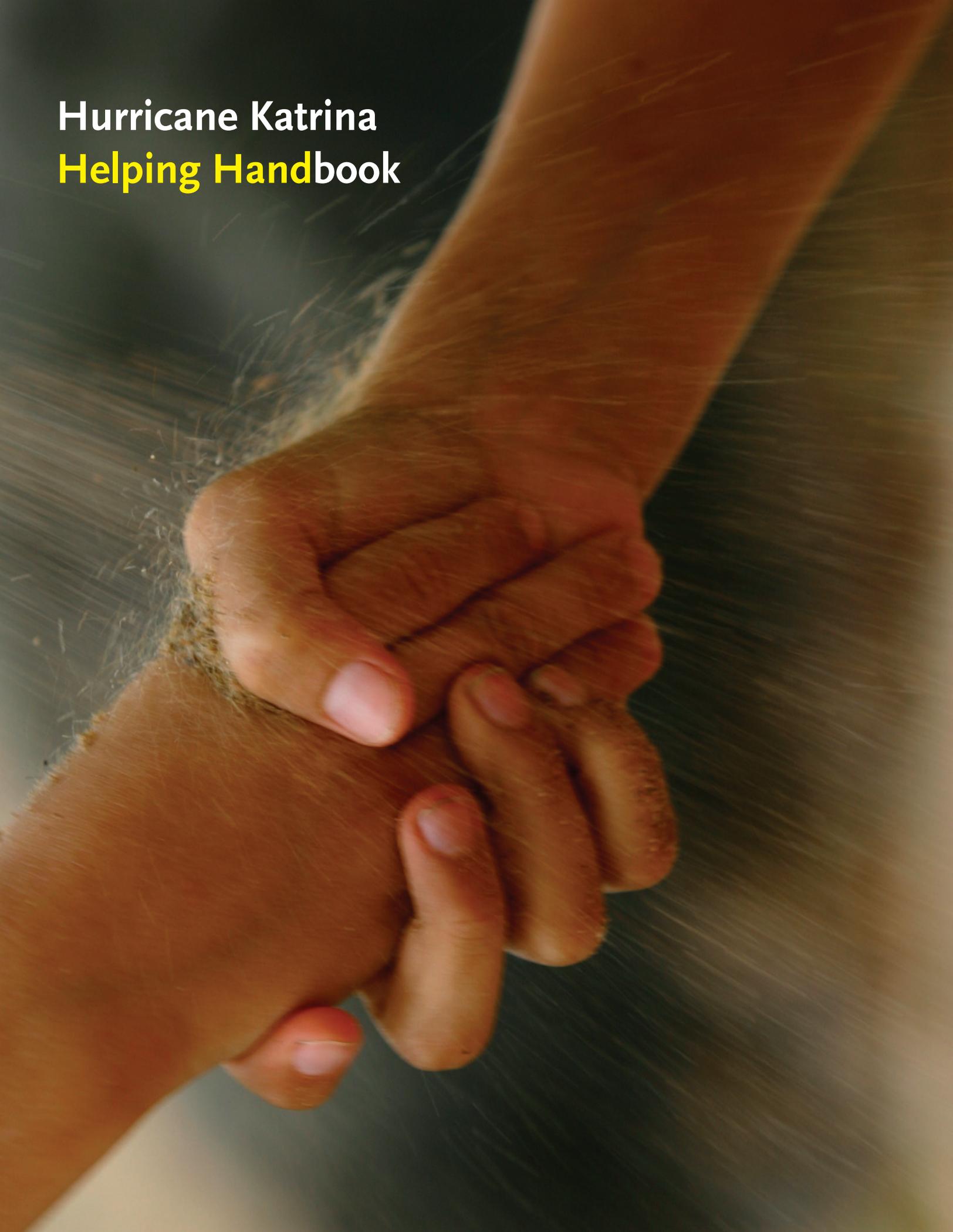


# Hurricane Katrina Helping Handbook



# HURRICANE KATRINA HELPING HANDBOOK

A RESOURCE FOR INDIVIDUALS, FAMILIES, AND SMALL BUSINESSES

This Handbook provides an overview of some of the legal issues that you may face as a result of Hurricane Katrina's landfall on the Gulf Coast in August 2005 and the flooding and other damage that occurred. This Handbook is targeted to individuals, families, and small businesses in Alabama, Louisiana, and Mississippi. Please note that this Handbook is a work in progress and that by the time you read this material, the government may have enacted additional legislation to assist Hurricane Katrina victims.

This Handbook may not answer all of your questions. Rather, the Handbook is designed to set out some of the legal issues you may need to consider, to help you understand the basics about each issue, and to point you in the right direction for help. Much of the information in this Handbook is general, and you may need to contact state, city or parish officials, or local aid organizations, to obtain more specific information about legal issues in your particular city, town or parish.

You may feel overwhelmed when considering the legal issues you face, and you may determine that it would be helpful, or even necessary, to have an attorney's assistance. If you do not have an attorney, legal advice and referrals are available to those in need, some at no charge. To help you get started, this Handbook includes a listing of State Bar certified lawyer referral agencies and several legal aid providers. See Lawyer Referral Services & Legal Aid sections of this Handbook. The American Bar Association (ABA) also has hotlines to help hurricane victims — Alabama: 1-800-354-6154; Louisiana: 1-800-310-7029; Mississippi: 1-866-255-4495. For the most up-to-date information on the ABA's efforts, consult its website at <http://www.abanet.org>.

This project was done in conjunction with the American Bar Association's Center for Pro Bono, a project of the ABA Standing Committee on Pro Bono and Public Service. The ABA has set up a Hurricane Katrina Disaster Resource website to assist those that have been impacted by the hurricanes <http://www.abanet.org/katrina>.

Morrison & Foerster LLP makes available the information and materials in this Handbook for general information purposes only. Although we hope and believe the Handbook will be helpful as background material, we cannot warrant that it is accurate or complete, particularly as circumstances may change after this Handbook is posted on the web or published. Also, the Handbook is general in nature, and may not apply to particular factual or legal circumstances. In any event, the Handbook does not constitute legal advice and should not be relied upon as legal advice. Morrison & Foerster LLP renders legal advice only after compliance with certain procedures for accepting clients and when it is legally and ethically permissible to do so. Morrison & Foerster LLP is not licensed to practice law in Alabama, Mississippi or Louisiana and by publishing this

Handbook is not purporting to do so. Readers seeking to act upon any of the information contained in this Handbook are urged to seek individual advice from their own legal counsel; if a reader cannot afford counsel, referrals to pro bono counsel can be obtained from the organizations listed in the Lawyer Referral Services & Legal Aid sections of this book.

Morrison & Foerster LLP encourages fellow practitioners involved in working for the hurricane victims to build on the information collected here in an effort to provide maximum legal support to those in need.

There is no cost for using or copying these resources. They were compiled to help the people and organizations affected by Hurricane Katrina. Reproduction or distribution of these materials for commercial purposes without prior written permission is strictly prohibited.

This Helping Handbook can be viewed online <http://www.mofo.com/about/Katrina.html> or printed. The entire handbook, including the table of contents, can be printed either in its entirety or by specific section. The Handbook can also be saved to your computer. Since the Handbook has been revised several times, and may be updated in the future, be sure to use this link, and note the revision date below.

# HURRICANE KATRINA HELPING HANDBOOK

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# FEMA ASSISTANCE

## BASIC INFORMATION

### What is FEMA?

FEMA is the Federal Emergency Management Agency, which steps in to manage and coordinate many government assistance programs after the President declares a federal disaster area. When the President declares a “major disaster” in the United States or its territories, federal assistance is made available, pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act), 42 U.S.C. § 5121 et seq., to supplement the efforts and resources of state and local governments and voluntary relief organizations. FEMA is the federal agency, a part of the U.S. Department of Homeland Security that is responsible for coordinating federal disaster relief and assistance.

The following areas have been declared “Disaster Areas” as a result of Hurricane Katrina, making them eligible for disaster assistance.

Florida Counties (Public Assistance only): Bay, Broward, Collier, Escambia, Franklin, Gulf, Miami-Dade, Monroe, Okaloosa, Santa Rosa and Walton

[http://www.gismaps.fema.gov/2005graphics/dr1602/dec\\_1602.pdf](http://www.gismaps.fema.gov/2005graphics/dr1602/dec_1602.pdf)

Louisiana Parishes: Acadia, Ascension, Assumption, Calcasieu, Cameron, East Baton Rouge, East Feliciana, Iberia, Iberville, Jefferson, Jefferson Davis, Lafourche, Lafayette, Livingston, Pointe Coupee, Orleans, Plaquemines, St. Bernard, St. Charles, St. Helena, St. James, St. John the Baptist, St. Martin, St. Mary, St. Tammany, Tangipahoa, Terrebonne, Vermilion, Washington, West Baton Rouge and West Feliciana.

[http://www.gismaps.fema.gov/2005graphics/dr1603/dec\\_1603.pdf](http://www.gismaps.fema.gov/2005graphics/dr1603/dec_1603.pdf)

Mississippi Counties: Adams, Amite, Attala, Choctaw, Claiborne, Clarke, Copiah, Covington, Forrest, Franklin, George, Greene, Hancock, Harrison, Hinds, Jackson, Jasper, Jefferson, Jefferson Davis, Jones, Kemper, Lamar, Lauderdale, Lawrence, Leake, Lincoln, Lowndes, Madison, Marion, Neshoba, Newton, Noxubee, Oktibbeha, Pearl River, Perry, Pike, Rankin, Scott, Simpson, Smith, Stone, Walthall, Warren, Wayne, Wilkinson, Winston and Yazoo.

[http://www.gismaps.fema.gov/2005graphics/dr1604/dec\\_1604.pdf](http://www.gismaps.fema.gov/2005graphics/dr1604/dec_1604.pdf)

Alabama Counties: Baldwin, Choctaw, Clarke, Greene, Hale, Mobile, Pickens, Sumter, Tuscaloosa, and Washington.

[http://www.gismaps.fema.gov/2005graphics/dr1605/dec\\_1605.pdf](http://www.gismaps.fema.gov/2005graphics/dr1605/dec_1605.pdf)

The following states receiving evacuees: Arkansas, Colorado, Florida, Georgia, Oklahoma, New Hampshire, New Jersey, Maine, North Carolina, Rhode Island, Tennessee, Texas, Utah and West Virginia.

### **What does FEMA do?**

FEMA is the starting point for the Disaster Housing Assistance Program (which includes the Rental Assistance, Transient Accommodation, Home Repair Assistance, and Rental Assistance programs), special loans from the SBA or the Farm Service Agency, special grants from the Cora Brown Fund, or assistance from many other government-run organizations, including those under the umbrella of the Other Needs Assistance (ONA) Program. FEMA also sponsors crisis counseling, disaster legal services, and financial recovery planning. At FEMA's local assistance and disaster recovery centers, you can talk directly to representatives of state and volunteer agencies and get help with insurance questions.

### **RELIEF AVAILABLE**

#### **What types of disaster assistance does FEMA administer and coordinate?**

The Individuals and Households Program (IHP) is a combined FEMA and state program providing a range of services to persons in a disaster declared area. The IHP program provides money and services to disaster affected persons whose property has been damaged or destroyed and whose losses are not covered by insurance.

There are several different types of assistance, including various forms of housing assistance:

#### **Temporary Housing Assistance**

lodging expense reimbursement – eligible applicants may receive a check for the cost of short-term lodging, such as hotel rooms, incurred due to damage or inaccessibility to a residence or an official prohibition on returning to a residence.

minimal repairs assistance – eligible applicants can receive financial assistance to help make immediate emergency repairs to live in their residence while permanent repairs are being completed.

rental assistance – an eligible applicant can receive financial assistance (based on fair market rental value in the disaster area) to rent a dwelling for the pre-disaster household to live in for a limited time. Rental assistance is available up to 18 months based on need, which is reviewed and evaluated quarterly.

#### **Note: Transitional Housing Assistance Program**

On September 24, 2005 DHS and the Department of Housing and Urban Development (HUD) announced a series of programs to accelerate delivery of transitional housing assistance for Katrina evacuees. DHS/FEMA is accelerating assistance under the IHP program. Rental assistance will be made available to those applicants who register and

properly qualify beginning with payments for three months of housing totaling \$2,358. Benefits will be extended for qualifying evacuees up to 18 months.

**Manufactured Housing** – When, as in the case of many areas affected by Hurricane Katrina, rental properties may be unavailable, FEMA may provide in-kind assistance in the form of mobile homes, a manufactured home or other readily fabricated dwelling. Due to the enormity of the housing crisis created by Hurricane Katrina, FEMA has leased several cruise ships to provide temporary housing.

**Housing Repair** – Eligible applicants may receive grants to repair damage from the disaster that is not covered by insurance.

**Housing Replacement** – In unusual situations where no other housing is available, homeowners and renters may receive assistance for construction of a new home.

**Other than Housing Assistance (ONA)** – The IHP-ONA program is administered by states to cover necessary expenses and serious needs that cannot be met through other forms of disaster assistance. This assistance may cover repairing/rebuilding real or personal property, transportation, medical, dental and funeral expenses incurred by disaster victims. The maximum amount of the total IHP grant is adjusted each fiscal year and is currently \$26,200.00.

**Note:** On September 7, 2005, FEMA announced that it was distributing special IHP grants of up to \$2,000 to hurricane victims in Louisiana and Mississippi to cover immediate needs for food, shelter, clothing, and other necessities. FEMA also announced that because many Hurricane Katrina evacuees had lost all their possessions FEMA was relaxing standard documentation requirements for these grants.

**Cora Brown Fund** – This fund is used for disaster victims who have exhausted all other avenues of assistance but still have unmet needs.

**Disaster Unemployment Assistance (DUA)** – DUA provides help for workers and those who are self-employed if they become unemployed as a direct result of the effects of Hurricane Katrina. DUA is funded 100 percent by FEMA but is administered by the Department of Labor through the state unemployment agencies. Benefits can extend up to 26 weeks after the date of the declaration of disaster or until the applicant is reemployed, whichever is earlier. For more information, please see the Your Job sections of this Handbook.

**Small Business Administration (SBA) Loans** – As discussed in the Loans from the SBA section of this Handbook, the SBA provides low-interest, long-term loans for individuals to repair/replace real or personal property and for non-farm businesses. If the SBA determines the applicant is ineligible for an SBA loan, the SBA may refer the applicant to FEMA for additional consideration.

**Crisis Counseling** – FEMA provides grant funds to state or local mental health agencies to help relieve grief, stress or other mental health problems associated with

the disaster. The program is funded by FEMA but administered by the U.S. Department of Health and Human Services.

**Legal Services** – FEMA, through a program with the American Bar Association's Young Lawyers Section, coordinates free disaster legal services to victims of major disasters. These services include assistance with insurance claims (life, medical, and property), landlord-tenant problems, consumer protection, and wills and estates. Eligible individuals should contact the ABA's Young Lawyers Division (<http://www.abanet.org/yld/home.html>) or the Young Lawyers Divisions of the Alabama, Florida, Louisiana or Mississippi Bar Associations.

**Public Assistance** – This disaster assistance program does not cover individuals and is limited to funding repair, rebuilding and cleanup of state and local public facilities, such as municipal buildings, schools, and courthouses.

**Can an applicant apply for help for a damaged car?**

Yes. The applicant will need to provide proof of ownership and insurance information.

**Can an applicant apply for help for food that has been lost because of the disaster?**

No. Food loss is not covered by the FEMA Individuals and Households Program (IHP) program. Voluntary organizations in the disaster area may be able to help you with food needs.

**Will any program pay for moving and storage expenses?**

Costs of moving and storage may be covered by IHP, if these costs are directly related to Hurricane Katrina. Submit receipts to FEMA through the IHP program to see if they are covered.

**Do I have to repay FEMA for any disaster assistance?**

A grant from the IHP does not have to be repaid. However, loans from the Small Business Administration must be repaid.

**ELIGIBILITY**

**Am I eligible for assistance from FEMA?**

If you experienced a loss in one of the disaster-affected counties or parishes on or after August 27, 2005 as a result of Hurricane Katrina, you may be eligible for assistance through FEMA. You should register with FEMA as quickly as possible. (You do not necessarily have to live in one of the declared counties or parishes to be eligible for FEMA's programs, but the loss must have been caused by devastation from Hurricane Katrina in those counties or parishes.) The various programs that FEMA coordinates have different eligibility criteria, and usually you only can receive assistance under one

housing program at a time. FEMA will determine your eligibility for the various programs after you register.

