEMA Disaster Recovery Center (DRC). A legal service hotline toll-free number is available as a means for individuals to contact the volunteer lawyers for assistance with legal questions and concerns.

Once a disaster is declared, the Regional Director determines if the DLS program is needed. The FEMA Human Services Officer (HSO) then contacts the local District Representative and activates DLS. The YLD Chair and the FEMA Program Officer are also contacted and informed of this activation. Until this program is activated, participation by a lawyer carries no obligation and requires only the time to read this manual. However, when a "major disaster" occurs, especially a catastrophic event, the commitment of time and talent required for DLS is not only needed, but also rewarding, both professionally and personally.

Although lawyers in any area affected by a disaster may organize volunteer relief efforts, only those participating in the DLS Program may staff the FEMA-YLD hotline.

## C. FEMA RESPONSE

At the onset of a major disaster, the federal, state and local governments respond to the immediate needs of individuals. At the same time, they begin to work on the recovery process. The recovery phase of a disaster is time consuming and intensive. Federal, state and local governments, along with voluntary agencies begin looking at the types of assistance they can provide to the individual and to the communities.

### 1. DISASTER DECLARATION

A major disaster can result from a hurricane, earthquake, flood, tornado or major fire that is found to be of such severity and magnitude that effective response is beyond the capabilities of the state and the affected local governments. As part of the request for a major disaster declaration, a state's governor must take appropriate response action under state law and direct execution of the state's emergency plan. The President determines whether the event warrants a major disaster declaration. If declared, supplemental funding comes from the President's Disaster Relief Fund, which is managed by FEMA, and disaster aid programs of other participating federal agencies.

A Presidential Major Disaster Declaration puts into motion long-term federal recovery programs, some of which are matched by state programs, that are designed to help disaster victims, businesses and public entities.

A major disaster declaration usually follows these steps:

- **Local Government Response**, supplemented by neighboring communities and volunteer agencies. If overwhelmed, the local government turns to the state for assistance;
- **State Response** with state resources, such as the National Guard and state agencies;
- **Damage Assessment** by local, state, federal, and volunteer organizations determines losses and recovery needs;
- **Major Disaster Declaration** is requested by the governor, based on the damage assessment, and findings that the event is of such severity and magnitude that effective response is beyond the capabilities of the state and the affected local governments;
- **FEMA Evaluates** the request and recommends action to the White House based on



the disaster, the local community and the state's ability to recover. This decision process could take a few hours or several weeks depending on the nature of the disaster.

## **2. National Processing Service Centers (NPSCs)**

Three national centers provide centralized disaster application service to FEMA customers. The centers are known as National Processing Service Centers (NPSCs). NPSCs house an automated "Registration Intake" service, a toll-free phone bank for disaster victims to apply for disaster assistance and have their questions answered.

After a call is taken and a disaster application is recorded, the processing of applications begins. FEMA's computer systems allow automatic eligibility determination for about 90% of disaster housing cases, usually within 10 days of application. The other 10% of cases may require further information or documentation. Cases may be referred to the state for possible grant assistance if the applicant's needs exceed the Disaster Housing program and the applicant cannot qualify for a disaster loan from the Small Business Administration (SBA).

The NPSC computer systems are used to record vital caller data, to order and process inspections, to electronically transmit the data to the numerous disaster aid providers within minutes, and to answer questions from applicants via the "helpline." The computer systems also help assure that each caller is mailed important custom tailored information regarding the types and nearest sources of various forms of disaster aid. Finally, the databases provide a variety of statistical analyses, reporting and tracking services to FEMA and other agencies active in disaster relief.

NPSC's are located in Denton, TX; Berryville (Mt. Weather), VA; and Hyattsville, MD. To apply for assistance individuals should call **1-800-462-9029** (**1-800-454-7575** for hearing/speech impaired). To check on the status of an application or for other questions individuals should call **1-800-525-0321** (**1-800-462-7585** for hearing/speech impaired).

## **3. Disaster Field Office (DFO)**

When a disaster is declared, FEMA's Regional Office works with the state and other federal agencies to establish a Disaster Field Office (DFO) where coordination and decisions on disaster response and recovery takes place. The DFO is usually located in the state capital or in close proximity to the disaster area. FEMA staff, along with staff from the state, other federal agencies and voluntary organizations (generally the American Red Cross) work out of the DFO.

## **4. Disaster Recovery Centers (DRCs)**

One of the most important objectives of the federal, state and local governments following a disaster is to inform individuals of the various types of assistance available to them.

FEMA disseminates information through radio, television, newspapers, town meetings, and with mass distribution of pamphlets outlining available programs.

To make it easier for individuals to obtain information and help from various agencies, FEMA, with assistance from the state, may establish one or more Disaster Recovery Centers (DRCs) in the disaster area. DRCs provide applicants with a place to go to apply for assistance (phones with 800 numbers) or to find out the status of their application.

DRCs serve as a one-stop information center. Staffed with representatives from various federal, state, local and voluntary agencies, these centers are tailored to respond to specific disaster situations. They can be located in buildings, such as schools and civic centers, or in makeshift areas, such as tents. The DRC Site Manager can provide space, supplies and updated information, such as the hours of operation. DRCs can remain in one area for a considerable length of time or can be relocated to other facilities within a matter of days.

#### **D. SEQUENCE OF ASSISTANCE DELIVERY AND DUPLICATION OF BENEFITS**

Disaster assistance programs for individuals, families, and businesses often overlap in their coverage and purpose. Section 5155 of the Stafford Act prohibits the disbursement of disaster assistance that duplicates assistance from insurance or any other source. FEMA has established a policy for preventing and rectifying duplication of benefits under 44 CFR 206.191. The duplication of benefits policy excludes expendable items from being considered duplicative. Expendable items include clothing, linens, and basic kitchenware.