### **Are aliens eligible for federal disaster assistance?**

To be qualified for cash assistance from FEMA the applicant must be a U.S. citizen or a qualified alien. A qualified alien generally includes persons who are lawful permanent residents (possessing an alien registration card) or those with legal status due to asylum, refugee, or parole. For more information, please refer to the Immigration section in this Handbook or consult an immigration law expert if you have further questions.

### **If I received help from the Red Cross or other voluntary relief organization, can I still apply for FEMA assistance?**

Yes. Disaster assistance available from FEMA is different than the emergency clothing, food and shelter administered by the Red Cross and other voluntary relief agencies.

**Note:** If you received assistance from the Red Cross or other agency, you still must register with FEMA (see instructions below) if you wish to receive federal disaster assistance.

## **HOW TO APPLY**

### **How do I register with FEMA?**

The easiest way to register with FEMA is to call **(800) 621-FEMA (3362)** Monday – Friday between 8 a.m. to 6 p.m. For the speech- or hearing-impaired, call **TTY: (800) 462-7585**. Be prepared to give the FEMA representative the following information:

- your name;
- your Social Security number;
- any applicable insurance information;
- a description of your losses;
- directions to your damaged property; and
- a phone number where you can be reached.

You can also register at FEMA's website: <http://www.fema.gov> by clicking on the "register for assistance" link. You may also check on the status of your application online. You can also register at one of FEMA's local assistance centers or disaster recovery centers. For information on locations of these centers, please see below.

### **What are Disaster Recovery Centers?**

Following most major disasters, FEMA establishes Disaster Recovery Centers (DRCs) in or near the disaster areas. DRCs serve as one-stop information centers. Staffed by

representatives from various federal, state, local and voluntary agencies, these centers are tailored to respond to the needs of the particular disaster.

FEMA has opened a large number of DRCs for Hurricane Katrina. At the present time, the following DRCs are open:

**For Alabama:**

[all Alabama DRCs are open 8 a.m. to 6 p.m. daily]

**Baldwin County**

Foley Events Center  
20801 County Road  
Foley, AL

**Houston County**

Houston County Volunteer Firefighter Association facility  
2358 Columbia Hwy.  
Dothan, AL  
[Open Monday, Sept. 19, through Saturday, Sept. 24.]

**Jefferson County**

Lake Villa  
7916 2nd Avenue South  
Birmingham, AL  
[Opened Friday, Sept.23]

**Mobile County**

[Mobile Unit]  
Bayou La Batre Community Center  
12745 Padgett Switch Road  
Bayou La Batre, AL

[Mobile Unit]  
Alabama Army National Guard facility  
17530 Celeste Road  
Citronelle, AL  
[Open through Wednesday, Sept. 21]

Mobile Civic Center  
401 Civic Center Drive  
Mobile, AL

Tillman's Corner  
Andrews Plaza  
5566 Andrews Road  
Suite A  
Mobile, AL  
[Opened Wednesday, Sept. 21].

**Montgomery County**

Vaughn Plaza  
2801 W. Vaughn Place  
Montgomery, AL

**Washington County**

Woodman of the World Lodge  
18051 Jordon St., US 17 N  
Chatom, AL

**For Florida:**

**Pensacola**

One Stop Joint Assistance Centers  
Town& Country Plaza  
3300 North Pace Boulevard  
Pensacola, FL  
(open 8 a.m. to 6 p.m. daily, until further notice)

**Okaloosa County**

CVS Pharmacy DRC  
348 Racetrack Road  
Ft. Walton Beach, FL 32548  
(open 8 a.m. to 6 p.m. daily, until further notice)

**Santa Rosa County**

County Administration Office Building DRC  
6495 Caroline Street (Hwy 90)  
Milton, FL 32570  
(open 8 a.m. to 6 p.m. daily, until further notice)

**For Louisiana:**

**Avoyelles Parish**

Marksville  
635 East Tunica Drive  
Marksville, LA 71351  
(open 9 a.m. to 7 p.m.)

**Bossier and Caddo Parishes**

Old Summergrove Baptist Church  
2820 Summer Grove Drive  
Shreveport, LA 71118  
(open 9 a.m. to 7 p.m.)

**East Baton Rouge Parish**

1 & 2 Maritime Place  
101 France Street  
Baton Rouge, LA 70802  
(open 9 a.m. to 7 p.m.)

**Iberville Parish**

Iberville Parish Library  
24605 J. Gerald Barrett Blvd.  
Plaquemine, LA. 70764  
(open 9 a.m. to 7 p.m.)

**Lafayette Parish**

Harvest Church International  
111 Liberty Ave.  
Lafayette, LA 70508  
(open 9 a.m. to 7 p.m.)

**Lafourche Parish**

Jake's Department Store  
513 St. Mary Street  
Thibodaux, LA. 70301  
(open 9 a.m. to 7 p.m.)

**Orleans Parish**

Landry High School  
Whitney Ave. & LaMarque Street  
Algiers, LA  
(open 9 a.m. to 7 p.m.)

**Plaquemines Parish**

Belle Chasse Auditorium  
8398 Highway 23  
Belle Chasse, LA. 70037  
(due to Curfew: open 7 a.m. to 5 p.m.)

**Quachita Parish**

Civic Center Convention Hall  
401 Lea Joyner Memorial Expwy  
Monroe, LA. 71210  
(open 9 a.m. to 7 p.m.)

**Rapides Parish**

Old Office Max Bldg.  
2255 Macarthur  
Alexandria, LA. 71301  
(open 9 a.m. to 7 p.m.)

**St. Charles Parish**

Bingo Hall  
13415 Hwy 90  
Boutte, LA. 70039  
(open 9 a.m. to 7 p.m.)

**St. James Parish**

Lions Club Bldg.  
29126 Health Unit St.  
Vacherie, LA. 70090  
(open 9 a.m. to 7 p.m.)

**St. Tammany Parish**

John Slidell Municipal Park Recreation Center  
105 Robert Road  
Slidell, LA. 70458  
(open 9 a.m. to 7 p.m.)

**Washington Parish**

Old Barnes Furniture Building  
539 Avenue V  
Bogalusa, LA. 70427  
(open 9 a.m. to 7 p.m.)

**Washington Parish**

Hillcrest Baptist Church  
2201 East Washington Street  
Franklinton, LA. 70438  
(open 9 a.m. to 7 p.m.)

**Webster Parish**

Old Wal-Mart Store  
1100 Homer Rd.  
Minden, LA. 71055  
(open 9 a.m. to 7 p.m.)

Additional DRCs may be opened by FEMA and others may be closed in the coming weeks so please check for changes to the centers at these websites:

<http://www.fema.gov> or <http://www.firstgov.gov>.

## How will FEMA process my request for help?

At the time of registration, the FEMA representative will give you a **control (application) number**. This number is very important for referencing your case, so please keep it handy. In the event you did not register online, it is also a good idea to keep the name of the person who registered you, in case any problem with your paperwork arises.

FEMA may then refer you to the Small Business Administration (SBA), which offers special loans to disaster victims. (It does not matter whether you own a small business or not.) If you are referred to the SBA, **YOU MUST COMPLETE AND SEND IN YOUR SBA LOAN APPLICATION, EVEN IF YOU DO NOT THINK YOU WILL QUALIFY FOR A LOAN**. The SBA serves as a gatekeeper to other government-run programs. Unless you send in your application and fail to qualify for an SBA loan (or a large enough loan to meet your needs), your application will not be passed on to the Other Needs Assistance (ONA) Programs, and you may not be eligible for additional assistance from other federal disaster programs.

If you have requested help from FEMA because of damage to your home, FEMA will send an inspector to look at the damage. These inspectors are not FEMA employees but are contractors. Nevertheless, the FEMA inspection is FREE. Do not let anyone charge you for an "inspection service." Request identification from the inspector, and request a copy of his or her inspection report. FEMA inspectors file a report but do not determine your eligibility.

You do not need to wait until the inspection to begin cleaning and repairing the property, but you should document the damage by taking pictures. (Video is a good record, too!) If possible, save damaged items.

You should be prepared to meet with the inspector on short notice. If you are not available for the inspection, your application may be withdrawn. Be prepared to supply the inspector with several pieces of information:

- valid identification;
- proof of home ownership or tenancy;
- proof of damages to your primary residence;
- receipts for expenses you have incurred; and
- photos of your property before you began repairs.

You will also need to sign the disaster application and a declaration that you are a citizen, a national, a resident alien, or otherwise lawfully present in the U.S. See the Immigration section of this Handbook for further discussion of immigration issues.

The FEMA inspector will complete a report and transmit it to FEMA's National Processing Servicing Center (NPSC). The NPSC will review the information and decide whether you qualify for assistance. (In the interim, the NPSC may ask you for additional

records, such as insurance papers, a copy of title, pay stubs, or repair estimates.) FEMA will mail you a notice of its decision.

**What type of ownership documentation can the applicant provide to support his or her application for help?**

Below are a few types of documents that may be provided to prove ownership:

Deed or official record may be the original deed or deed of trust to the property listing you as the legal owner.

Title number which lists you on the actual escrow or title document for the purchase of the dwelling.

Mortgage payment book or other mortgage documents (*i.e.*, late payment notice, foreclosure notice) may be used to verify the ownership when your name is listed along with the damaged dwelling address.

Real property insurance must be for the damaged dwelling the applicant is occupying with his or her name listed as the insured.

Tax receipts or a property tax bill showing the damaged dwelling and listing the applicant as the responsible party to the assessments.

**What type of occupancy documentation can the applicant provide to support his or her application for help?**

Below are a few types of documents that may be provided to prove occupancy:

Utility Bill sent to the damaged dwelling the applicant is occupying with his or her name (or name of co-applicant). The utility bill should be for one of the major utilities, such as electricity, gas, or water.

Merchant's Statement sent to the damaged dwelling the applicant is occupying with his or her name (or name of co-applicant). Merchant statements include credit card bills, delivery notices, or other first class mail addressed to the applicant and showing the damaged dwelling address.

Employer's Statement sent to the damaged dwelling the applicant is occupying with his or her name (or name of co-applicant). An employer's statement refers to pay stubs and similar documents sent to the applicant and showing the damaged dwelling address.

Current Driver's License showing the address of the damaged dwelling.

**To receive money for repair or help with housing needs do I first need to file a claim under any insurance policy I may have?**

Yes. In order to receive money or help with housing needs you must have filed for insurance benefits (if you have insurance) and the damage to your property must not be covered by insurance.

**What if the insurance settlement under my policy is insufficient to meet my disaster-related damage or need?**

An eligible applicant will need to write a letter to FEMA indicating the amount of the unmet need. The applicant will need to present adequate documentation from his or her insurance company for FEMA's review.

**Do I have to own a business to apply for a loan from the SBA?**

No. The SBA's low-interest loan program is one of the primary sources of federal assistance for long-term recovery for homeowners as well as business owners.

**DEADLINES FOR APPLICATIONS**

Yes, there will be important application deadlines that you must meet (unless specifically extended by FEMA), each of which is calculated from the date of the disaster declaration. The standard deadline for registration for individual disaster assistance is within 60 days following the date the President declares the disaster. If the standard deadline is applied, the following would be the deadlines for individual assistance:

	<b>Date of Disaster Declaration</b>	<b>Standard Registration Deadline</b>
Florida	August 28, 2005	October 28, 2005
Louisiana	August 27, 2005	October 27, 2005
Mississippi	August 28, 2005	October 28, 2005
Alabama	August 29, 2005	October 29, 2005

**Can FEMA extend the registration deadline?**

Yes, FEMA is authorized to accept late registrations for an additional 60 days beyond the standard registration period. However, FEMA rules require suitable documentation of the reasons for the delay. In light of the size of the disaster resulting from Hurricane Katrina and the huge number of victims displaced from their homes, we would expect (but there is no guarantee) that FEMA may well extend the period for individuals to register for disaster assistance.

**HOW LONG DOES IT TAKE?**

**How long does it take to get help from FEMA?**

If you have damage to your home or its contents and you are uninsured or you have suffered damage due to a flood, a FEMA inspector should contact you within 14 days of applying, to set up an appointment to assess your damage. Typically, within about 10

days after the inspection, if FEMA determines that you qualify for help, you will receive a direct deposit to your bank account or a check in the mail.

**Once FEMA approves an application, how long will it take for an applicant to receive disaster funds?**

Within about 10 days of an inspector's visit to an applicant's damaged residence, he or she should receive a check or a direct deposit to a bank account.

In the case of ONA assistance for Hurricane Katrina victims, FEMA has also announced that it will distribute \$2,000 in expedited cash assistance to eligible applicants who lived in disaster areas of Louisiana and Mississippi.

**AFTER THE APPLICATION IS SUBMITTED**

**If I am denied assistance by FEMA, how long do I have to appeal that decision?**

Appeals from FEMA's decisions regarding the Rental Assistance and Home Repair Assistance programs are due within **60 days** of the date on FEMA's notice of decision.

**If an applicant has questions about his or her application or needs to change some of the information provided, what should he or she do?**

Call the FEMA Disaster Helpline at 1-800-621-FEMA (3362) (hearing/speech impaired only: 1-800-462-7585).

**If it has been more than 12 days since the FEMA inspector's visit and there has been no word from FEMA, what should the applicant do?**

Call the FEMA Disaster Helpline at 1-800-621-FEMA (3362) (hearing/speech impaired only: 1-800-462-7585) to ask about your application. If there is a Disaster Recovery Center (DRC) in the applicant's area, he or she also may inquire there about his or her application.

**OTHER FEMA SERVICES**

**Can FEMA help a victim locate a missing family member or friend affected by Hurricane Katrina?**

Yes, FEMA and the State of Louisiana recently announced a national toll-free number for families who have perished during Hurricane Katrina. Concerned family and friends may call the "Find Family National Call Center" at 1-866-326-9393. This number can be reached 24 hours a day, 7 days a week.

Also, the American Red Cross has set up a registry to locate missing persons as a result of Hurricane Katrina. Please visit the American Red Cross's Family Links Registry at <http://www.familylinks.icrc.org/katrina>.

### **Will FEMA pay for removal of hurricane caused debris from private property?**

On September 19, 2005, FEMA announced, in a change from its normal policy, that it will reimburse local governments for removal of storm-related debris on private property. You should contact your local or state government if you have widespread storm-related debris that may constitute a health or public safety hazard.

### **Where can I find more information about FEMA's programs for victims of Hurricane Katrina?**

If you have questions specifically about FEMA's programs for victims of Hurricane Katrina, you may want to call a hotline established by the Young Lawyers' Division of the American Bar Association at (800) 310-7029. Additionally, if you have internet access, you can find answers to frequently asked questions about disaster assistance by reviewing FEMA's website at <http://www.fema.gov>

# HOUSING

## TEMPORARY HOUSING AND RENTER'S QUESTIONS

### **My primary residence was destroyed by Hurricane Katrina. Who can help me pay for temporary housing?**

Depending on your situation, there are several resources where you may be able to find help.

First, various charitable organizations such as the Red Cross may be able to provide you with assistance.

Second, if you have homeowner's or renter's insurance, temporary housing may be covered by your policy. Talk to your insurance agent. See the Insurance section (Making Claims subsection) of this Handbook for telephone numbers for insurance carriers.

Third, FEMA provides tax-free grants to households that have been displaced from their primary residence as the result of a federally declared disaster, such as Hurricane Katrina, through its Rental Assistance program. The Rental Assistance program provides need-based grants to enable homeowners and renters who are victims of disaster-related dislocation to obtain temporary replacement housing.

FEMA has announced that because of Hurricane Katrina's unprecedented scope and the widespread dispersion of evacuees, the rental assistance program will initially consist of payments for three months of housing totaling \$2,358. This initial payment is calculated based on the average fair market rent rate for a two-bedroom unit nationwide. According to FEMA, the payment will be portable and may be applied to transitional housing costs for any location an evacuee determines.

To be eligible for Rental Assistance, you or someone who lives with you must be a citizen of the United States, a non-citizen national, or a qualified alien, you must not have other, adequate rent-free housing that you can use (for example, a vacation residence or unoccupied rental property), and you must be affected by one or more of the following conditions:

- your primary residence is destroyed or unlivable;
- you do not have utility service at your primary residence;
- your primary residence is a serious health or safety hazard;
- your primary residence is not accessible; or
- other disaster related circumstances prevent you from occupying your primary residence.

In addition, homeowners may be required to show that they have attempted to obtain reimbursement for temporary housing from their insurance companies, and must agree to repay FEMA if they are later reimbursed.

Only one application will be taken from each household, which FEMA generally considers to be all people living in one apartment or house. See the FEMA section of this Handbook for more information on the FEMA registration process and procedures, including deadlines for filing applications.

Rental assistance is usually available to eligible renters and homeowners for at least one month's rent. Thereafter, if they cannot find alternate housing, they must apply for additional funds.

For assistance for more than three months, a household must go through a recertification process. FEMA will grant continued rental assistance only if:

- Verified receipts show that the initial Rental Assistance grant was spent properly;
- The household has made reasonable efforts to find housing and provides a housing plan for obtaining permanent housing;
- For renters, no affordable housing exists; and
- A renter who was displaced and suffered a disaster-related reduction of income continues to be unable to pay for rent.

Continued rental assistance may be provided in one to three month increments for up to 18 months.

If you apply for and receive funds from FEMA's rental assistance program you **must** follow the program rules and procedures in the letter that you receive from FEMA. This includes obtaining and saving receipts for rental payments. If you do not obtain and save your receipts, FEMA may refuse to provide you with additional assistance and may require that you refund any money that you received.

In addition to the preceding resources, if you have a Section 8 voucher from a disaster-affected area or were a resident of public housing, you should contact the local HUD office or housing authority where you are currently located or call HUD's toll-free hotline, 1-888-297-8685, for Hurricane Katrina victims. HUD can assist you in finding a public housing unit or obtaining a Section 8 voucher. You will be required to prove that you were participating in either HUD's public housing program or its voucher program prior to the hurricane. You will also be asked to show some form of photo identification. If you do not have any identification, you will be asked for your name and the social security number of the head of household in your family.

Finally, if you were living in a Rural Development-financed apartment and have been displaced, you are likely to be qualified to receive priority admission to any Section 515 rural rental housing property or Section 514/516 labor housing property in the United

States. Contact the USDA Rural Development agency at 1-800-414-1226 for a list of apartment complexes and more information.

**My primary residence was not destroyed by Hurricane Katrina, but it is located in an area that is still unsafe. Can I still get rental assistance from FEMA?**

Even if your home was not destroyed, you may still be eligible for Rental Assistance if you cannot reach it because of the damage caused by Hurricane Katrina, such as the destruction of roads and bridges, the broken levees in New Orleans, or curfews or other restrictions put into place by government officials due to continued health and safety problems. See the FEMA section of this Handbook for more information on the FEMA registration process and procedures, including deadlines for filing applications.

**During the hurricane I was ordered to evacuate my residence. Instead of going to a shelter, I rented a room in a motel. Can I get reimbursed for the money I spent on the motel room?**

You may be eligible for assistance from charitable organizations, your insurance or FEMA. You should save your receipts to document your expenses in the event you are able to obtain reimbursement.

The Red Cross has announced a new program to assist in sheltering the extraordinary number of people who have been displaced to areas where there is a shortage of available shelters. The Special Transient Accommodations Program applies to people who have a financial need and who have been displaced from specific areas identified by FEMA. The program covers up to 28 days of hotel lodging. Contact the Red Cross for additional information about participating hotels. If you have already paid your hotel bill, you should contact the front desk and FEMA at [www.fema.gov](http://www.fema.gov) about obtaining possible reimbursement. See [www2.corplodging.com/arc/arc\\_qualifying\\_zips.cfm](http://www2.corplodging.com/arc/arc_qualifying_zips.cfm) for a list of qualifying zip codes.

In addition, you may be eligible to obtain reimbursement from FEMA's Transient Accommodation program. The purpose of the Transient Accommodation program is to reimburse disaster victims for the cost of short term housing (for up to 30 days) that was incurred as a result of damage to the victim's home or an enforced evacuation. See the FEMA section of this Handbook for more information on the FEMA registration process, including deadlines for filing applications. Note that food, transportation, telephone charges, and other separately billed services are not eligible for reimbursement from this program.

Finally, if FEMA determines that there is no rental housing available in the local community due to the disaster, it may provide temporary housing to disaster victims by entering into leases or providing mobile homes, travel trailers or other housing. You should call the FEMA Hotline and keep in close contact with volunteer organizations to learn about these options.

## **If my rental unit has been damaged or destroyed, what issues do I need to consider?**

- Do you have a written lease?
- How badly is the rental unit damaged?
- Do you want to keep possession of the apartment, move out temporarily while the landlord makes repairs, or move out permanently?
- Is the unit rent-controlled or subsidized?

## **What if I have a written lease?**

Your rights will largely be determined by the provisions of your lease. A professional will need to review your lease carefully to answer these questions for your particular case. The following is only general information for tenants regarding damaged premises as a result of Hurricane Katrina.

If you do not have a written lease, you should talk to your landlord. You can ask your landlord to reduce your rent until the apartment is repaired. You can also ask your landlord to let you move to another unit.

## **How do I assess the damage to my rental unit?**

Consider whether your rental unit is:

- destroyed;
- so severely damaged that it is not fit to live in;
- significantly damaged but livable; or
- damaged in minor ways.

## **If my rental unit is destroyed, is my lease terminated?**

In Louisiana, if your rental unit is totally destroyed by a disaster, your lease is terminated and you have no further obligations to your landlord. (Note, however, that if the unit is **not** totally destroyed, the landlord cannot terminate the lease unless it contains a provision allowing the landlord to terminate in the event of a fire, flood or other disaster.)

## **If my rental unit is destroyed, how can I get my deposit back?**

You should write a letter to the landlord requesting a return of your deposit. In general, unless the landlord previously had to pay for repairs to the property because of damage you caused, your deposit should be returned in full. Of course, individual circumstances may vary.

**My rental unit was so severely damaged that it is not fit to live in. Do I still have to pay rent?**

Generally speaking, if your rental unit is so damaged that it is not fit to live in, you do not have to pay rent until it is once again fit to live in.

**If my rental unit is damaged, what can I do if I have a month-to-month lease and want to move permanently?**

You can end a month-to-month lease by giving the landlord 30 days notice that you are going to move out. The notice can be a short letter telling your landlord that you are ending your lease, effective 30 days from the date of the notice. You should date and sign the notice and keep a copy for yourself. If the rental unit is severely damaged, however, you may not need to give a month's notice; see the guidelines below.

**If my rental unit is damaged, what can I do if I have a year lease and want to move permanently?**

In Louisiana, if your rental unit is partially destroyed or damaged because of a disaster, you can terminate the lease by giving your landlord written notice. Similarly, in Alabama, if your rental unit is so severely damaged that it is not fit to live in, you may be able to break your lease. If you want to terminate your lease, and therefore not pay rent, you should:

- check your lease for applicable provisions;
- obtain FEMA inspection reports;
- request a local city building inspection and obtain a certified copy of the inspection report;
- photograph the damage and record the date the picture was taken, who took the picture and the subject of the picture;
- have the unit and/or building viewed by reliable witnesses and record the date they viewed the premises and what they saw.

**My city was evacuated. Will I owe rent for the evacuation period?**

Generally speaking, no. If the area you lived in was evacuated, you will not owe rent for the evacuation period.

**I'm not sure where my landlord is. How should I make rent payments?**

If your landlord was local, he or she may have evacuated. You should not mail rent payments unless you are sure that the landlord is receiving mail at his or her old address. The United States Postal Service plans to clarify procedures for sending mail to evacuees. You can check for that information at <http://www.usps.com>.

## **HOMEOWNERS**

### **Mortgage Payments**

**My residence, which I own, was destroyed by Hurricane Katrina. Must I continue paying my mortgage, homeowners' association fees, insurance, etc. on that residence? Does it make a difference if it was only damaged rather than destroyed?**

Unless you obtain a forbearance agreement from your lender, you should still continue to pay your mortgage, regardless of whether your residence was destroyed or damaged. If (i) your residence has suffered substantial uncompensated disaster damage, (ii) you intend to repair the damage or rebuild, and (iii) you do not have sufficient credit elsewhere to cover your mortgage payments, the SBA may be able to refinance all or part of your outstanding mortgage, which might result in a reduced monthly mortgage payment.

With regard to homeowners' association fees or insurance premiums, you should review the language of your association's by-laws or the insurance policy. Generally, however, to the extent that you still have some property that might be covered by the insurance policy or affected by the activities of the homeowners' association, it is likely in your best interests to pay the amounts owed.

### **What if I cannot pay my mortgage?**

If you cannot pay your mortgage, you should contact your lender. Many lenders offer a grace period of several months to delay payment before they will foreclose. Many lenders will allow borrowers to delay payments for several months after a disaster or add payments to their outstanding loan balance.

FHA-approved lenders have been instructed by HUD to issue a special 90-day moratorium on all foreclosures of FHA properties in affected counties. If you have an FHA mortgage and cannot pay your mortgage, you can call HUD's National Servicing Center at 1-888-297-8685 to ask about foreclosure relief.

Additionally, a six-month moratorium on payment has been applied to certain loans through the USDA Rural Development program. Contact 1-800-414-1226 for more information.

Finally, if you have received a written foreclosure notice, you may be able to obtain assistance with your payments from FEMA. To qualify,

- you must have been living in the premises as your primary residence before the disaster;
- you must still be living in the premises;
- you must have received a written notice of foreclosure; and
- you must be suffering financial hardship as a result of the disaster.

Financial hardship is defined as both:

- a loss of at least 20% of your pre-disaster household income, and
- your post-disaster monthly mortgage exceeds 25% of your gross post-disaster monthly household income.

The deadline for applying for mortgage assistance from FEMA is six months from the date of the disaster declaration. See the FEMA section of this Handbook for more information on the FEMA registration process and procedures.

### **Pending Sales**

#### **What are my obligations and risk of loss on a pending real estate sale?**

You should carefully review the complete terms of your written purchase and sale agreement to determine your rights and obligations. In most standard real estate purchase contracts, the risk of loss or damage to the property remains with the seller between the time the purchase and sale agreement is signed and the close of the sale. The seller is obligated to deliver at the close of sale the land and the improvements to the land (*i.e.*, the structure) in the condition originally agreed to by the buyer. If the seller fails to do so, the buyer typically has the choice to either proceed with the purchase of the property as is, or to cancel the purchase and obtain a refund of any deposit or down payment made.

### **Federal Assistance**

#### **My home was destroyed or so badly damaged that I cannot live in it. Who can help me financially to rebuild or repair it?**

As with other types of assistance, you should first look to charitable donations and insurance proceeds to cover the costs of rebuilding and repair. Make sure to deposit your insurance proceeds check -- don't cash it! Please see the Property Insurance section of this Handbook for additional sources of help. To the extent that you were uninsured or underinsured, FEMA or the SBA may be able to help rebuild or repair subject to certain limitations.

### **FEMA**

Through its Home Repair Assistance program, FEMA provides grants to homeowners whose primary residences require relatively little repair to essential living areas in order to become livable or accessible. (Repairs to nonessential living areas, such as guest rooms or an additional bathroom, as well as cosmetic repairs, are not eligible for funding under the program.) The repairs must be able to be completed within 30 days of the start of work, cannot exceed a maximum repair amount set by FEMA, and must be

necessary as a result of damage from the hurricane. Deferred maintenance is not covered by the program.

If you apply for Home Repair Assistance, FEMA will inspect your home and base the amount of its grant on the reasonable cost of repair to the damaged property. Repairs covered by Home Repair Assistance may include:

- repairs to plumbing, electrical systems, heating systems, fuel systems for cooking, septic systems, and water wells;
- repairs to windows, doors, roof, and floor;
- repairs to stoves and refrigerators;
- repairs necessary to provide access to a residence;
- repairs necessary to eliminate health and safety hazards.

If you own a mobile home and it is your primary residence, Home Repair Assistance will cover repair costs related to blocking, leveling and anchoring the mobile home.

If your home needs more extensive repairs than allowed under the FEMA program, then the SBA may be of help.

### **SBA Home Disaster Loans**

The SBA provides low-interest, long-term loans to repair or replace a primary residence owned by a victim-applicant in a federally declared disaster area. The SBA loan, which may be as much as \$200,000, can be used to repair or replace eligible real property, to pay third parties (not family members) to remove debris from the property (or rent equipment necessary for such clean-up). The loan cannot be used to upgrade or enlarge a residence, unless such improvements are necessary to comply with revised city or county building codes, while the amount available to replace landscaping, swimming pools, and similar items is limited. Secondary or vacation homes are not eligible for SBA loans.

### **What is the deadline for applying for a HDL (Home Disaster Loan)?**

The deadline to file an application for a HDL is currently **October 28, 2005**.

### **Am I eligible for a HDL?**

You may be eligible for a HDL if you are a homeowner or renter and incurred damage to your real estate or tangible personal property during Hurricane Katrina.

A homeowner or renter may apply for a personal property loan of up to \$40,000 to help repair or replace personal property, such as clothing, furniture, automobiles, etc., lost or damaged in the disaster. As a rule of thumb, personal property is anything that is not considered real estate or a part of the actual structure. This loan may not be used to

replace extraordinarily expensive or irreplaceable items, such as antiques, collections, pleasure boats, recreational vehicles, fur coats, etc.

Homeowners may also apply for a loan of up to \$200,000 to repair or restore their primary home to its pre-disaster condition. The loan may not be used to upgrade the home or make additions to it. If, however, city or county building codes require structural improvements, the loan may be used to meet these requirements. Loans to repair or replace real property may be increased by as much as 20% for mitigation measures to protect the property from possible future disasters of the same kind.

### **Are there any limitations on the use of a HDL?**

Yes. The disaster loan is intended to help you return your property to the same condition it was in before Hurricane Katrina. Your loan will be made for specific and designated purposes. The SBA requires that you obtain receipts and maintain good records of all loan expenditures as you restore your damaged property, and that you keep these receipts and records for three years.

### **I already have a mortgage on my home and I can't afford a disaster loan plus my current mortgage payment. Can the SBA refinance my mortgage?**

In certain cases, yes. The SBA can refinance all or part of prior mortgages, evidenced by a recorded lien, if you:

- do not have credit available elsewhere;
- have suffered substantial uncompensated disaster damage (40% or more of the value of the property); and
- intend to repair the damage.

### **What information should I include with my HDL application?**

The necessary information is specified in the loan application. In all cases, it includes an itemized list of losses with an estimate of the repair or replacement cost of each item. It also includes permission for the IRS to give the SBA information from your last two federal income tax returns. If you have pictures of the damaged property, you can include them as well.

**I had to remove debris from my property after Hurricane Katrina. Can this expense be included in my HDL application?**

Yes, but your own labor and that of your family members cannot be included. Amounts paid to others and any equipment rental can be listed as part of repairs to real estate.

**Do I need to get a contractor's estimate for the cost of repairing damage to my property before I file my HDL application?**

No. Do not wait to obtain a contractor's estimate to file your application. You should submit your application to the SBA as soon as possible. If you have received a contractor's estimate, include it with the application; otherwise, include your own. The SBA will verify the damage estimate in your application.

**Do I need to wait for my insurance settlement before I file my HDL application?**

No. Do not wait to obtain an insurance settlement to file your application. You should submit your application to the SBA as soon as possible. Final insurance information can be added when a settlement is made. If you do not know how much of your loss will be covered by insurance or other sources, the SBA will consider making a loan for the full amount of the loss, up to its loan limits, provided that you assign the insurance proceeds to the SBA to reduce the amount of the loan.

**If my home is completely destroyed, will the SBA lend me money for relocation?**

If you are unable to obtain a building permit to rebuild or replace your home at its original site, the cost of relocating your home might be included in the loan amount. If you decide to relocate your home without being required to do so, the HDL will be only for the exact amount of the damage.

**What interest rate will apply to my HDL? What are the repayment terms?**

If you do not have credit available elsewhere, the maximum annual interest rate for your HDL will not exceed 4%. If you have credit available elsewhere, the maximum annual interest rate will not exceed 8%.

The term of the loan will be determined by the SBA based on your needs and your ability to repay the loan. The maximum term is 30 years.