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 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 is:

##### **1. Voluntary Organizations**

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. Temporary Housing Assistance**

FEMA funds and administers the Temporary Housing program. The Temporary Housing program is designed to help alleviate the suffering imposed by the effects of a disaster by providing disaster applicants with a grant for their housing needs. There are five forms of Temporary Housing: lodging expense reimbursement, disaster housing, rental assistance, manufactured homes, and mortgage and rental assistance.

### **(a) Lodging Expense Reimbursement**

Eligible applicants can receive a check for the cost of short-term lodging (e.g. hotel rooms), incurred due to damage or inaccessibility to the residence or an officially imposed prohibition against returning to the residence. Expenditures for food, transportation, telephone, separately billed utilities, and other services are not eligible for reimbursement.

### **(b) Minimal Repairs Assistance**

Applicants eligible for this program can receive financial assistance to help make immediate emergency repairs to live in their residence while permanent repairs are being completed. NOTE: This assistance is not intended to address all of the damage to the home or to restore damaged items to their pre-disaster condition.

### **(c) Rental Assistance**

Eligible applicants can receive financial assistance (based on the fair market rental value in the disaster area) to rent a dwelling for the pre-disaster household to live in for a limited time. If the applicant has difficulty finding a place to live, FEMA may provide a listing of available rental properties in the area. Rental assistance is available for up to 18 months based on need, which, in turn, is reviewed and evaluated quarterly.

### **(d) Manufactured Housing**

When rental properties are unavailable, FEMA may provide in-kind assistance in the form of a travel trailer, a manufactured home or other readily fabricated dwelling. Applicants receiving in-kind assistance are not eligible for financial assistance. Manufactured homes can be used as temporary housing for up to 18 months subject to recertification of continuing eligibility.

#### **(e) Mortgage and Rental Assistance (MRA)**

When a disaster causes economic injury to an area, there may be substantial change in household income. MRA provides a means to keep people in their homes, by assisting with their mortgage or rental payment and preventing foreclosure or eviction. The application period for this program is up to 6 months after the date of declaration. MRA is available for up to 18 months based on need.

#### **4. Small Business Administration (SBA)**

SBA provides low-interest, long-term disaster loans for individuals to repair or replace real and personal property, and for non-farm businesses. If SBA determines that an applicant is ineligible for an SBA loan or if the loan amount is insufficient, SBA refers the applicant to FEMA for additional circumstances. Flood insurance may also be required. SBA can only approve a loan to an applicant with a reasonable ability to repay the loan.

#### **5. Individual and Family Grant (IFG) Program**

The IFG Program is administered by the state to cover necessary expenses and serious needs that cannot be met through other forms of disaster assistance or other means, such as insurance. The state funds 25% of the expenses for this program, while FEMA funds the remaining 75%. This assistance covers the cost of repairing or rebuilding of real and personal property, transportation, medical, dental and funeral expenses incurred by applicants as a result of the disaster. The maximum amount for this grant is adjusted each fiscal year and is based on the Consumer Price Index.

#### **6. Voluntary Organizations**

Voluntary Organizations, including community-based groups, provide assistance during recovery. They also establish an unmet needs committee to provide additional assistance benefits when a need remains after exhausting the programs listed above.

#### **7. Cora C. Brown Fund**

In 1979, Cora Brown died and bequeathed part of her estate to the federal government to be used as a special fund solely for the relief of human suffering caused by natural disasters. The Cora Brown fund 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 C.F.R. § 206.181.

## **E. OTHER INDIVIDUAL ASSISTANCE PROGRAMS**

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

DUA provides financial help and employment services to people who are otherwise ineligible for regular state unemployment compensation. DUA provides help for workers and those who are self-employed if they become unemployed as a direct result of a declared major disaster. DUA is funded 100% by FEMA and is administered by the Department of Labor through the State Employment Security Agency (SESA). Benefits can extend to 26 weeks after the date of declaration or until the individual becomes re-employed, whichever is earlier.

### **2. Crisis Counseling (CCP)**

CCP is designed to help relieve grieving, stress or mental health problems caused or aggravated by the disaster or its aftermath. FEMA provides funds as a grant to state and local mental health agencies. This program is administered by the Center for Mental Health Services of the Substance Abuse and Mental Health Services Administration under the Department of Health and Human Services. Services provided include screening, diagnostic testing, counseling, and outreach services such as disseminating public information and community networking. There are two types of programs offered through CCP:

- **Immediate Services** are intended to enable the state or local agency to respond to the immediate mental health needs of victims of a disaster. This funding is provided for up to 60 days after the date of the disaster declaration.
- **Regular Services** are 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.

## **F. CITIZENSHIP VERIFICATION**

Title W of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, 8 U.S.C. § 1601, *et seq.*, (the “Act”), requires that federal public benefits be provided only to U.S. citizens, non-citizen nationals and qualified aliens. Such benefits include, but are not limited to, grants and loans provided by the U.S. Government, and those provided by the state government, but funded, whole or in part, by the federal government. FEMA programs considered federal public benefits include Temporary Housing and the Individual and Family Grant program. The Act also applies to SBA loans and Disaster Unemployment Assistance.

FEMA fulfills its requirements under the Act by auditing a sampling of individuals receiving assistance. During the audit, applicants self-certify their legal status on the Declaration

of Applicant form, also known as FEMA Form 90-69D. If, at the time of the audit, FEMA discovers an individual received a grant, and is not a U.S. citizen, non-citizen national or qualified alien, FEMA will recover the grant funds.

### **III. THE ROLE OF THE VOLUNTEER LAWYER**

#### **A. TYPES OF LEGAL SERVICES RENDERED**

Based on past experiences with tornados and other natural disasters, our volunteer attorneys are asked to provide advice on the following:

- Assistance with insurance claims (life, medical, property, etc. ).
- Counseling on landlord-tenant and other housing problems.
- Assistance with home repair contracts.
- Assisting in consumer protection matters, remedies and procedures.
- Counseling on mortgage foreclosure problems.
- Replacement of wills and other important legal documents destroyed in a major disaster.
- Drafting of powers of attorney.
- Estate administration (insolvent estates).
- Preparation of guardianships and conservatorships.
- Referring individuals to local or state agencies which might be of further assistance (e. g, consumer affairs).

#### **B. PROCESS OF PROVIDING LEGAL SERVICES TO THE DISASTER VICTIMS**

The ABA/YLD in collaboration with The Missouri Bar and its Young Lawyers' Section, has set up the following process for the Disaster Legal Services.

1. The Missouri Bar has set up a toll-free number: for victims of disasters to call if they need legal services. This number will be given to FEMA which has publicized the service and the phone number in each of its Disaster Recovery Centers. The availability of free legal services to disaster victims is also publicized, via television, radio and local

newspapers. This publicity has been coordinated between FEMA and The Missouri Bar.

2. When a victim calls into the toll-free number, the staff will take down some initial information from the victim on the Intake Form which is included in Appendix 4 in this packet. The staff will then immediately email or fax the intake form to the volunteer attorney.

3. When the volunteer attorney receives the Intake Form from the staff, the volunteer attorney should call the victim within 24 hours after the initial call by the victim to hotline and determine if the person is eligible for help.

4. The volunteer attorney should assess whether the requested legal services is a fee-generating matter, and if so, refer the victim to a local bar attorney referral service or The Missouri Bar's referral service. (Further discussion on identifying fee-generating matters appears below).

5. For non-fee generating matters, the volunteer should help the victim with his or her legal needs. Once you have helped the victim with his or her legal needs, please fill out the Case Closure Form (attached hereto as Appendix 4) and email it to [hill@hitefanning.com](mailto:hill@hitefanning.com).

### **C. INFORMATION YOU MAY NEED IN HELPING THE VICTIMS**

Most FEMA/SBA benefits are available only to U.S. citizens and qualified aliens. However, children who were born in the U.S. to undocumented aliens do qualify for benefits.

Undocumented aliens are entitled to the following non-cash assistance through FEMA:

1. Disaster Legal Services
2. Emergency food/shelter
3. Crisis counseling

If the caller is not entitled to FEMA/SBA assistance as a result of being an undocumented alien, he or she may still qualify for other assistance such as through the Department of Justice-Office of Victims of Crimes (does not inquire into citizenship or qualified alien status) or the American Red Cross.

In order to take advantage of most FEMA benefits, victims need to register with FEMA within 60 days of the declaration. The FEMA benefits that will be available as individual assistance include: (1) housing assistance; (2) individual and family grant program; (3) disaster unemployment assistance; (4) crisis counseling; and (5) disaster legal services (through ABA/YLD).

**FEMA Registration number: 1-800-621-3362; 1-800-462-7585 (TTY)**  
**FEMA Appeals: 1-800-525-0321**

We cannot assist callers in appealing any decision FEMA makes, but we can assist by replacing any missing documents that the person will need to get FEMA services (e.g., green card). The intake form indicates that you ask the applicants whether they are registered with FEMA; encourage them to do so (although registration is not required for assistance through disaster legal services).

Although there is not an established financial eligibility chart for those seeking assistance from volunteer lawyers, those who can afford attorneys should generally be told that they should seek private counsel. Err on the side of providing assistance, but in obvious cases (e. g. , where someone's \$500K home with \$400K equity is at issue), refer them to the appropriate referral service.

Fee-generating cases are not covered by volunteer lawyers. For example, a personal injury action should be referred to the private bar. The telephone number for The Missouri Bar Attorney Referral Service is (573) 636-3635.

Cases not related to the declared disaster are not covered. For example, a person's basement floods after toilet overflows. Refer these calls to The Missouri Bar Attorney Referral Service.

The volunteer lawyer should keep careful notes regarding the intake, recommendations and disposition in each case for her or his own benefit and for the benefit of any lawyer who may subsequently handle the case. The DLS Intake Form and Case Closure Form are included in this packet at Appendix 4 for your reference.

Please remember that although you are providing these services on a pro bono basis, the ethical guidelines and rules of The Missouri Supreme Court still apply to your representation of the victims. In the event of a conflict of interest, the caller should be directed back to the Statewide Emergency Legal Services Response Plan Hotline (1-800-928-3111), which is operated by The Missouri Bar. Callers should not be directed to FEMA in the event of a conflict of interest.

The Missouri Bar plans to direct callers initially to attorneys from areas other than the declared disaster counties since local attorneys may be addressing issues for themselves and existing clients. .

In this packet, we have provided some general information that may be helpful for you to use in providing the legal services. Keep in mind that many of the victims of a disaster cannot otherwise afford legal representation. You are their lawyer and the person who will guide them through this difficult time.



The disaster victim may be subject to great personal trauma. The volunteer lawyer should therefore be sensitive to the feelings and behavior of the victim, as well as responsive to each victim's legal needs.