**When will I know if I get the loan?**

The SBA's goal is to decide on each application within 21 days from the date it receives a complete application (missing information is the biggest cause of delay). The SBA processes applications in the order received, so you should submit a complete application as soon as you can. To make a loan, the SBA must estimate the cost of repairing the damage, be satisfied that the business or individual can repay the loan, and take reasonable safeguards to help ensure that the loan is repaid.

### **Is insurance required to get a loan?**

The SBA requires borrowers to obtain and maintain insurance if your property is in a special flood hazard area. The SBA will not disburse a loan until you have obtained flood insurance.

### **Are there consequences for misuse of the loan proceeds?**

Yes. The penalty for misusing disaster funds is immediate repayment of one-and-a-half times the original amount of the loan.

### **Is there a minimum monthly payment? When is the first payment due?**

The SBA does not have a minimum monthly payment. Payments vary depending upon income and expenses, size of family and other circumstances that may affect your repayment ability. Generally, the first payment is not due until five months after the date of the loan.

### **Where can I get more information about SBA loans?**

For more information call the SBA at (800) 659-2955 or visit the SBA website at <http://www.sba.gov/disaster>.

### **Other Programs**

You may also be eligible for 100% financing through HUD mortgage insurance. The USDA Rural Development program is another resource. Finally, assistance may also be provided through the IHP (Individuals and Households Program) program.

### **Building Permits and Codes**

#### **Will I need a permit to rebuild or repair my home?**

As a general rule, a building permit is required whenever structural work is involved or when the basic living area of a home is to be changed. This could include separate permits for roofing, electrical, heating, and plumbing. Typically, the contractor overseeing the rebuilding/repair will obtain the necessary building permits from the city or county building/planning department. Do not let a contractor talk you into obtaining a permit in your own name. If they do not want to be known to local officials, they may be hiding from a bad reputation.

It is possible that counties affected by the hurricane will set up special programs regarding building permits. It is important to contact the local building department or public works department to find out if there are any special flood protection requirements that may apply to the repair and rebuilding of your building. If your building was an older building that was damaged in the hurricane, rebuilding of the structure may be subject to additional flood protection requirements in order to qualify for flood insurance such as that under the National Flood Insurance Program. Make

sure that you or your contractors ask about any special programs available for hurricane victims applying for building permits.

### **What happens if I do not get a building permit?**

If the authorities find out that you have undertaken repairs or rebuilding without obtaining a necessary permit, you will generally be required to pay a fine, and may be ordered to tear down any construction that was done without authorization. The amount of the fine varies by jurisdiction, but is typically at least \$1,000 per incident. Further, if you sell your property, you are required by law to disclose work that has been done without the required permits, which could lower the sale price or jeopardize the sale of your property altogether.

### **My former house was built before the current building codes were put in place. When rebuilding, do I have to conform to the new building codes?**

Yes, houses must be constructed according to the current codes in effect at the time the permit is issued for reconstruction. If your house is only being repaired, some cities and counties may not require you to conform to new building code requirements if such repairs are considered “minor.” You should check your insurance policy or call your insurance carrier to determine whether your homeowners’ policy provides for upgrades to the current building code. Some policies do not pay for building code upgrades, and you may then have to pay out-of-pocket for such upgrades.

### **Hiring Contractors**

#### **Is it a good idea to be my own general contractor?**

Unless you are very experienced in the construction business, no. As an owner/builder, you assume responsibility for the overall job, which may include state and federal taxes, workers’ compensation insurance, and other legal liabilities.

#### **If I’m not my own contractor, how will I know which contractor to hire?**

A standard rule is only to use contractors who have been referred to you by someone you know and trust. However, in times like these, that is not always possible. Untrustworthy contractors may attempt to get work from you, offering to repair or rebuild your home for what looks like a low price. Although you may be anxious to get things back to normal, avoid acting too quickly. Take the time to figure out what exactly you want done, and make sure the contractor addresses all your concerns. Make sure to get at least three competitive bids that are based on the same set of specifications before making your decision. Remember, if something seems “too good to be true,” it probably is.

#### **Must a contractor be licensed?**

In Louisiana, Mississippi, and Alabama, general contractors doing home repairs costing over \$10,000 need a home builder’s or remodeler’s license. Ask to see the contractor’s

license that has the license number on it (called a “pocket license”), as well as an additional form of identification for verification (the contractor’s license should be in the contractor’s own name). Also ask for proof that the contractor is insured. You can verify a contractor’s license status through the following:

## **LOUISIANA**

Louisiana State Licensing Board of Contractors  
P.O. Box 14419  
Baton Rouge, LA 70898  
Phone: (225) 765-2301  
Fax: (225) 765-2431  
Hurricane Katrina Contractor Questions Hotline: (866) 310-7879  
<http://www.lslbc.state.la.us>

## **ALABAMA**

Alabama Home Builders Licensure Board  
400 South Union Street, Suite 195  
Montgomery, AL 36130 - 3605  
Phone: (334) 242-2230  
Fax: (334) 263-1397  
<http://www.hblb.state.al.us>

## **MISSISSIPPI**

Mississippi State Board of Contractors  
215 Woodline Drive, Suite B  
Jackson, MS 39232  
Phone: (601) 354-6161 or (800) 880-6161  
<http://www.msdoc.state.ms.us>

### **Do I need a written contract?**

In Louisiana, a written contract is required by law for any home improvement agreement over \$7,500. You should check with the licensing boards or a lawyer regarding the requirements in other jurisdictions. Note that anything you sign could be used by a contractor as authorization to go forward with a project, so do not sign anything until you completely understand what it is.

### **Can I change my mind after I sign the contract?**

Federal law requires a three-day "cooling off" period for unsolicited door-to-door sales of more than \$25. This “cooling off” period allows you to cancel a contract within three business days of signing it, provided that the contract was signed someplace other than the contractor’s place of business (such as in your own home). Every state has enacted a similar law.

### **How much can a contractor require as a down payment?**

If a deposit is required, the Louisiana State Board of Contractors recommends that you never pay more than 10% or \$1,000, whichever is less. Other states recommend that your initial down-payment not exceed 25-30%. Never make cash payments to contractors. Pay by check so that you have proof of payment for insurers, mortgage holders, or FEMA.

### **How can I make sure the work progresses as scheduled in the contract?**

In general, a contract must provide a description of the work to be done, the time period in which it is to be done (including the date on which “substantial commencement of work” should occur), the materials to be used, and the equipment to be used or installed. Contractors often ask that you make progress payments to them as the work progresses. Do not pay for work that has not been completed. Final payment should be withheld until all the work has been completed or deemed acceptable. It is customary to make the last payment a “retention” payment, ordinarily 10 percent, which you retain until the job is completed and the city and county has approved all work.

### **What happens when the contractor uses subcontractors or suppliers?**

You will need to protect yourself from liens against your property in the event the contractor does not pay the subcontractors or suppliers. Mechanics’ Liens Laws allow those who furnish labor or materials to your home to record a lien against your home if they are not paid, even if you have paid your general contractor in accordance with the contract. At its most extreme, a lien may cause your property to be foreclosed if you are unable to pay it. At the very least, a lien will make your property more difficult to finance or sell.

### **Here are some steps you can take to protect yourself from liens against your home:**

- require your contractor to set aside for you a payment and performance bond to pay for any liens that may be placed;
- require that payments to subcontractors or suppliers be made by you directly or by a funding or escrow service; and
- require your contractor to provide you with unconditional “Waiver and Release” forms signed by each subcontractor or supplier involved.

Note that the general contractor also can place a lien on your house if you fail to pay for his or her services.

### **What effect does an arbitration clause have in my contract?**

By agreeing to arbitrate your dispute, you are agreeing to have a dispute with your contractor decided by a neutral third party (known as the arbitrator) rather than by a

judge or jury (unless the arbitration is nonbinding). Many consumers prefer arbitration to court proceedings because, generally, arbitration is less expensive. However, if you proceed with binding arbitration, you waive almost all grounds for seeking review of the arbitrator's decision; in almost all circumstances, the arbitrator's decision will be the final decision, even if you think the arbitrator made a mistake of fact or law.

**A man, who said he was a contractor, offered to clean up my property, assess the damage to it for the purpose of obtaining grants and loans, and rebuild my house for \$50,000, with just \$5,000 down. Fortunately, I have the money available; should I hire him?**

Before hiring anyone as a contractor or other service provider in connection with damage to, or destruction of, your property, you should take care to be an "aware consumer." As discussed above, if a person represents himself as a contractor, you should obtain his contractor's license number and check that it is valid. Additionally, most, if not all, entities and programs that will provide property owners with funds to rebuild or replace damaged property have their own inspection/assessment programs. As a result, unless the funding entity instructs you otherwise, you need not hire a private person or firm to perform an inspection of your property as part of the application process.

### **Debris Removal**

**I need to clean up debris on my property that resulted from Hurricane Katrina. Do I need to get some sort of permit?**

Debris generated by the hurricane may include damaged buildings, sediments, green waste (organic yard and landscaping waste, shrubs, leaves, grass, and tree materials), and personal property, as well as ash and charred debris from building fires. Because of the massive flooding that resulted from the hurricane, the debris may also include hazardous materials such as chemical and petroleum products. Accordingly, you should be very cautious when removing debris from your property because this debris may include material that poses a hazard to your health and safety. For example, the debris might include building insulation or roofing material that contain asbestos – a material that is very dangerous if inhaled. The debris and residue from the flooding might also contain hazardous chemicals from both household and industrial sources, sharp objects such as broken glass and needles, and putrescent materials such as raw sewage, rotting food, decomposing carcasses, and human remains, all of which may pose a risk of transmitting disease.

For the clean up of debris from residential property or small businesses, a permit will generally not be required. However, the need for a permit will depend on the amount and the nature of the material that needs to be disposed.

Businesses that are involved in the management of hazardous waste or are already subject to permit and reporting requirements for wastewater treatment systems, solid waste management, hazardous waste, or air pollution should contact local and state

environmental agencies for information related to the disposal of debris as well as any temporary or emergency orders affecting any permit, recordkeeping, and reporting requirements applicable to the business.

### Louisiana

In Louisiana, most debris from the hurricane may be disposed of at a permitted Type II (commercial/residential) landfill or Type III (construction and debris) landfill. A list of Type II landfills is available on the Louisiana Department of Environmental Quality (DEQ) website at <http://www.deq.louisiana.gov/permits/sw/type12landfill.htm>.

Uncontaminated hurricane-scattered trees, leaves, vines, twigs, branches, grass, and other vegetative debris may be disposed of in permitted Type II or Type III landfills. Disposal of any solid waste in unpermitted facilities or areas may be authorized by the DEQ on a case-by-case basis. Construction and demolition debris that is mixed with other hurricane-generated debris need not be segregated from other solid waste prior to disposal in a permitted landfill.

State, local, and federal authorities in Louisiana have arranged in some areas for curbside pick up of household hazardous materials. Examples of materials to be collected include electronics, batteries, computer hardware, paint, batteries, cleaning solvents, and lawn and garden products. Household hazardous items often contain materials that should never be dumped or poured down drains or street sewers. These materials are found throughout most homes, and residents of affected areas are encouraged to collect flood-damaged chemical containers and other materials and set them aside for proper disposal. Where possible, residents should clearly mark containers before placing them out for disposal. Leaking containers should be placed in plastic bags to prevent spills.

Items that cannot be accepted are animal manure and carcasses, human waste or other biological (anything blood-related or bodily fluids, home IVs, tubing or other dialysis equipment), sharps or needles, and spoiled food or mold-damaged items. For additional information about recycling, paint disposal and common potentially hazardous materials home, visit the DEQ and EPA websites at <http://www.deq.louisiana.gov/assistance/recycling> or <http://www.epa.gov>.

### Mississippi

The Mississippi Department of Environmental Quality has issued policies for the management and clean up of debris from the hurricane. See, Vegetative Debris Disposal (September 3, 2005); Building and Structural Debris Disposal (September 5, 2005). These policies are directed primarily toward city and county governments in the affected areas, but are helpful for understanding how residents ought to deal with the removal of hurricane debris from their property.

Vegetative waste may be disposed of at emergency burn and chip sites. The burn-and-chip-sites may only accept natural vegetative debris, such as trees, tree limbs, leaves, and stumps that are the result of damage from the hurricane. Mixed building and

structural debris may generally be transported for disposal to a Class I rubbish site, municipal solid waste landfill site, or other landfill appropriately approved for such disposal. Building and structural debris that can be segregated into Class II rubbish such as concrete, asphalt, brick, mortar, natural vegetative debris and any other waste considered to be Class II rubbish, may be disposed of at a Class II rubbish site. A listing of area landfills, Class I rubbish sites and Class II rubbish sites is available on the DEQ website at

[http://www.deq.state.ms.us/MDEQ.nsf/pdf/Main\\_FacilitiesListing090405/\\$File/FacilitiesListing.pdf?OpenElement](http://www.deq.state.ms.us/MDEQ.nsf/pdf/Main_FacilitiesListing090405/$File/FacilitiesListing.pdf?OpenElement).

## Alabama

In Alabama, all solid waste (including garbage, rubbish, construction/demolition debris, and ash) must be disposed of in a landfill unit permitted by the Alabama Department of Environmental Management. See, e.g., ADEM Admin. Code R. 334-13-5-.01. In the event of a natural disaster such as the hurricane, municipalities are authorized to arrange for open burning of natural disaster debris. However, only vegetation and clean wood may be burned, and burning should only be conducted by professional waste management personnel at an authorized site. All materials that do not qualify for burning should be disposed of in a permitted landfill or a site approved by the Alabama Department of Environmental Management for disposal.

## Contacts

Louisiana Department of Environmental Quality

<http://www.deq.state.la.us>

24-Hr. Notification Hotline & Citizens' Complaints: 225-342-1234

Small Business Assistance Program

<http://www.deq.louisiana.gov/assistance/sbap/>

800-259-2890

Office of the Secretary

P.O. Box 4301

Baton Rouge, LA 70821-4301

Phone: 225-219-3953

Fax: 225-219-3971

Legal Services Division

P.O. Box 4302

Baton Rouge, LA 70821-4302

Phone: 225-219-3985

Fax: 225-219-4068

Office of Environmental Compliance  
P.O. Box 4312  
Baton Rouge, LA 70821-4312  
Phone: 225-219-3700  
Fax: 225-219-3708

Mississippi Department of Environmental Quality  
<http://www.deq.state.ms.us>  
888-786-0661

Alabama Department of Environmental Management  
<http://www.adem.state.al.us>  
334-271-7700

## **PERSONAL PROPERTY REPAIR AND REPLACEMENT**

**Hurricane Katrina destroyed some or all of my personal possessions when it hit my home. Can anyone help me get replacement clothes and necessities? What about replacing my television, VCR, computer, etc.?**

Yes, you should be able to replace personal property that was destroyed with insurance proceeds and/or grants or loans from several federal or state programs.

First, insurance coverage will depend on your policy. Most homeowner's or renter's insurance covers damage caused by rain that comes in through damaged windows and roofs, but not from rising waters. Some people buy special flood coverage under the National Flood Insurance Program from their insurance agent. Either way, call your insurance company as soon as possible to make a claim, even if you do not know whether your policy covers your claim or whether your claim exceeds your deductible. Be sure to write down the name of the person you spoke with and the claim number that they give you. If your situation is desperate, let your insurance company know, and ask for advance payment and permission to begin repairs before the insurance adjuster examines your property.

If you were renting your primary residence, check to see if your landlord named you as an additional insured. If he or she did, you may be covered under her policy.

Second, the SBA may provide a low-interest Personal Property Loan in an amount up to \$40,000. That loan can be used to repair or replace personal property such as clothes, furniture, automobiles, consumer electronics, etc. However, the SBA loan cannot be used to replace luxury or extraordinarily expensive items, such as personal pleasure boats, airplanes, RVs, fur coats, etc. The deadline to apply for an SBA loan is October 28, 2005. For additional information, please see the section of this Handbook on Loans from SBA.\*

Third, if your losses exceed your insurance coverage and/or SBA loans, FEMA will sometimes provide disaster victims with funds to replace or repair cars, clothes, furniture, tools required for your job, school books, and computers used for educational purposes. See the section of this Handbook on FEMA assistance for additional information.

Fourth, you may also try contacting the Red Cross, which may have replacement necessities available. See the section of this Handbook on Relief Organizations for contact information.