Lawyers are strongly cautioned against engaging in solicitation of disaster victims. Solicitation, whether by the lawyer personally or by someone else on behalf of the lawyer, is prohibited by Rule 4-7.3(a) of the Rules of Professional Conduct. Solicitation includes any direct contact face-to-face, by telephone, by fax or telegraph. It includes passing out business cards or other law firm information. Lawyers cannot mail solicitations within 30 days of the disaster. See Rule 4-7.3(c). Any direct mail solicitations must comply with Rule 4-7.3 (b) & (c). Anyone with information that a lawyer is engaging in solicitation should report the lawyer in accordance with the Missouri Rules of Professional Conduct.

#### **D. SAMPLE LEGAL QUESTIONS OFTEN ASKED BY DISASTER VICTIMS**

The following short questions and answers were developed through FEMA and reviewed by The Missouri Bar and its various sections. It is designed to introduce volunteer lawyers to the types of legal problems that often confront disaster victims. Many of the questions are based on actual victim interviews at the DRCs or over the telephone, and the answers are general and based upon information in American Jurisprudence 2d and other broad based legal resources. Thus, the volunteer lawyers should consult the local rules and Missouri statutes based on the specific facts of the victim's case.

It is hoped that this brief primer will assist the volunteer lawyer in providing effective legal assistance to disaster victims, regardless of the volunteer lawyer's legal background or specialty.

##### **1. HOUSING**

###### **(a) My house was damaged and I cannot live in it - do I need to pay my mortgage?**

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).

###### **(b) 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 FEMA payments to help you with your mortgage payments.

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 he or she will

pay regular mortgage payments, all other living expenses, and 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 who is knowledgeable about bankruptcy matters.

**(c) 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 is not fixing 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 could lose your home to foreclosure.

**(d) 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 fixed?**

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, you may be eligible for assistance under the Individual and Family Grant (IFG) program to pay for necessary repairs to essential parts of your home. You may apply for IFG by telephone at 1-800-621-FEMA.

**(e) 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 or her of your actions. You may contact your local bar association or legal aid for more information on how to do this.

**(f) 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 disaster 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 about how to prepare for the adjuster's visit, and how to handle your insurance claim.

**(g) 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 IFG money for replacement of necessary items of personal property. You may apply for these benefits through FEMA at 1-800-621-FEMA.

**(h) My landlord told me to move out the next day because he wants the apartment for his daughter who lost her house in the disaster, and told me if I wasn't out, he'd change the locks - do I have to move?**

Missouri law does not allow a landlord to just lock you out or turn off the utilities or to use any other "self help" means to get you to leave. The landlord must file an eviction action in court, and then you only have to move out after the judge in your eviction case enters a final judgment of eviction. Furthermore, the landlord must first give you some type of written notice to move before the landlord can file an eviction case against you in court.

**(i) My apartment is so bad I cannot live in it and I am going to move. I want my security deposit returned - what are my rights?**

If you have a written lease, read your lease to see what it says. If you do not have a written lease, or your lease does not say anything about deposits, then the landlord must either return your deposit within 30 days after you move out or send you a letter, by certified mail, within thirty (30) days, saying why he will not return your deposit and he or she must list the reasons for keeping the deposit.

**(j) Must I continue paying rent even though my apartment or office has been completely destroyed or severely damaged?**

Under the common law rule, a tenant is no longer liable for rent after complete destruction of the premises, but if the premises are only partly destroyed or damaged, liability for rent continues unabated. This rule has been modified in some jurisdictions to permit apportionment or abatement of rent or to permit the tenant to terminate any obligations if the premises are tendered uninhabitable, at least with regard to residential property.

In addition to judicial modification of this rule, some states have enacted statutes relieve tenants of liability under such circumstances, but these statutes vary greatly. Of course, a valid written lease may control the respective liabilities of the properties when disaster strikes, particularly as to commercial property.

If it is determined that a tenant does have the right to be relieved of liability for rent, in whole or in part, the tenant must generally exercise that right with proper notice to the landlord and within a reasonable amount of time. If so, the tenant should be entitled to a refund of any security deposit advanced and be given a reasonable opportunity to retrieve personal property. See 49 Am. Jur. 2d Landlord and Tenant §§ 281-283, 591-593, 600-604.

**(k) Can I sue my landlord for injuries I suffered in my apartment or office during the disaster?**

Where the injury results from the disaster itself and not from defects in the demised premises which the landlord may be obligated to repair, there is no liability on the landlord for such injuries. As such, there is no implied promise by the landlord that no harm will come to the tenant from a flood, earthquake, tornado and the like while on the premises. See 57A Am. Jur. 2d Negligence § 42.

**(l) Is the damage to my home covered under my insurance policy?**

Hazard insurance (i.e., homeowners' policies or other fire and extended coverage policies) from the private sector generally does not cover flood damage. It may cover water damage inside the home but not damage from floods or surface water, which is specifically excluded. Windstorm insurance will normally be limited to greater-than-normal wind conditions.

The federal government provides coverage for flooding under the National Flood Insurance Program (NFIP). People can buy policies from any state licensed local agent.

Even if the policies extend coverage to the type of disaster damage that occurred, they may limit it to losses directly resulting from the disaster. But courts have generally found coverage if the covered risk was the efficient cause, if not the only cause, of the loss and even if the other concurrent causes are otherwise expressly excluded from coverage. See 43 Am. Jur. 2d Insurance §§ 468-473.