### **My car got damaged in the storm. Can anyone help me repair or replace it?**

Your car insurance may cover the damage. It will depend on your particular policy, but comprehensive policy coverage usually covers flood damage. Also, as with other personal property damaged or lost during the storm, SBA loans and FEMA assistance may be available.

### **Can I still get help replacing my car or personal property if it was stolen or looted during or after the storm?**

Yes. Most renter's and homeowner's insurance covers theft. FEMA and SBA assistance may also be available if the theft can be shown to be a "direct result" of the storm.

### **What if my property got washed over onto my neighbor's land during the storm? Can I get it back?**

Yes. It is still your property and you may go onto your neighbor's land to get it. Before you go to retrieve your property, though, your neighbor has no obligation to preserve your property and is entitled to move it, in a reasonable manner, if necessary to use her land.

### **Can I get tax relief for personal property lost in the storm?**

Yes. Keep your receipts from repairing or replacing your personal property. If you are in an area that has been designated a Presidential Disaster Area due to Hurricane Katrina, you can amend your 2004 tax return to deduct weather- and theft-related losses caused by the storm. You can also wait and make those deductions on your 2005 tax return if you prefer, but you will likely get your refund sooner if you amend your 2004 return instead. The deadline to amend your 2004 return is October 31, 2005.

The IRS has set up a hotline, open Monday through Friday from 7 a.m. to 10 p.m., at 866-562-5227 to answer tax questions from people affected by Hurricane Katrina. The IRS is also planning to have volunteer CPAs available at local disaster recovery centers established by FEMA to answer tax questions. For more information, see the section of this Handbook on Taxes.

## PERSONAL FINANCES

### CONTACTING YOUR BANK

#### **How do I find out information about my bank and whether it has been affected?**

Please call the number below for assistance in obtaining information on your bank:

#### Louisiana:

Local -1-225-925-4660

Toll Free Nationwide - 1-866-783-5530

Toll Free in-Louisiana - 1-888-525-9414

#### Mississippi:

Mississippi has not set up a hotline, but the general numbers for the Department of Banking and Consumer Finance will provide information on your bank.

Local - 1-601-359-1031

Toll Free Nationwide - 1-800-844-2499

#### Alabama:

Alabama has not set up a hotline, however, information may be obtained from the general number below. In addition, local banks are placing advertisements and notices in area newspapers to provide information to their customers.

General Number - 1-334-242-3452

#### **I can't reach my bank by phone or internet, what should I do?**

If your bank is located in the area damaged by Katrina and is not part of a major regional or national bank, 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. In addition, you should contact the FDIC for more information about when your bank may reopen: 1-877-ASK-FDIC (1-877-275-3342).

### LOST BANK RECORDS

#### **As a result of Hurricane Katrina, my credit card, ATM card and/or checks and related statements were destroyed. What should I do?**

To replace credit cards, debit cards, and/or checkbooks, contact your financial institution. Most banks and credit card companies have toll-free numbers to report lost or stolen cards. If you need replacement checks or bank statements but have no identification, you should go to the branch where you opened the account. For your bank's contact information, or information on how to gain access to your funds, you may call the Federal Deposit Insurance Corporation's (FDIC) toll-free, 24-hour hotline: 1-877-ASK-FDIC (1-877-275-3342).

**I do not currently have a permanent address. Can I still receive replacement documents or monthly account statements?**

If you are no longer at your home, you can have replacement documents sent to you as long as you have a fixed address. To file a forwarding request, you can go to the U.S. Postal Service website (<http://www.usps.gov>), visit any post office, or call 1-800-ASK-USPS.

**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 should have back-up systems of records and other built-in duplications that are housed in safe locations so that financial records can be reconstructed and restored.

**BANKING SERVICES**

**The local banks (or banks at which I do not have an account) will not cash my checks or let 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 local bank to call your bank to determine your account balance. You can also establish a new account with the local bank where you have relocated and then contact your hometown bank to wire funds from your existing account to the new account. If you do not have the documents traditionally required to open a new account, such as a driver's license, you can ask a local bank if it has instituted any special programs for victims of Katrina or you can call the FDIC hotline for more information: 1-877-ASK-FDIC (1-877-275-3342).

**How can I deposit or cash any insurance checks that I may receive?**

If you receive checks, such as insurance payments, your bank should be able to receive the check or cash the check for you, even if your bank or local branch has been affected by Katrina. If your bank or local branch is still not ready to receive checks, it is anticipated that arrangements will be made with neighboring banks to help you. Alternatively, you can contact another bank and ask about establishing a new account so that you can deposit or cash your checks through a new account.

**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.

**What about the contents of my safe deposit box? Does FDIC insurance cover safe deposit boxes?**

Deposit insurance does not cover safe deposit boxes. Most safe deposit boxes are held in the banks' vaults, which are fireproof and waterproof. If possible, contact the branch or office where your box was located to find out the condition of your box.

**GETTING MONEY**

**My regular direct deposit is not showing up in my account, and I need money. How can I 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 these back-up plans are implemented and your direct deposit may be among the transactions waiting to be processed. You should contact your bank to ask about your pending direct deposit. You can also contact the individual or company that is making the deposit to ask whether they have any information.

**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.

**I need cash immediately and my ATM card is lost/stolen/destroyed. Will the bank let me get cash?**

You should call your financial institution to ask how you can access your account without an ATM card. Your bank may be able to wire transfer money to another financial institution that is convenient to you and can arrange to send you a replacement ATM card (if you have an address to receive a new card). You should also check the FEMA section of this booklet to learn about cash distributions for victims of Katrina.

**I have access to my bank account through an ATM, but the amount of money I can withdraw each day is limited. How can I withdraw more than the daily limit?**

Please talk to your bank about increasing your daily ATM withdrawal limit.

**My bank's ATMs are not available and I am forced to use other bank's ATMs. ATM fees are piling up — why aren't the banks waiving these fees?**

Please contact your bank or the bank that is operating the ATM that you are using and ask for the ATM fees to be waived. The bank regulators are encouraging banks to waive ATM fees for their own customers and for non-customers who use their ATMs, as well as any fees related to debit cards issued by FEMA.

**I was taken to a place far from my home for shelter. I need cash — how can I get cash if there is no branch of my bank nearby and I have no ATM card?**

Please call your bank and ask for a wire to another bank or some other accommodation. Please also see the FEMA Assistance section of this Handbook for information on cash distributions by FEMA.

**I need a loan until insurance checks come in and I can find another job. Will banks help me?**

Not all banks provide short-term, unsecured loans, but bank regulators have encouraged banks to consider making loans on a short-term basis to help consumers. Be cautious about obtaining any loan from a source other than a bank or credit union as the fees or interest can be extremely high and such entities may not be regulated by any government agency.

**REPLACING YOUR ID**

**My ID was lost/stolen/destroyed when I had to flee my home. How do I replace my ID?**

If you are located in your home state, you should contact your state’s official licensing agency to apply for a new driver’s license or other state-issued identification:

Louisiana:

*For Evacuees Located Inside Louisiana:*

To the extent possible, these persons are encouraged to visit a local motor vehicle office as soon as possible to apply for a replacement driver’s license or identification card. Identity documents will not be required if the person already had a LA driver’s license or ID card that can be verified through OMV photo-retrieve and signature files.

For those in shelters, a “point of contact” person can work with OMV representatives to set up the best options to assist evacuees in their area. To initiate, call 1-225-925-4610 or 925-3993.

*For Evacuees Located Outside of Louisiana:*

Individuals currently licensed or having possessed a LA identification card can apply for a free reconstructed driver’s license or ID card. An [application](#) is now available through DMV’s website ([www.expresslane.org](http://www.expresslane.org)) or can be faxed to the individual upon request 1-225-925-4195 or 1-877-DMV-LINE (1-877-368-5463).

The [application](#) is to be completed to include the person’s full name, date of birth, race, sex, social security number, a “mail to” address, and a telephone number, if

possible. The [application](#) must be signed by the applicant as the signature comparison will be their “proof of identification.”

Additionally, the Louisiana 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.

Alabama:

Toll-Free, Nationwide - 1-866-283-2838

Mississippi:

Department of Public Safety - 1-601-987-1212.

If you are located outside of your home state and wish to apply for a temporary identification card from your host state, you should contact your host state’s licensing agency, which, in many instances, will be the department of motor vehicles.

**Will a bank let me open a new account without a driver’s license or other photo ID?**

A bank is not required by law to obtain a driver’s license from a person at the time of account opening. To open a new account, a bank must obtain your name, address, date of birth and Social Security number. A bank may take a reasonable amount of time to verify such information for a new account holder. You should immediately apply for a replacement ID to enable the bank to verify your identity as soon as practical.

**I am worried about ID theft since my home was severely damaged during the storm, and I am not sure where my belongings are at the moment. How can I take steps to protect myself from ID theft?**

If you believe that you are at risk for identity theft, you should consider contacting the fraud department of any one of the three major credit bureaus (Equifax at 1-800-525-6285, Experian at 1-888-397-3742, or TransUnion at 1-800-888-4213). You may place a "fraud alert" on your credit file, which can help prevent a thief from opening new accounts or making changes to your existing accounts. *Be aware that putting a fraud alert on your credit file may prevent or delay a bank or other creditor from providing credit to you.* For example, when you apply for a loan or ask for your credit limit to be increased a creditor typically will obtain your credit report. When the creditor sees the alert on your credit report, it must verify your identity before issuing you credit. As part of this verification process, the creditor may try to contact you directly. This may cause

some delays if you're trying to obtain credit. To compensate for possible delays, you may wish to include a cell phone number, where you can be reached easily, in your alert. Remember to keep all contact information in your alert current.

As always, protect your Social Security number, bank account and credit card numbers and other personal information, especially in response to unsolicited requests from strangers. Remember that fraud artists may try to take advantage of the crisis by tricking victims (or their loved ones) into divulging personal information or by stealing sensitive mail or documents from homes and offices.

**In the future, are there other precautions that I could take to protect myself from fraud and identity theft?**

Yes. You should monitor the activity on your bank account and keep track of your bills and bank account statements.

You also may wish to obtain a copy of your credit report. For example, if someone uses your personal information to open a new credit card account in your name and does not pay the bills, the bank may report information about the nonpayment on the fraudulent account. Information about a fraudulent account opened in your name may be included on your credit report. However, because information about account activity may be reported only once per month, there could be a delay between the time of the fraudulent transaction and the time the account information appears on a credit report. Obtaining a copy of your credit report may help you determine whether fraudulent accounts have been opened.

In addition, you may wish to obtain a copy of your credit report to make sure that the information is accurate, complete, and up-to-date before you apply for a loan, rent property, make a major purchase like a house or car, or apply for a job.

You can order your **free annual credit report** by calling 1-877-322-8228. When you order, you need to provide your name, address, Social Security number, and date of birth. To verify your identity, you may need to provide some information that only you would know, like the amount of your monthly mortgage payment. Do not contact the three nationwide consumer reporting companies individually because they are only providing free annual credit reports through one source.

## **PAYING BILLS**

**I have my bills set up to automatically deduct payments from my account. I do not have enough money to cover those deductions. How do I go about stopping these payments?**

By law, you must call or write your bank requesting a "stop" on an automated debit at least three business days before the scheduled debit. If you make an oral request, the bank may require you to confirm it in writing within 14 days of your call. Because of the hurricane, your bank may be willing to waive the three-business-day period. Notify your bank of any errors within 60 days of the statement showing the error.

**I am no longer working due to the storm and do not have the income to live on and meet my payments. If I miss some loan payments, will I be charged late fees? How will this affect my credit?**

Regulators are encouraging banks to be understanding during this time of crisis and to work with customers affected by Katrina. Specifically, the bank regulators are encouraging banks to allow their customers to defer or skip some loan payments. Regulators also are encouraging banks to waive late fees for credit card and other loan balances due to interruption of mail and/or billing statements that have limited customers' ability to access funds. In addition, banks have been encouraged to delay reporting information, including delinquency notices, to credit bureaus. **Importantly**, before skipping payments or taking other steps that may change the terms of your loan, you should first contact your creditor.

**Because of Hurricane Katrina, I may not be able to pay off some or all of my bills on time or make mortgage or other loan payments, especially in the short term. What should I do?**

You should immediately contact banks, credit card companies, and any other parties to whom you owe or will owe money in the short term. You should discuss your specific circumstances with each creditor and ask whether your payments may be reduced or delayed while you attempt to work things out.

If you and the creditor make an arrangement or agreement to reduce or delay any payment you owe, you should confirm that the creditor will not report any information about the reduced or delayed payment to a consumer reporting agency. Reporting of such information may affect your credit rating. To assist customers as they recover from Katrina, bank regulators have encouraged banks and other creditors to delay sending information about delinquent loans to credit bureaus.

Additionally, after past disasters certain federal programs (such as student loan programs) have granted limited relief to borrowers affected by the disaster, such as delaying payments on loans. You should contact your creditors and ask whether such relief has been, or will be, granted as a result of Katrina.

**How can I find out information about my student loan?**

The U.S. Department of Education is providing information and materials to students and their parents that participate in Federal higher education student assistance programs. Students and parents can obtain more information about the status of a loan, whether student loan borrowers must continue to make payments on existing loans, and other important aspects of Federal student loan programs on the Department of Education's web site: <http://ifap.ed.gov/eannouncements/katrina.html>.

Alternatively, students and parents can call 1-800-4FEDAID (1-800-433-3243) for general questions about Federal higher education student assistance programs.

## **CREDIT PROBLEMS**

### **What other resources are available to help with any credit problems associated with Hurricane Katrina?**

You might want to contact the National Foundation for Credit Counseling at 1-800-388-2227, or on the web at <http://www.nfcc.org/>, to obtain credit counseling services.

### **Can I file for bankruptcy as a result of Katrina?**

Generally, bankruptcy allows you to get rid of most of your debts, but it also requires you to use almost all of your assets (bank accounts, cars, stocks, etc.) to pay off as much of your debts as possible. Other bankruptcy options currently include keeping your assets but paying off your debts over time.

Bankruptcy may make it more difficult to get a mortgage, and it may not wipe certain kinds of debts, including, for example, fines, certain taxes, most student loan obligations and credit card or other debt incurred without the prospect of the ability to repay that debt.

Bankruptcy is a serious decision and should only be made after careful consideration, preferably with the help of a lawyer. Conferring with a bankruptcy lawyer is even more important now because the bankruptcy law will change around mid-October 2005 to make bankruptcy for individuals less favorable on a variety of important points. You may wish to try to make the decision before the bankruptcy law changes, as most of the changes only will affect bankruptcy cases filed after that, and you will want to think even more carefully about what you want to do once the changes do occur. There may be efforts in Congress to defer or modify the application of the new bankruptcy provisions to victims of Katrina, but it probably would be unwise to assume that those efforts will succeed in making your decision. Once again, conferring with a bankruptcy lawyer, who is likely to be up to date on any such initiatives, is advisable.

For helpful information, you may wish to visit the websites of the American Bar Association and the American Bankruptcy Institute if you have web access. The ABA website for Katrina is <http://www.abanet.org/katrina>. The website for the ABI is <http://www.abiworld.org/katrina.html>.

### **Am I entitled to a modification/reduction of my child support obligations because of my losses due to Katrina?**

Possibly. An uninsured catastrophic loss may be a basis for requesting a reduction in the child support you pay or for requesting an increase in the child support you receive. The change in your child support is not automatic. You must file a motion to request it. If you have an attorney for your child support case, you should contact him or her immediately.

The authors gratefully acknowledge the following resources from which the above information was drawn.

<http://www.fdic.gov>

<http://www.occ.treas.gov>

<http://www.dss.state.la.us>

<http://www.mdhs.state.ms.us>

<http://www.nfcc.org>

<http://www.abiworld.org/katrina.html>

<http://www.federalreserve.gov>

<http://www.usps.gov>

<http://www.familiesla.com>

<http://www.vba.va.gov>

<http://www.abanet.org/Katrina>

<http://ifap.ed.gov/eannouncements/katrina.html>

## GOVERNMENT BENEFITS

### SOCIAL SECURITY

For direct deposit: If your Social Security check is automatically deposited into your bank account, your Social Security payment is scheduled to 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. For more information on the nearest open Social Security office, you can call 1-800-772-1213 (TTY 1-800-325-0778).

For paper checks: The United States Postal Service (USPS) has suspended mail service in some areas damaged by Hurricane Katrina. USPS is establishing temporary mail delivery stations so you can pick up your Social Security check. In addition, by calling the toll-free, 24-hour hotline, 1-800-ASK-USPS, you can receive information about which post offices in your area are holding Social Security checks that cannot be delivered. 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.

Please be prepared to present some form of identification to obtain your check. See the Replacing Lost Documents section of this Handbook if you have lost your ID.

You may also want to open a new account with a bank located in the area you are now in and contact Social Security Administration with the routing information of your new account. The staff at the bank where you open the new account should be able to help you do this. If you have temporarily relocated to a fixed address, you should contact the United States Postal Service (USPS) on the Internet at <http://www.usps.gov> or call their toll-free, 24-hour hotline, to file a forwarding address: 1-800-ASK-USPS.

### UNEMPLOYMENT

#### Louisiana:

Call 1-866-783-5567 for more information about Unemployment Insurance and Disaster Unemployment Assistance.

#### Alabama:

Evacuees from Louisiana and Mississippi, in Alabama, may call 1-866-234-5382 to file a regular unemployment compensation claim against wages from their state. Alabama will send that information electronically back to the state of origin as soon as that state is able to receive the information. A notation will be made on the claim if the person is unemployed as a result of the disaster.

#### Mississippi:

No Mississippi number is currently available. See above information for Alabama for assistance.

## ELECTRONIC BENEFITS TRANSFER (EBT) CARDS

### Mississippi:

For help in obtaining a replacement EBT card call 1-866-449-9488. Anyone needing to check on the FSP certification status of Mississippi clients or anyone needing help with getting a replacement EBT card for a Mississippi client can send an email request to: [mdhsdisaster@mdhs.state.ms.us](mailto:mdhsdisaster@mdhs.state.ms.us).

### Alabama:

To obtain a replacement EBT card call 1-866-465-2285. Anyone needing to check on the FSP certification status of Alabama clients or anyone needing help with getting a replacement EBT card for an Alabama client can send an email request to: [fs@dhr.state.al.us](mailto:fs@dhr.state.al.us).

### Louisiana:

Contact information will be posted when it is available.

## FOOD STAMPS

**I am currently receiving food stamps and I'm concerned I won't get them, or I am not receiving food stamps but would like to get them. What should I do?**

### Alabama:

Alabama has set up a toll-free number for food assistance questions for Alabama residents affected by Katrina: 1-866-465-2285. Alabama food stamp benefits for September were issued early and are now available to all current recipients in Mobile, Baldwin, Clarke, Choctaw, Sumter and Washington counties. A hot food waiver has been approved for the six federally declared disaster counties of Mobile, Baldwin, Clarke, Choctaw, Sumter and Washington. Food stamp recipients in these counties may use their benefits to purchase prepared food.

### Louisiana:

Beginning September 10th, a one-week extension of the Disaster Food Stamp Program will be given to residents of the following parishes: Orleans, Jefferson, Plaquemines, St. Bernard, Washington, St. Tammany, St. Charles, St. John, West Feliciana, Lafourche, Terrebonne, Tangipahoa, Livingston and St. Helena. Verification of identity and residency, if possible, will be required for eligibility to receive Disaster Food Stamp Program benefits. Eligibility factors also include income, liquid resources, expenses, Social Security and household composition. More information about the Food Stamp Benefit program is available at <http://www.dss.state.la.us> <http://www.familiesla.com> or by calling 1-888-LAHELPU (1-888-524-3578).

Mississippi:

The Mississippi Department of Human Services does not appear to have made any food stamp accommodations related to Katrina. General information about the food stamp program is available at <http://www.mdhs.state.ms.us/> or by calling 1-800-948-4060 or 1-601-359-4810.

**VETERANS' BENEFITS**

If you currently receive benefit payments from the VA via electronic funds transfer (electronic deposit), payment will be made to your bank as usual. If you normally receive a paper check, or if you do not have access to your bank, you can obtain a paper convenience check by calling toll-free 1-800-827-1000, or by visiting any of the VA regional offices throughout the country. Information about your benefits may also be obtained at <http://www.vba.va.gov>. Please also see the separate section of this Handbook on Veterans Resources.

## TAXES

Following is a discussion of commonly asked questions relating to federal taxes. President Bush recently signed the Katrina Emergency Tax Relief Act of 2005 (KETRA). KETRA provides tax relief not only to hurricane victims, but also to individuals and businesses helping in the recovery. The IRS is also providing additional relief to affected taxpayers. Many of the rules described below are limited to victims of Hurricane Katrina and cannot be relied upon by victims of other past or future disasters.

In the future, Congress may consider additional measures to encourage recovery, such as economic stimulus provisions like accelerated depreciation and enhanced expensing. The IRS also continues to monitor the situation and may issue further guidance. To determine whether there have been further developments that impact you, you are strongly encouraged to check the IRS website (<http://www.irs.gov>), call the IRS toll-free hotline at 1-866-562-5227, or seek guidance from IRS staff at a local disaster recovery center.

State and local tax treatment may differ from the federal tax treatment described below. Links to state tax resources are provided at the end of this summary.

### **MISSING OR DECEASED FAMILY MEMBERS**

#### **Should federal income tax returns be filed on behalf of my missing relatives?**

If your missing relative has not been officially declared deceased, consult a professional tax advisor. A delay in obtaining a death certificate may have important federal income tax consequences. If your missing relative were to be treated as living, regular tax returns might be required on his/her behalf.

#### **Should federal income tax returns be filed on behalf of my deceased relatives? If so, when?**

Yes. A final return (Form 1040) should be filed for the year of death and for any prior years for which a required return has not yet been filed. If not filing a joint return, a final federal income tax return should be filed by the "executor" or the "personal representative" or other administrator of the estate of the deceased, appointed by the Court. The word "**DECEASED**," the name of the deceased, and the date of death should be written across the top of the return. If it is a joint return, the name and address of the deceased and the surviving spouse should be written in the name and address space. If it is not a joint return, the name of the deceased should be written in the name space and the name and address of the estate administrator filing the return should be written in the remaining space. Generally, the final income tax return for a decedent who was a calendar-year taxpayer is due on April 15 following the year of death. Thus, in this case, the final return ordinarily would be due April 15, 2006. Income tax returns may also be required on behalf of the estate of the deceased.

### **Can I file a joint tax return with my missing or deceased spouse?**

Yes. However, you should identify at the top of the return that you are doing so.

### **Should a federal estate tax return be filed? If so, when and by who?**

Most relatively simple estates (cash, publicly traded securities, small amounts of other, easily valued assets, and no special deductions or elections or jointly held property) with a total value under \$1,500,000 and a date of death in 2005 do not require the filing of an estate tax return. However, the determination whether an estate tax return must be filed can be very complicated, and you should consult a professional tax advisor regarding the need to file an estate tax return. If an estate tax return must be filed, in general the return (Form 706) must be filed within nine months after the date of death. Extensions for filing can be applied for, although any taxes due should be paid on time to avoid interest and penalty charges. Estate tax returns generally should be filed by the person administering the decedent's estate.

## **EXTENDED DEADLINES**

### **Do individuals and businesses have more time to file federal tax returns?**

Yes. Eligible taxpayers now have until February 28, 2006 to file federal tax returns, make payments, and file claims for credits or refunds with respect to income, estate, gift, employment, and excise taxes. Both individuals and businesses qualify for this extension. It applies to any original or extended return deadlines on or after August 25, 2005. Thus, it applies to the September 15, 2005 deadline for estimated taxes, the September 15, 2005 calendar-year corporate returns with automatic extensions, the October 17, 2005 deadline for individuals who received a second extension for filing their individual income tax returns, and employment (such as Social Security, Medicare and federal income taxes withheld from employee paychecks) and excise deposits due on or before February 28, 2006. No interest or late filing or paying penalties will be due for the period of August 25, 2005 through February 28, 2006 if the return is filed and all taxes are paid in full by February 28, 2006.

### **Who is eligible for the extended deadlines?**

Taxpayers affected by Hurricane Katrina may be eligible for tax relief, regardless of where they live. Eligible taxpayers include the following:

- Any individual whose principal residence is located in an Individual Assistance Area or Public Assistance Area
- Any business entity whose principal place of business is located in an Individual Assistance Area or Public Assistance Area
- All workers assisting in the relief activities in an Individual Assistance Area or Public Assistance Area, regardless of whether they are affiliated with recognized government or philanthropic organizations

- Any individual whose principal residence, and any business entity whose principal place of business, is not located in an Individual Assistance Area or Public Assistance Area, but whose records necessary to meet a filing or payment deadline are maintained in such an area or whose tax professional/practitioner is located in such an area
- Any estate or trust that has tax records located in an Individual Assistance Area or Public Assistance Area that are necessary to meet a filing or payment deadline
- Any individual who, while visiting an Individual Assistance Area or Public Assistance Area, was injured as a result of the hurricane and its aftermath
- The estate of any individual who, while visiting an Individual Assistance Area or Public Assistance Area, was killed as a result of the hurricane and its aftermath
- Any spouse of an affected taxpayer, solely with regard to a joint return of the husband and wife.

### **What are the Individual Assistance Areas and Public Assistance Areas?**

The Individual Assistance Areas are areas determined by FEMA to have been hit hardest by the hurricane. They consist of the following:

- 10 Alabama counties: Baldwin, Choctaw, Clarke, Greene, Hale, Mobile, Pickens, Sumter, Tuscaloosa and Washington
- 31 Louisiana parishes: Acadia, Ascension, Assumption, Calcasieu, Cameron, East Baton Rouge, East Feliciana, Iberia, Iberville, Jefferson, Jefferson Davis, Lafayette, Lafourche, Livingston, Orleans, Pointe Coupee, Plaquemines, St. Bernard, St. Charles, St. Helena, St. James, St. John, St. Mary, St. Martin, St. Tammany, Tangipahoa, Terrebonne, Vermilion, Washington, West Baton Rouge and West Feliciana
- 47 Mississippi counties: Adams, Amite, Attala, Claiborne, Choctaw, Clarke, Copiah, Covington, Franklin, Forrest, George, Greene, Hancock, Harrison, Hinds, Jackson, Jasper, Jefferson, Jefferson Davis, Jones, Kemper, Lamar, Lauderdale, Lawrence, Leake, Lincoln, Lowndes, Madison, Marion, Neshoba, Newton, Noxubee, Oktibbeha, Pearl River, Perry, Pike, Rankin, Scott, Simpson, Smith, Stone, Walthall, Warren, Wayne, Wilkinson, Winston and Yazoo

The Public Assistance Areas are areas where FEMA has determined that damage is more isolated. They consist of the following:

- 12 Alabama counties: Bibb, Colbert, Cullman, Jefferson, Lamar, Lauderdale, Marengo, Marion, Monroe, Perry, Wilcox and Winston

- 11 Florida counties: Monroe, Broward, Miami-Dade, Bay, Collier, Escambia, Franklin, Gulf, Okaloosa, Santa Rosa and Walton
- 33 Louisiana parishes: Allen, Avoyelles, Beauregard, Bienville, Bossier, Caddo, Caldwell, Catahoula, Claiborne, Concordia, Desoto, East Carroll, Evangeline, Franklin, Grant, Jackson, LaSalle, Lincoln, Madison, Morehouse, Natchitoches, Ouachita, Rapides, Red River, Richland, Sabine, St. Landry, Tensas, Union, Vernon, Webster, West Carroll and Winn
- 35 Mississippi counties: Alcorn, Benton, Bolivar, Calhoun, Carroll, Chickasaw, Clay, Coahoma, DeSoto, Grenada, Holmes, Humphreys, Issaquena, Itawamba, Lafayette, Leflore, Lee, Marshall, Monroe, Montgomery, Panola, Pontotoc, Prentiss, Quitman, Sharkey, Sunflower, Tallahatchie, Tate, Tippah, Tishomingo, Tunica, Union, Washington, Webster and Yalobusha

### **I am eligible. But do I have to file something to get this relief?**

In the Individual Assistance Areas, relief will automatically be granted, but affected taxpayers are nonetheless strongly encouraged to write the words, “**Hurricane Katrina**,” in red ink at the top of their tax returns or other documents, or otherwise alert the IRS to the need for relief. In the Public Assistance Areas, and for other affected taxpayers, the words, “**Hurricane Katrina**,” must be written in red ink at the top of tax returns and other documents, and affected taxpayers should also identify themselves as affected taxpayers if the IRS sends them a notice or makes any other direct contact, such as telephone calls.

### **DEDUCTIONS FOR LOSSES**

#### **My home or other property was damaged by the hurricane or stolen. Can I qualify for any loss deductions?**

Yes. The IRS allows certain deductions for property damaged, destroyed, or stolen due to casualty, such as a hurricane, flood, fire, or theft. The amount of your deduction depends on whether you are an individual or a business, the nature of your property (personal-use vs. business-use) and whether it was completely destroyed or stolen. Losses incurred in a trade or business or other activity entered into for profit generally may be permitted in the amount of the lesser of (1) the decrease in the fair market value of the property as a result of the casualty, and (2) your adjusted tax basis in the property. However, if the property is totally destroyed and the fair market value of the property before the disaster was less than your adjusted tax basis, the amount of the loss is equal to such adjusted tax basis. For individuals, non-business casualty losses (those not connected with a trade or business or other profit-motivated activities) are usually deductible only to the extent they exceed 10% of the taxpayer’s adjusted gross income and a \$100 floor per casualty or theft; however, Congress has waived such restrictions for casualty losses that arise in the Individual Assistance Areas and Public Assistance Areas on or after August 25, 2005 and that are attributable to Hurricane

Katrina. You are encouraged to consult a tax advisor for help in determining whether you can deduct a loss and in what amount. You can also find more information on the IRS website, at Topic 507 (<http://www.irs.gov/taxtopics/tc507.html>), Publication 547 (<http://www.irs.gov/publications/p547/index.html>), and the *Casualty, Disaster, and Theft Loss Workbook* (<http://www.irs.gov/publications/p584/index.html>).

### **Is the amount of my loss deduction affected by any insurance recoveries or other reimbursements that I may be able to receive?**

Yes. In computing your deduction, you ordinarily must reduce the amount of your loss by any insurance proceeds or other reimbursements you expect to receive for that loss. You should file a timely claim for reimbursement of any loss covered by your insurance, or you may be unable to deduct the amount of the loss for which you failed to claim coverage.

### **What about the loss of future profits or income?**

In figuring your loss, do not consider the loss of future profits or income.

### **My home is located in an Individual Assistance Area or Public Assistance Area. What if the state or local government orders me to demolish or relocate the residence?**

If the government orders you to tear down or move your home because the hurricane has left it unsafe to live in, and this order is issued within 120 days after the area is declared a disaster area by the President, you can claim a casualty loss.

### **How do I file to claim these losses?**

You should claim casualty losses on Form 4684 (<http://www.irs.gov/pub/irs-pdf/f4684.pdf>). Use Section A for personal-use property and Section B for business-use property.

### **Are records necessary to prove loss deductions?**

It is important for you to have records that prove the amount of loss deductions taken. Take photographs of your damaged property. It may also be helpful to take photographs of property after it has been restored or replaced. Keep your receipts. Receipts for contracting work, for example, can help prove the extent of your property damage. If you do not have actual records to support your deductions, you can use other satisfactory evidence that is sufficient to establish the deduction claimed. The decrease in fair market value of property is generally determined by appraisal.

### **Can I choose which tax year to claim losses caused by the hurricane?**

Yes. If you suffered losses on property located in the areas affected by Hurricane Katrina, you have a choice as to timing. You can either claim your losses now on your 2004 return to claim a fairly quick refund, or wait to claim them on your 2005 return after

the end of the year. Which option you choose depends on which refund you think would be larger and also whether you need cash now.

**I want to claim my losses on my 2004 return rather than my 2005 return, but I already filed my 2004 return. What should I do?**

Just file an amended return using Form 1040X (<http://www.irs.gov/pub/irs-pdf/f1040x.pdf>). Use this form to claim your losses and show the items that need to be changed on your original return. Tax Topic 308 (<http://www.irs.gov/taxtopics/tc308.html>) explains how to file an amended return.