**(m) May I sue the person from whom I bought my home for not telling me about the possibility of flooding?**

If an affirmative misrepresentation was made by the seller concerning the possibility of flooding, an action for fraud may be maintained, assuming all the other elements of fraud are present. A more difficult situation arises in cases of silence regarding the fact of possible flooding. Generally, mere failure to disclose a fact known by the vendor is not fraud. By contrast, active concealment of that fact (e.g., by painting over water marks on the basement walls) is actionable. Moreover, failure to disclose possible flooding will support a fraud claim in those circumstances where the law imposes a duty on the vendor to speak (e.g., where a

confidential or fiduciary relationship exists or where one party has superior knowledge or means of knowledge). See 37 Am. Jur. 2d Fraud and Deceit §§ 144-146.

**(n) 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 if an exclusion from comprehensive coverage exists for damage caused by flood, wind, etc., coverage may exist under a collision policy if the disaster and event causing the damage could be construed as a collision. Courts have reached mixed results on this issue. See 7 Am. Jur. 2d Automobile Insurance §§ 167-171, 176-182.

**(o) Can I sue my neighbor whose property ran into or fell on my property during the disaster?**

The general rule is that a person is not liable for injuries or damages caused by a disaster or an "Act of God" where there is no fault or negligence. Thus, there can only be liability of the neighbor where there is concurrent negligence which was, in fact, the proximate cause of damage. See 57A Am. Jur. 2d Negligence §§ 11, 15, 37, 42.

**(p) 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 flood) and comes to rest on the land of another, it still remains the property of the original owner and the original owner may enter and retrieve it. If the landowner refuses to let the original owner enter or appropriates the property for the landowner's use, the original owner of the personal property will have an action against the landowner.

On the other hand, the landowner, as an involuntary bailee, has the right to possession of the property against all others (except 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. See 1 Am. Jur. 2d Abandoned, Lost, Etc., Property §§ 24-27.

## **2. INSURANCE**

**(a) How can I preserve my claims and protect my right to repayment from insurance coverage?**

If you have any insurance policy that 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 request a copy of your insurance policy and report your loss. Also, make your

claim in writing. Most insurance companies will give you an email address or fax number to send claims. 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 he or she gives you.

If you cannot get through to your insurance company by telephone, write the company a letter telling about your loss and keep a copy of it. If you cannot find the insurance policy, contact your agent, broker or insurance company. If you cannot stay in your home, make sure you give the insurance agent or representative your new address and telephone number.

**(b) 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 at the coverage under your individual unit coverage owner's insurance policy.

**(c) 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 Missouri Department of Insurance at 1-573-751-4126.

**(d) 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. Submit these along with your claim to the insurance company.

**(e) What if I cannot wait for the insurance adjuster?**

Some insurance policies provide for reimbursement for temporary housing relocation costs while your home is being repaired and for car rental costs while your car is being repaired or replaced. Check your policy or call your insurance company.

If your situation is desperate, make sure that you let the insurance company know. If the insurance company agrees that there is coverage, ask for an advance payment toward your losses. Due to the extreme amount of damage caused by a disaster, insurance companies may recommend you start repairing the damaged property before the adjuster's visit. You should get the company's permission before doing so. Many companies will also give you an emergency advance to cover some repair costs.

**(f) 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.

**(g) 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. Missouri law limits the amount of time you have to file a lawsuit against the insurance company, so you should consult an attorney as soon as your insurer denies you claim.

**(h) 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 IRS at 1-800-829-1040.

**CAUTION:**

**1. Victims should beware of anyone who claims that they are working on behalf of the government, the Missouri Department of Insurance or your insurance company and asks for money to help expedite your claim. Ask this person's name and immediately report his or her actions to your insurance company or contact the Missouri Department of Insurance for verification.**

**2. Victims 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. Missouri does not recognize "public adjusters." Ask this person's name and report this immediately to your insurance company or the Missouri Department of Insurance.**

**3. 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.

### 3. IMMIGRATION

(a) **Do I need to be a U.S. resident or citizen to apply for emergency disaster relief?**

You can qualify for non-cash FEMA disaster programs even if you do not have a legal immigration status. Receipt of other benefits depends on immigration status.

(b) **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. You will not be classified as a public charge solely because you have accepted emergency disaster assistance.

(c) **If I lost my "green card" in a disaster, how can I get a replacement?**

You need to fill out a **Form 1-90** and file it at your local immigration office. You can get the immigration form 1-90 from INS by calling 1-800-870-3676.

(d) **If I lost my work permit in a disaster, how can I get a replacement?**

You need to fill out immigration form 1-765. If you have a photocopy of your lost work permit, attach it to the 1-765. Also include a photocopy of any applications or documents which entitle you to receive a work permit, such as application of asylum, suspension of deportation, or adjustment of status.

(e) **Do I need to let INS or the immigration court know that I have moved as a result of the disaster?**

If you have a pending case, you are required to inform the immigration court of any change in address or telephone within 5 days of moving.



#### **4. DISASTER RELIEF (FEMA)**

##### **(a) What kind of benefits does FEMA provide?**

FEMA is an umbrella organization that coordinates state and federal government benefits for disaster victims, and determines eligibility for Temporary Housing Assistance (THA) Call FEMA at 1-800-621-FEMA.

##### **(b) Who is eligible for Temporary Housing Assistance (THA)?**

You must show that your primary residence has been made unlivable or that you are no longer living there because of the disaster. If you have insurance you must also show that you have made reasonable efforts to obtain insurance benefits and that you have not been successful. You must also agree to repay FEMA to the extent that you later get insurance benefits.

##### **(c) What kind of help can I get under THA?**

THA usually takes the form of a check to cover the cost of rent, mortgage or essential home repairs.