**There are so many publications and forms. Is there a one-stop booklet I can look at?**

Yes. Refer to the *Disaster Losses Kit for Individuals* (<http://www.irs.gov/pub/irs-pdf/p2194.pdf>) and the *Disaster Losses Kit for Businesses* (<http://www.irs.gov/pub/irs-pdf/p2194b.pdf>). You can also request these kits by calling the IRS toll-free at 1-866-562-5227.

**RELIEF FOR OTHER IRS ADMINISTRATIVE MATTERS**

**What if I need copies of previously-filed tax returns?**

If you need copies of previously-filed tax returns to apply for benefits or to file amended returns claiming disaster-related casualty losses, the IRS will waive the usual fees and expedite requests. Just write the words, "**Hurricane Katrina**," in red ink at the top of Form 4506, *Request for Copy of Tax Return*, or Form 4506-T, *Request for Transcript of Tax Return*, as appropriate, and submit it to the IRS.

**Will the IRS continue with compliance activities (e.g., audits) in the affected areas in the near future?**

Generally no. For taxpayers in Individual Assistance Areas, compliance activities have been suspended until January 3, 2006. For taxpayers in Public Assistance Areas, compliance activities will be suspended until January 3, 2006 for those who identify themselves as affected by Hurricane Katrina or its aftermath. If you receive a notice from the IRS during the suspension period, you can contact the IRS toll-free hotline at 1-866-562-5227 for help.

**What if the IRS contacts me on a collection or examination matter?**

Explain how Hurricane Katrina impacts you so that the IRS can provide appropriate consideration to your case.

**Have deadlines for employee plan contributions been extended?**

Yes, certain deadlines have been extended. The IRS, the Department of Labor's Employee Benefits Security Administration, and the Pension Benefit Guaranty

Corporation announced relief for certain employee benefit plans in the Individual Assistance Areas and the Public Assistance Areas. These plans now have until October 31, 2005 to make minimum funding contributions or apply for waivers if the deadline for such actions was originally between August 29, 2005 and October 31, 2005. For more information, refer to Notice 2005-60 (<http://www.irs.gov/pub/irs-drop/n-05-60.pdf>).

## **TAXES ON INSURANCE, RELIEF PAYMENTS, AND DISCHARGES OF DEBT**

### **If I receive a grant from a state program, charitable organization, or employer to cover medical, transportation, or temporary housing expenses, is it taxable?**

Generally no. If you are in the areas affected by Hurricane Katrina, you generally do not have to include any of the following receipts in gross income, unless the same expenses are also reimbursed to you through insurance or otherwise:

- Grants for reasonable and necessary personal, family, living, or funeral expenses incurred as a result of the hurricane;
- Grants for reasonable and necessary expenses incurred for the repair or rehabilitation of a personal residence, or for the repair or replacement of its contents, to the extent attributable to the hurricane;
- Payments made by a federal, state, or local government in connection with the hurricane.

### **Are other relief payments taxable?**

Yes. You generally do have to include in gross income the following relief payments:

- Grants or other relief payments for expenses for which you are also reimbursed by insurance or otherwise;
- Payments in the nature of income replacement, for example, payments to individuals of lost wages or unemployment compensation, and payments in the nature of business income replacement.

### **Are insurance proceeds taxable to me?**

It depends. If the proceeds compensate you for lost profits and similar items, the amount generally will be taxable to you. You may be able to offset proceeds from insurance relating to property damage against the adjusted basis of the damaged property. In that case, only the excess proceeds will be treated as taxable income, and you may be able elect to defer recognition of that income if you use the proceeds to purchase similar property within a specified time period (generally five years for Katrina-related property losses, if substantially all of the use of the replacement property is within an Individual Assistance Area or Public Assistance Area). If you receive insurance proceeds for a loss for which you have already claimed a casualty loss deduction, the insurance proceeds generally will be taxable to you in the year of receipt. Additional rules apply if the amount received exceeds the amount of the claimed

deduction. Other kinds of insurance, such as life insurance, are subject to special rules. The rules relating to insurance recoveries are complicated. You are strongly encouraged to consult a tax advisor when filing tax returns for periods during which you received insurance proceeds or for which you are electing to defer gain.

### **Are discharges of debt taxable to me?**

Usually, discharges of debt are taxable, subject to certain exceptions. However, if you are an individual, discharges of your non-business debt by certain financial and governmental entities are not taxable to you if your principal residence on August 25, 2005 was (i) located in a Public Assistance Area and you suffered economic loss because of Hurricane Katrina, or (ii) located in an Individual Assistance Area. This does not, however, apply to any discharge of debt to the extent that real property serving as security for the debt is not located in any of the Individual Assistance Areas or Public Assistance Areas. This special exception only applies to debt discharges during the period beginning on August 25, 2005 and ending on December 31, 2006. Individuals may be required to reduce other tax attributes by the amount they excluded from income in reliance upon this exception.

### **DISRUPTIONS IN EMPLOYMENT OR RESIDENCY**

**The hurricane has disrupted my employment. I am now jobless or earn much less income. Can I still receive the child credit and the earned income tax credit (EITC)?**

Yes. "Qualified individuals" can elect to use their earned income for the immediately prior tax year to calculate the child credit and the EITC for their tax year that includes August 25, 2005, if the prior year's earned income is greater. Qualified individuals include those who on August 25, 2005 had their principal residence in an Individual Assistance Area, as well as those who on such date lived in a Public Assistance Area and were displaced from their homes because of Hurricane Katrina. Any election applies to both the child credit and the EITC. In the case of a joint return for the tax year that includes August 25, 2005, this look-back provision applies if either spouse is a qualified individual; the earned income attributable to the immediately prior tax year is the sum of the earned income attributable to each spouse for that tax year.

**Will I lose other deductions, exemptions, or credits due to temporary relocations caused by the hurricane?**

Congress has authorized Treasury to make adjustments as necessary to ensure that taxpayers do not lose deductions, exemptions, or credits or experience a change of filing status due to temporary relocations caused by Hurricane Katrina. For example, the Treasury may adjust the application of residency requirements relating to dependency exemptions. However, any adjustments must ensure that an individual is not taken into account by more than one taxpayer with respect to the same tax benefit.

## **INCENTIVES FOR BUSINESSES TO HIRE AND RETAIN EMPLOYEES**

### **Are there tax incentives for businesses to hire employees affected by the hurricane?**

Yes. Employers may be eligible for the work opportunity tax credit if they hire "Hurricane Katrina employees." Hurricane Katrina employees include any individual who on August 28, 2005 had a principal residence in an Individual Assistance Area and (i) who is hired during the 2-year period beginning on August 28, 2005 for a position for which the principal place of employment is located in an Individual Assistance Area, or (ii) who is displaced from that residence because of the hurricane and who is hired between August 28, 2005 and December 31, 2005, regardless of whether the principal place of employment is in an Individual Assistance Area. The employee must provide the employer with reasonable evidence of Hurricane Katrina status. The credit equals 40% (25% for employment of 400 hours or less) of the first \$6,000 of wages paid to the employee in the first year. The maximum credit is \$2,400. However, no credit is allowed for (i) an employee who was an employee of the employer on August 28, 2005, (ii) an employee who works less than 120 hours in the first year of employment, (iii) an employee for which the employer claims the welfare-to-work tax credit, (iv) an employee for which the employer receives on-the-job training program payments, (iv) a replacement worker during a strike or lockout, or (v) an employee who is a relative or dependent of the employer. Additional limitations can apply (for example, if the employee is a summer youth employee). Employers are encouraged to consult a tax advisor when determining the amount of the available credit and whether to claim the credit.

### **Are there tax incentives for businesses affected by Katrina to retain employees on their payrolls?**

Yes, but only for certain small businesses affected by Katrina. Eligible employers may be able to claim a credit of 40% of the first \$6,000 of qualified wages paid to eligible employees. An eligible employer is any employer that employed an average of 200 or fewer employees during the tax year, conducted an active business on August 28, 2005 in an Individual Assistance Area, and whose business has been rendered inoperable after August 28, 2005 as a result of damage caused by Hurricane Katrina. An eligible employee is one whose principal place of employment on August 28, 2005 was in an Individual Assistance Area and was with the eligible employer seeking to claim the credit. Relatives or dependents of the employer, however, are not eligible employees. Qualified wages are wages paid or incurred after August 28, 2005 and before January 1, 2006, during the period (i) beginning on the date the business first became inoperable at the employee's principal placement of employment immediately before the hurricane, and (ii) ending on the date the business resumes significant operations. Qualified wages include wages paid without regard to whether the employee fails to perform any services, performs services at a different place of employment than his/her principal place of employment, or performs services before significant operations resume. An employer may not receive this special credit if the employer is otherwise entitled to a tax credit for the same wages. Employers are encouraged to consult a tax

advisor when determining the amount of the available credit and whether to claim the credit.

## **CHARITABLE CONTRIBUTIONS AND ACTIONS**

### **Are there tax incentives for charitable contributions or actions related to Hurricane Katrina relief?**

Yes. Although this Handbook does not describe all issues relevant to charities, donors, volunteers, and others assisting in relief efforts, KETRA and the IRS have implemented several measures designed to encourage charitable contributions and actions. Under KETRA, there are new or expanded deductions available for charitable contributions, food and book inventory donations, mileage for using vehicles to provide donated services, and for the provision of rent-free housing to evacuees. The IRS is also expediting charity applications, allowing employees to donate unused leave, and expanding eligibility for low-income housing to cover hurricane victims. For more information, refer to the IRS website (<http://www.irs.gov>).

## **TAX ASSISTANCE**

### **Can anyone help me with obtaining tax relief?**

For federal tax issues, you can go to one of several disaster recovery centers servicing some of the areas affected by Hurricane Katrina. There will be IRS employees and volunteers from the American Association of Attorney-Certified Public Accountants (AAA-CPA), the American Institute of Certified Public Accountants (AICPA), and the National Association of Enrolled Agents (NAEA) who can help you.

### **Where else can I get more tax-related information?**

- Federal: <http://www.irs.gov/newsroom/article/0,,id=147085,00.html> or 1-866-562-5227 (Monday through Friday from 7:00 am to 10:00 pm local time)
- Alabama: <http://www.ador.state.al.us/> or 1-334-242-1170
- Florida: <http://www.myflorida.com/dor/>, <http://www.myflorida.com/dor/2005hurricane/>, 1-800-352-3671, or 1-850-488-6800
- Louisiana: <http://www.rev.state.la.us/default.asp>, <http://www.rev.state.la.us/sections/publications/pressreleases.asp>, or 1-225-219-0102
- Mississippi: <http://www.mstc.state.ms.us/>, <http://www.mstc.state.ms.us/katrina.htm>, or 1-601-923-7000

## PROPERTY TAXES

Alabama, Mississippi, and Louisiana have not passed any statutes or issued emergency orders providing victims of Hurricane Katrina relief from property taxes. In each state, the local county or parish assessor's office is the entity in charge of assessing property values for tax purposes. If you have suffered significant damage to your home or property, it is recommended that you check with your local county or parish tax assessor to make sure that your property is reevaluated before your next property tax payment is due. Information specific to each state follows:

### Alabama

The counties that have been designated as disaster areas in Alabama are as follows: Baldwin, Clarke, Choctaw, Mobile, Sumter, and Washington. However, your property taxes may be reevaluated for any decrease in property value due to the hurricane, regardless of whether you live in one of these counties.

In Mobile County (and possibly in other counties), damage from Hurricane Katrina will **not** lower anyone's current taxes, because the assessments that were just mailed to residents were based on the condition of property as of **October 1, 2004**. (Damage inflicted by Hurricane Ivan should be included in the property tax assessments mailed out currently, however, and this year's assessment may be challenged if it does not reflect the effects of Hurricane Ivan.) Therefore, the damage caused by Hurricane Katrina will be reflected in the property assessments done in 2006.

(See <http://www.mobilecopropertytax.com/ivan.htm>)

Although the Alabama Department of Revenue has granted an extension of time until January 3, 2006 to file or pay individual and corporate income taxes, income tax withholdings, and business privilege taxes, this extension does not apply to the payment of property taxes.

The phone number to call for general information about Alabama state property (and other) tax questions is (334) 242-1170. Contact information for your local county tax assessor can be accessed through this website:

<http://www.ador.state.al.us/advalorem/countyoffices/statemap.htm>.

### Mississippi

According to the Mississippi Department of Revenue, property tax assessments will be mailed out in November and December 2005, and **will** take into account property damage caused by Hurricane Katrina. Property taxes will not be due until February 1, 2006.

If, as a homeowner or business owner, you would like to contest the value of the property when you receive your tax assessment, you will need to contest the valuation with your local county tax assessor. Furthermore, if you qualified for the Homestead tax exemption last year, but lost your home in Hurricane Katrina, Miss. Code § 27-33-29

provides that you can still qualify for the exemption this year even if you lost your house, so long as you still own the land.

If you have any questions, you can contact the Mississippi Department of Revenue - Property Tax Division at 601-923-7631.

### Louisiana

Property taxes are assessed and collected at the local level -- 64 parishes and 7 municipal districts and not by the Louisiana Department of Revenue. The Louisiana Tax Commission has a regulatory role regarding property assessments. A list of all Louisiana parishes and links to each parish local tax assessor may be found at: <http://www.louisianaassessors.org/Assessors/Assessors.htm>

Taxpayers having property in the state of Louisiana are required to file a property tax return with the assessor of any parish and any municipality levying a tax on or before April 1 or within 45 days of receipt of the return form, whichever is later, furnishing values as of January 1.

As of September 13, 2005, the Louisiana Department of Revenue has not announced any tax relief associated with the destruction of real property due to Hurricane Katrina. The Department has recommended that those affected check the Department's website (<http://www.revenue.louisiana.gov/sections/katrina/>) for updated information or contact one of the local offices of the Department of Revenue:

Headquarters: (225) 219-7318 or (225) 219-0102

Alexandria: (318) 487-5333

Monroe: (318) 362-3151

Baton Rouge: (225) 922-2300

Shreveport: (318) 676-7505

Lafayette: (337) 262-5455

Thibodaux: (985) 447-0976

Lake Charles: (337) 491-2504

## REPLACING LOST DOCUMENTS

**A number of my personal records and identification cards (Social Security card, tax returns, passport, driver's license, etc.) were destroyed as a result of the flood. What should I do?**

### DRIVER'S LICENSES AND ID CARDS

#### Louisiana

Hurricane victims who wish to replace a Louisiana Driver's License and are still in the state of Louisiana are encouraged to visit a local motor vehicle office as soon as possible to apply for a replacement driver's license or identification card. Identity documents will not be required if a person already had a Louisiana driver's license or identification card that can be verified through photo-retrieve and signature files. For those evacuees who are in Louisiana shelters, a "point of contact" person can work with Office of Motor Vehicles representatives to set up the best options to assist evacuees in their area. To initiate this service, call 1-225-925-4610 or 925-3993.

If you are located outside the state of Louisiana and wish to replace a Louisiana driver's license, you may apply for a free reconstructed driver's license or ID card. Applications are now available through the Office of Motor Vehicles website, <http://www.expresslane.org>, or can be faxed to the evacuee upon request by calling 1-225-925-4195 or 1-877-DMV-LINE (1-877-368-5463). The application requires the evacuee's full name, date of birth, race, sex, Social Security number, a "mail to" address, and a telephone number, if possible. The application must be signed by the applicant as the signature comparison will be their "proof of identification". Every effort will be made to process and mail the driver's license or ID card within a 72-hour turnaround period. To fax the application to the Office of Motor Vehicles, please use one of the following numbers: 1-225-925-3901 or 1-225-925-1937 or 1-225-925-6303.

#### Mississippi

For information on replacing a Mississippi driver's license, visit the Mississippi Department of Public Safety website at: <http://www.dps.state.ms.us/>

#### Alabama

For information on replacing an Alabama driver's license, visit the Alabama Department of Public Safety website at: <http://www.dps.state.al.us/public/driverlicense/>

#### Additional Resources

The state of Georgia is offering to help victims from the affected states replace their driver's licenses at no cost. Please see the following website for more information: <http://www.dds.ga.gov/katrina.aspx>

The state of Alabama has set up a service to help evacuees from Louisiana, Mississippi, and Alabama who have been displaced by the hurricane and who are sheltered in Alabama to replace their driver's licenses and identification cards at no cost. For more information, please call 1-866-283-2838 or visit <http://www.dps.state.al.us/public/misc/katrina/>.