You may apply for rental or mortgage assistance if you have received written notice of eviction for nonpayment of rent or mortgage. This kind of assistance may be provided for a period not to exceed 18 months for homeowners and 3 months for renters.

Money for home repairs is available for the purpose of quickly repairing or restoring the essential living conditions. Residences must be able to be made livable by repairs within 30 days.

##### **(d) Who is eligible for Individual and Family Grants (IFG's)?**

IFG is available to individuals and to families who have disaster related necessary expenses or serious needs, and who do not have adequate assistance from other sources, such as insurance.

##### **(e) What kind of help can I get under the IFG program?**

IFG is a grant to cover necessary expenses or serious needs for essential items or services in the following categories:

- A. For the repair, replacement or rebuilding of owner occupied housing;
- B. To provide clothing, household items, furnishings, and appliances, tools and equipment required as a condition of employment;

- C. To replace or repair vehicles or provide public transportation;
- D. To pay for funeral expenses.

**(f) Will IFG benefits affect my eligibility for SSI, TANF, Medicaid, or Food Stamps?**

No. IFG benefits may not be counted either as income or resources in determining your eligibility for any income-tested programs supported by the federal government.

**(g) If I owe money can my IFG benefits be taken by my creditor?**

No. IFG benefits are exempt under federal law from garnishment, seizure, encumbrance, levy, execution, pledge, attachment, release, or waiver. They also cannot be assigned or transferred away from the recipient to someone else.

**(h) Do I have to be a U.S. citizen to qualify for IFG benefits?**

No. Most legal residents, refugees, asylees, parolees for at least 1 year, and Cuban or Haitian entrants are eligible to receive IFG benefits. In order to obtain money to repair an owner occupied residence, you must show that you are the owner of the home and that you reside there.

**(i) Who is eligible for Small Business Administration (SBA) loans?**

In order to qualify for an SBA loan, you must show that your home or business was damaged by a disaster, and that you have the ability to repay the loan.

**(j) What kind of help can I get from the SBA loan program?**

SBA provides low interest loans for repairs.

## **5. UNEMPLOYMENT COMPENSATION**

If you became unemployed because your employer's business was destroyed or closed because of a disaster, or you lost your job because your house or your car was destroyed, or because you were no longer able to get to work due to a disaster, or you may be entitled to receive Unemployment Compensation (UC) benefits or Disaster Unemployment Assistance (DUA).

**(a) Where do I apply for Unemployment Compensation and Disaster Unemployment Assistance?**

You may apply for UC benefits on the internet at [www.ui.labor.mo.gov/som/](http://www.ui.labor.mo.gov/som/) or call your regional claims center for assistance.

Jefferson City RCC	573-751-9040 or 1-800-320-2519
Kansas City RCC	816-889-3101 or 1-800-320-2519
Springfield RCC	417-895-6851 or 1-800-320-2519
St. Louis RCC	314-340-4950 or 1-800-320-2519

If you are applying for DUA call FEMA at 1-800-621-FEMA (3362) to get a registration number or go to <http://www.fema.gov/assistance/index.shtm> for more information.

**(b) When should I go to apply for UC or DUA?**

For either regular UC benefits or DUA benefits, you should apply as soon as possible since you may have to wait about four weeks before your first check is sent to you.

**(c) How do I know if I am eligible for UC benefits?**

You are eligible for regular UC benefits if you are unemployed. However, some immigration restrictions may apply. An unemployed individual is qualified to receive UC benefits if the individual:

- A. has filed a UC claim; and
- B. has registered for work ;and
- C. has been unemployed and claimed a waiting period of one week within the prior year; and
- D. meets certain wage requirements.

Even if you meet the requirements listed above, you can be disqualified from receiving UC if:

- A. You voluntarily quit your job without good cause attributable to the employer; or
- B. You were terminated because of misconduct; or
- C. You refused employment without good cause; or
- D. You failed to request an additional assignment after a temporary one.

**(d) How do I know if I am eligible for DUA benefits?**

Even if you are not eligible for regular UC benefits, you may still be eligible for Disaster Unemployment Assistance benefits. DUA is available to unemployed U.S. nationals and qualified aliens who worked or were self-employed if they:

- A. worked or were self-employed in or were scheduled to begin work or self-employment in an area declared as a federal disaster area.
- B. Can no longer work or perform services because of physical damage or destruction to the place of employment as a direct result of a disaster.
- C. Establish that the work or self-employment they can no longer perform was their primary source of income.
- D. Do not qualify for regular unemployment insurance benefits from any state.
- E. Cannot perform work or self-employment because of an injury as a direct result of the disaster.
- F. Became the breadwinner or majority support of a household because of the death of the head of the household.

Suffering monetary loss due to damage of property or crops does not automatically entitle an individual to DUA.

**6. PUBLIC EDUCATION**

**(a) Do I have to send my children to school?**

**Yes.** If the schools are open in your county, unless there is a good reason for not sending them to school, you must send your children to school. You should listen closely to the public announcements. You will be given directions as to whether schools are open and the procedures for sending and picking up your children. If you are uncertain what to do, you should contact your child or children's school.

**7. FAMILY ISSUES**

**(a) Will my child be able to get emergency medical care if I cannot be reached by telephone?**

**Yes.** A licensed doctor may 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 will endanger the health or physical well-being of the minor. 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 is unable to provide the name of his parent(s), guardian or legal custodian.
- B. The parent(s), guardians, or legal custodian cannot be immediately located by telephone at their place of residence or business.

**(b) My child is living with a relative. Will my child be able to get non-emergency medical care if I cannot be reached by telephone?**

**No.** Only a parent or a legal guardian can consent to non-emergency medical care. It is highly recommended that you execute a medical authorization form to allow anyone with whom your child is currently residing to approve of non-emergency medical care. A copy of such form is attached hereto as Appendix 7.

**(c) I have a child in my home that was placed by the Missouri Department of Social Services-Children's Division (DSS). What will happen during an emergency if the child requires medical care?**

You should contact Missouri Department of Social Services – Children's Division (DSS) at 573-522-8024 for specific instructions as to how the child is to receive medical care during an emergency.

**(d) 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 may call the American Counseling Association of Missouri at 816-803-3368 for information on disaster counseling. You should also check with hospitals and other mental health agencies in your community in reference to the availability and cost of disaster counseling.

**8. EXPEDITED FOOD STAMPS**

**(a) What are expedited food stamps?**

Expedited food stamps are available to very needy persons within 7 calendar days of application. The expedited process is part of the regular food stamp program application process.

**(b) How do I know if I am eligible for expedited food stamps?**

To be eligible for expedited food stamps you must show one of the following:

- A. you or your household have no more than \$150 in monthly income before taxes and \$100 or less in cash or in bank accounts; or
- B. your basic shelter and utility expenses are greater than your present income and resources combined.

You must only be able to verify that you are who you say you are by showing documents bearing your name, or by having someone say they know you.

**(c) Do I have to meet any other eligibility requirements?**

You will be asked for verification of your immigration status, your social security number, your income and your expenses at the time you apply. However, you will be eligible for expedited food stamps within 7 days after you apply even if all of the verification cannot be obtained.

**(d) If I do not qualify for expedited food stamps, can I still get regular food stamps?**

Yes, your food stamp application must be processed and you must receive a written decision within 30 days stating whether you are eligible, and the amount of benefits to which you are entitled. If you are denied benefits, but you believe you are entitled to them, contact the Legal Services office closest to you.

**9. TANF BENEFITS - CASH ASSISTANCE**

**(a) Could I be eligible for TANF even if I never was before?**

Yes. If you live in the same household as your minor children and you are poor, you may be eligible for Temporary Assistance for Needy Families TANF. You should apply at the Division of Family Services office nearest you. If you are denied benefits or DFS takes longer than 45 days to make a decision in your case, contact the Legal Services office closest to you.

**10. MEDICAID BENEFITS**

**(a) Could I be eligible for Medicaid now even if I never was before?**

Yes. If you are pregnant, have young children, are disabled, elderly, or an unemployed head of household, you and your family may be eligible for Medicaid depending on your

immigration status, income, resources, and the size of your household. You should apply at the Division of Family Services office. If you are denied or you do not receive a decision within 45 days, contact the Legal Services office closest to you.

## **11. SOCIAL SECURITY AND SSI BENEFITS**

### **(a) What if I did not receive my latest Social Security or SSI benefits?**

If you live within the disaster area and you did not receive your Social Security or SSI benefits, you should go to your post office to get your check. If the check is lost call 1-800-772-1213.

### **(b) Could I be eligible for SSI now even if I never was before?**

If you are blind, over the age of 65, or disabled and cannot perform any kind of work, you should apply for benefits at the Social Security office nearest you. You can also 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 earnings, and medical evidence of disability, it will send you a written decision. If you are denied and you think you are eligible, you should file a request for reconsideration within 60 days of the date of the initial decision. If you are denied again, you should request a hearing and contact Legal Services.

### **(c) Are there any other benefits besides old age and disability benefits for which I might be eligible?**

**Yes.** You may be eligible for other kinds of Social Security or SSI benefits, on your own account, or on the account of another if you want to retire, or you are an aged or disabled widow or widower, or you are the dependent family member of a disabled, retired or deceased worker. If you think you are eligible for any of these benefits, you should contact the Social Security Administration and apply.

Appendix 1  
Federal and State Agency Phone Numbers and Websites

**FEDERAL RESOURCES**

Name	Phone	Website
Federal Emergency Management Agency	1-800-621-FEMA (3362)	<a href="http://www.fema.gov">www.fema.gov</a>
Department of Homeland Security		<a href="http://www.dhs.gov">www.dhs.gov</a>
Government Benefits Search		<a href="http://www.govbenefits.gov">www.govbenefits.gov</a>
Disaster Relief Act – what it means and links		<a href="http://www.disastersrus.org">www.disastersrus.org</a>
Administration on Aging	(404) 562-7600	<a href="http://www.aoa.gov">www.aoa.gov</a>
Department of Health and Human Services	(888) 246-2675	<a href="http://www.hhs.gov">www.hhs.gov</a>
Center for Disease Control	(888) 246-2675	<a href="http://www.cdc.gov">www.cdc.gov</a>
Small Business Administration	(800) 659-2955	<a href="http://www.sba.gov">www.sba.gov</a>

**MISSOURI RESOURCES**

Missouri Adjutant General's Office	(573) 638-9561	<a href="http://www.moguard.com">http://www.moguard.com</a>
Missouri Governor Matt Blunt's Office	(573) 751-3222	<a href="http://www.gov.missouri.gov">http://www.gov.missouri.gov</a>
Missouri Department of Agriculture	(573) 751-4762	<a href="http://www.mda.mo.gov">http://www.mda.mo.gov</a>
Missouri Attorney General's Office	(573) 751-3321	<a href="http://www.ago.mo.gov">http://www.ago.mo.gov</a>
Missouri Department of Commerce	(816) 421-1876	<a href="http://www.commerce.gov/states/missouri">http://www.commerce.gov/states/missouri</a>
Missouri Department of Emergency Management	(573) 526-9112	<a href="http://www.sema.dps.mo.gov/semapage">http://www.sema.dps.mo.gov/semapage</a>
Missouri Department of Revenue (including Department of Motor Vehicles)	(573) 751-4509	<a href="http://www.dor.mo.gov/mvdl/motorv">http://www.dor.mo.gov/mvdl/motorv</a>



## Appendix 2 Insurance Company phone numbers

Company/Group Name	Toll Free for Consumers
State Farm Companies	866-237-7855
American Family Mutual Cos.	800-374-1111
Farmers Group of Companies	800-435-7764
Farm Bureau Group	800-378-5732
Allstate Group	800-547-8676
Safeco/Am. States Group	800-332-3226
Shelter Mutual Group	800-743-5837
Marysville Mutual Ins. Company	888-865-8965
USAA Group	800-531- 8222
Bremen Farmers Mutual Ins. Co.	800-562-5712
Upland Mutual Insurance Co.	800-369-4324
Farmers Alliance Group of Co.'s	800-362-1075 Ext. 1213
Nationwide/Allied Group	800- 228-4011
Fireman's Fund Ins. Companies	800-347-3428
Cincinnati Group of Companies	513-870-2000
Kansas Mutual Insurance Co.	800-873-5642
Hartford Group	800-243-5860
Employers Mutual Companies	800-223-0562
Liberty Mutual Group of Co.'s	800-225-2467
St. Paul/Travelers Group of Co.'s	800-348-6944
Columbia Mutual Group	800-998-8902
Farmers Casualty – State Auto	800-666-3226
National Farmers Union P & C	800-347-1961
Buckeye Ins. Group	800-672-3558
Federated Mutual Ins. Co.	800-445-0109
Progressive Group	800-274-4499
Lititz Mutual Ins. Co.	800-626-4751
Am Nat. Prop & Cas Co.	800-333-2860
Auto Club Exchange Group	800-222-7623
Continental Western Group	800-456-7688
CNA Group	800-340-3016



## Appendix 3 FEMA DISASTER ASSISTANCE PROCESS

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

[www.FEMA.gov](http://www.FEMA.gov)

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

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

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

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

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

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

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

- If you are eligible for help, the letter will be followed by a U. S. Treasury/State check or there will be a transfer of cash to your bank account. The letter explains what the money can be used for. You should use the money given to you as explained in the letter.

- If you are not eligible for help, the letter will give the reason for the decision. It will tell of your appeal rights.

**Appendix 4**  
**DISASTER LEGAL SERVICES INTAKE AND CLOSURE FORMS**

(Examples on following pages)

## DISASTER LEGAL SERVICES INTAKE FORM

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

Date:	Disaster Number: FEMA-1980-DR-MO	
Name of Applicant(s):	<input type="checkbox"/> Butler <input type="checkbox"/> Cape Girardeau <input type="checkbox"/> Howell <input type="checkbox"/> Jasper <input type="checkbox"/> McDonald <input type="checkbox"/> Mississippi <input type="checkbox"/> New Madrid <input type="checkbox"/> Newton	<input type="checkbox"/> Pulaski <input type="checkbox"/> Ripley <input type="checkbox"/> Scott <input type="checkbox"/> St. Louis <input type="checkbox"/> Stoddard <input type="checkbox"/> Stone <input type="checkbox"/> Taney
Current Telephone Number:	Best Time to Call:	
Current Address: <i>(Street, City, Zip)</i>	Pre-Disaster Address (if different): <i>(Street, City, Zip)</i>	

### LEGAL PROBLEMS

*(use additional pages if necessary)*

### MISCELLANEOUS

1. Has the Caller Registered for FEMA services? (not req'd but recommended)	Yes <input type="checkbox"/>	No <input type="checkbox"/>
2. Does the caller otherwise have access to legal services?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
3. Is the request related to the disaster?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4. Does the request involve a fee-generating case?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
5. Will this call be referred to a volunteer lawyer?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
6. Area(s) of law for referral:	<input type="checkbox"/> Bankruptcy <input type="checkbox"/> Civil Rights <input type="checkbox"/> Employment <input type="checkbox"/> Criminal <input type="checkbox"/> Education <input type="checkbox"/> Family <input type="checkbox"/> FEMA	<input type="checkbox"/> Immigration <input type="checkbox"/> Insurance <input type="checkbox"/> Landlord/Tenant <input type="checkbox"/> Real Estate/Mortgage <input type="checkbox"/> Succession/Wills/POA <input type="checkbox"/> Other
INTAKE VOLUNTEER NAME (print):	INTAKE VOLUNTEER SIGNATURE:	

## DISASTER LEGAL SERVICES CASE CLOSURE FORM

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

Date Form Completed:	Disaster Number: FEMA-1980-DR-MO
Name of Applicant(s):	
Attorney who provided assistance (print):  Phone No. ( ) _____ Fax No. ( ) _____	Were you able to make contact with the applicant?  Yes <input type="checkbox"/> No <input type="checkbox"/>
Date assistance from attorney began:	Date assistance from attorney ended:
Amount of time spent providing assistance:	
Does the ABA YLD need to do any follow-up with this individual? Yes <input type="checkbox"/> No <input type="checkbox"/> If yes, please explain:	
<b>Legal advice given/other notes:</b>	
Please scan and send to: <a href="mailto:hill@hitefanning.com">hill@hitefanning.com</a> <b>THANK YOU FOR VOLUNTEERING YOUR TIME!</b>	