## **BIRTH CERTIFICATES**

### Alabama

For information online about obtaining copies of birth certificates, visit the Alabama Department of Public Health's Center for Health Statistics at <http://www.ph.state.al.us/chs/VitalRecords/Birth/BIRTH.HTML>. You may order birth certificates by mail or in person at any county health department. Most birth certificates can be issued while you wait. You may also order certificates through a service provider called VitalChek using a credit card. Note that there are additional fees for using this service.

If you have questions or would like information on expediting a certified copy of a birth certificate, please call 1-334-206-5418.

### Louisiana

Certified copies can normally be obtained from the Louisiana Vital Records Registry – Office of Public Health – Louisiana Department of Health and Hospitals. Unfortunately, the main office is located in New Orleans and is closed. A satellite office in Baton Rouge is operating for walk-ins only. The office is located at 353 N. 12<sup>th</sup> Street and is open from 8:00 a.m. to 3:00 p.m. on weekdays. The office will be able to provide copies of birth and death certificates. The phone number is 225-342-1930 and the website is <http://www.oph.dhh.state.la.us/recordsstatistics/vitalrecords/index.html>

The Louisiana Department of Health and Hospitals <http://www.dhh.louisiana.gov> 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 the following parishes will offer no-cost birth cards: 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.

### Mississippi:

You may order birth certificates by phone, fax, online, by mail or in person. For more information, visit the Mississippi Department of Health Website at <http://www.msdh.state.ms.us/>. It does not appear that Mississippi officials have made any special arrangements for hurricane victims to obtain copies of their birth certificates.

## CREDIT CARDS AND CHECKS

**As a result of the hurricane, my credit cards, debit cards and/or checks and related statements were destroyed. What should I do?**

To replace credit cards, debit cards, and/or checkbooks, contact your financial institution. Most banks and credit card companies have toll-free numbers to report lost or stolen cards. If you need replacement checks or bank statements but have no identification, you should attempt to visit or contact the branch where you opened the account which has your original signature card on file. Please also see the Personal Finances section of this Handbook.

## GOVERNMENT BENEFIT CARDS

Social Security:

You should apply to the Social Security Administration for a replacement Social Security card. To apply, mail or bring the following documents to your local Social Security office:

Form SS-5, which is available at your local Social Security office, online at <http://www.socialsecurity.gov/online/ss-5.html>, or can be mailed to you upon request by calling 1-800-772-1213;

Evidence of your identity, such as your driver's license, marriage or divorce record, military record, adoption record, life insurance policy, or passport; and

Evidence of your U.S. citizenship or lawful alien status, such as a U.S. passport or unexpired document issued to you by the Department of Homeland Security.

The documents presented as evidence must be either originals or copies certified by the issuing agency. Uncertified or notarized photocopies will not be accepted. Requests usually take two weeks to process.

To find your local Social Security office, visit <http://www.socialsecurity.gov/locator> or call 1-800-772-1213.

The Social Security Administration has announced that the following offices are closed:

### Louisiana

Covington  
Kenner  
New Orleans Bywater  
New Orleans Downtown  
New Orleans East  
New Orleans Westbank  
New Orleans Teleservice Center

Office of Hearings and Appeals, Metairie  
Office of Hearings and Appeals, New Orleans  
Disability Determination Services, New Orleans (Metairie)

### Mississippi

Gulfport  
Moss Point  
Office of Hearings and Appeals, Hattiesburg

Several temporary Social Security offices have been established and more temporary offices are planned. Currently, there are temporary Social Security Contact Stations at the following locations:

#### Atlanta Georgia:

Georgia Tech basketball arena (Alexander Memorial Coliseum)

#### Ocean Springs, Mississippi:

FEMA, Old K-Mart Building  
3164 Bienville Boulevard  
Ocean Springs, MS

#### Albuquerque, New Mexico:

Albuquerque Convention Center

#### Dallas, Texas:

Dallas Convention Center:

#### Houston, Texas:

Houston Astrodome

For the most current information about temporary Social Security offices, check the Social Security website or call 1-800-772-1213 during business hours.

### **Medicare Card:**

If your Medicare card was destroyed, you should also apply to the Social Security Administration for a replacement card. There is no charge for this service. You can request a replacement card at your local Social Security office, online at <http://www.socialsecurity.gov/medicarecard/> or by telephone at 1-800-772-1213. You will need to provide your name as it appears on your Social Security card, your Social Security number, and your date of birth. Requests usually take 30 days to process.

### **I have lost my Veterans Affairs (VA) identification card. How can I get a new one?**

Generally, the facility that originally issued your card can have a replacement card sent to you without having to retake your picture. You should contact that facility to have a new one mailed to you. If your card was issued by the New Orleans facility you may

need to have your picture retaken at another VA facility before a card can be reissued. For other questions regarding VA identification replacement, please call toll-free 1-800-827-1000.

### **If I have been displaced by Hurricane Katrina, how will I receive my VA benefit payments?**

If you currently receive benefit payments from the VA via electronic funds transfer (electronic deposit), payment will be made to your bank as usual. If you normally receive a paper check, or if you do not have access to your bank, you can obtain a paper convenience check by calling toll-free 1-800-827-1000, or by visiting any of the VA regional offices throughout the country. Information about your benefits may also be obtained at <http://www.vba.va.gov>.

## **TAX RETURNS**

### Federal Income Tax Returns:

Copies of your federal income tax returns may be obtained from your tax preparer or the IRS. The IRS has established a toll-free hotline for hurricane victims: 1-866-562-5227. According to the IRS website, <http://www.irs.gov>, hurricane victims may request free copies of their tax return transcripts by calling this number. To apply for a copy of your federal income tax returns from the IRS, complete Form 4506, "Request for Copy or Transcript of Tax Form," and send it to the IRS address where you filed your return. Form 4506 may be obtained online at <http://www.irs.gov>, at a local IRS office, or by calling 1-800-TAX-FORM. Note that as of the date of publication of this manual, Form 4506 had been temporarily removed from the IRS website due to a typographical error in the mailing address for the form. Copies of tax returns are free for disaster victims. Be sure to write "Hurricane Katrina" in red at the top of the form. The IRS will waive the usual fees for copies of previously filed tax returns for affected taxpayers who need them to apply for benefits or for other purposes.

### State Income Tax Returns:

The website for the Mississippi State Tax Commission is: <http://www.mstc.state.ms.us/> and the telephone number is (601) 923-7000. To request copies of your tax returns for prior years, you must write to the Mississippi State Tax Commission at P.O. Box 1033, Jackson, MS 39215-1033. You may also send a written request by fax to 601-923-7039. In your request, include your first and last name and your social security number along with a list of the years for which you are requesting returns. You must provide a return mailing address but this address may be the address of a shelter. Please note that the Gulf Coast Office of the Mississippi State Tax Commission, located on Bayview Avenue in Biloxi, is currently closed. Gulf Coast Office activities have been moved to the Hattiesburg District, located at 17 J M Tatum Industrial Drive in Hattiesburg. The phone number for the Hattiesburg District is (601) 545-1261 and the fax number is (601) 584-4051.

The website for the Louisiana Department of Revenue is: <http://www.rev.state.la.us/> To request copies of your tax returns from prior years, you must write to the Louisiana Department of Revenue at P.O. Box 20, Baton Rouge, LA 70821. In your letter, you must identify yourself and list the returns you are requesting by year. Your letter must be signed and you must provide a return address. Copies of tax returns will not be faxed. You may also visit any of the Department's offices. Locations are listed on the website.

The website for the Alabama Department of Revenue is: <http://www.ador.state.al.us/>. To request copies of your tax returns for prior years, you should fill out and submit Form 4506-A, available from the Department of Revenue website.

## **IMMIGRATION DOCUMENTS AND PASSPORTS**

### **Passport:**

Information and forms related to replacing a U.S. passport are available online at <http://www.travel.state.gov> or through the U.S. Passport Information Center at 1-877-487-2778. To replace a damaged or lost passport, you must apply in person and, along with your application, present proof of U.S. citizenship with a certified birth certificate or other documentation as specified on the State Department website, such as a notarized Affidavit of Birth. You must also present proof of identity, provide two passport photos and your Social Security number and pay an application fee. As of the date of publication of this manual, the State Department has not issued any information about waiver of these requirements.

Note that if your passport was in the process of being issued at the time of the hurricane, your application may be affected by the fact that the New Orleans Passport Agency is closed until further notice. For additional information about passports being processed by the New Orleans Passport Agency at the time of the hurricane, please go to the State Department website above.

If your passport was issued by a country other than the United States, you should contact that country's consulate and make an application for a replacement passport.

### **My Green Card was lost/destroyed/stolen due to Hurricane Katrina. What must I do to replace it?**

If your Permanent Resident Card (Green Card) was destroyed you must replace it as soon as possible. To replace your Green Card you must fill out a USCIS Form I-90. Form I-90 is available at <http://www.uscis.gov/graphics/formsfee/forms/index.htm>, or at any USCIS office. If you have been displaced, you can file the I-90 in person at any USCIS office. You are asked to identify yourself as having been displaced by Hurricane Katrina and, if possible, to bring with you two passport-style photographs so that you may be given temporary proof of your residence status. The USCIS also asks that you bring any documentation or identification you may have with you to help speed up the process. Fee determinations will be made on a case-by-case basis. Under normal

circumstances, the fee for replacing a lost Green Card is \$185 plus an additional \$70 to cover the biometrics services.

### **What must I do to replace a lost work permit?**

To replace a lost work permit you must fill out and submit Form I-765. The form is available through the USCIS website and also at any local USCIS local office. If you have been displaced by the hurricane and your Employment Authorization Document (EAD) has been lost or destroyed, you may file the Form I-765 at any local USCIS office. If possible, please bring with you any identification or documentation that you still have in order to speed up the process. Also, the USCIS requests that you identify yourself as having been displaced by the hurricane. Fee waivers will be decided on a case-by-case basis. Under normal circumstances, with certain very limited exceptions, the filing fee is \$175.

For further information regarding the replacement of immigration papers please contact USCIS at <http://www.uscis.gov>, or call 1-800-375-5283. The USCIS website lists additional instructions for hurricane victims who have lost immigration documentation, including instructions for replacing lost receipt notices, non-immigrant entry documents, naturalization certificates or certificates of citizenship, and advanced parole documents, among others. USCIS has stated that while you would ordinarily need to make an appointment in order to receive services relating to lost documents, those affected by the disaster can visit a local USCIS office for assistance without an appointment.

### **Where is my local USCIS office?**

According to the USCIS, those affected by the hurricane may seek help from any local USCIS office. It is unclear whether evacuees are required to make an appointment in advance for a walk-in. We recommend that you check the USCIS website for more information about the walk-in requirements at specific office locations. Walk-in appointments can be made over the internet at <http://www.infopass.uscis.gov>. Below is a sample of open offices:

Memphis, Tennessee  
842 Virginia Run Cove  
Memphis, TN 38122

The Memphis Sub Office is open to the public from 7:30 AM to 2:00 PM, Monday through Thursday, and 7:30 AM to 1:00 PM on Friday. The office is closed on Saturday and Sunday and on Federal holidays.

Jackson, Mississippi  
100 West Capitol Street  
Suite 727  
Jackson, MS 39269

The Jackson Office's Application Support Center and Information Office is open Monday through Friday from 7:30 AM to 4:00 PM. There is an Information Officer available to the

public during business hours to answer questions and provide assistance. Please do not arrive for walk-in appointments later than 3:30 p.m.

Atlanta, Georgia  
Martin Luther King Jr. Federal Building  
77 Forsyth Street SW  
Atlanta, GA 30303

The Atlanta District Office is open to the public between 6:30 AM and 3:00 PM, Monday through Thursday; and on Friday, the office is open to the public between 6:30 AM to 1:30 PM. The office is closed on Saturday and Sunday and on Federal holidays.

Houston, Texas  
126 Northpoint  
Houston, Texas 77060

The Houston District Office is open to the public Monday through Thursday, from 7:00 AM to 3:30 PM, Friday from 7:00 AM to 11:30 AM. The office is closed on Saturday and Sunday and all Federal holidays.

Dallas, Texas  
8101 North Stemmons Freeway  
Dallas, TX 75247

The Dallas District Office is open to the public from 6:00 AM to 1:00 PM Monday, Tuesday, Thursday and Friday.

### **Where can I find more immigration information?**

Additional immigration information is available in the Immigration section of the this Handbook and from the USCIS at 1-800-375-5283 or at <http://www.uscis.gov>. Individuals with immigration-related questions are encouraged to consult an attorney since this is a complicated area of law. Please also see the Lawyer Referral Services & Legal Aid sections of this Handbook for legal services available in your area.

### **WILLS AND TRUSTS**

#### **As a result of the hurricane, my will and/or family trust document was destroyed. What should I do?**

If the will and/or family trust was prepared by an attorney, you may be able to obtain a copy of the document by contacting the attorney who drafted it. If you do not have the attorney's current address, contact the state bar of the state in which your attorney practices. In Louisiana, the number for the state bar is 1-337-272-0356 and its web address is <http://www.lsba.org>. The Louisiana State Bar has established temporary offices in Lafayette. The Mississippi Bar can be reached at 1-601-948-4471 or online at <http://www.msbar.org>. The Alabama state bar can be reached at 1-334-269-1515 or online at <http://www.alabar.org>. If the attorney does not have a copy of the document,

you should have a new will or other document drafted. Please also refer to the Wills and Probate section of this Handbook.

## **INSURANCE**

**As a result of the hurricane, my insurance policy, premium notice or other insurance-related document was destroyed. What should I do?**

If insurance documents are destroyed, contact your insurance agent or insurance company to obtain a copy of the policy. For information on how to make a claim, see the Insurance sections of this Handbook.

## YOUR JOB

The answers to each of the following questions are based on the assumption that the affected employees are not covered by a collective bargaining agreement and do not have an employment contract with their employer. In the event there is a collective bargaining agreement or an employment contract, the employee should consult the terms of those agreements and contracts. Similarly, if the employer has established employment policies, the employee should review those policies to see if they provide additional benefits or rights.

### GETTING PAID

#### **If my employer's payroll records were destroyed, when should I expect to receive my paycheck?**

Individual states require timely payment of wages for certain industries. If records are not available, the employee should work with his or her employer to make a reasonable effort to determine the hours worked.

#### **Does my employer have to pay me for the days the business was closed as a result of Hurricane Katrina or its aftermath?**

The answer to this question depends in part on whether you are considered an “**exempt**” employee or a “**non-exempt**” employee for purposes of federal and state wage-and-hour laws. An employer is not required to pay its non-exempt employees for any days or hours the employees did not work because the business was closed following Hurricane Katrina. On the other hand, an exempt employee should receive his or her full salary for any week in which he or she performs any work without regard to the number of days or hours worked. So, if you are an exempt employee and you worked on the morning of Sunday, August 28, 2005, but worked no other days during the week of August 28, 2005, then the employer should pay you your full salary for the week of August 28, 2005.

#### **My relative died during Hurricane Katrina or its aftermath. How can I get his or her paycheck?**

Each state has different rules regarding who is entitled to receive a deceased employee's final paycheck.

##### Alabama:

In Alabama, if an employee dies without a will, the employer may pay the wages due to the surviving spouse of the deceased employee. If there is no surviving spouse, the wages may be paid to the person having legal custody and control of the minor child or children of the deceased employee. In addition, if the deceased employee owed money to another person, that person may bring a legal action to recover the wages to pay the debt owed to that person.

### Louisiana:

In Louisiana, an employer may pay up to \$6,000 of any due wages, sick leave, annual leave, or other benefits to the surviving spouse of the deceased employee if neither spouse has instituted a divorce proceeding. In the event the deceased employee leaves no surviving spouse or if either spouse has instituted a divorce proceeding, the employer may pay the last wages and other benefits to any adult child of the deceased employee.

Before making such payment to anyone requesting the payment, the employer must require such person to execute a document before two witnesses which provides the name, address, date and place of death of the deceased employee, the relationship of the person requesting payment to the deceased employee, the name and address of the surviving spouse, or children, if any, of the deceased employee and other information that the employer may require.

### Mississippi:

In Mississippi, an employer may pay due wages, salary, or other compensation to the surviving relatives of the deceased employee in the following order of priority, moving to the next level of priority only if there is no one who satisfies the higher level of priority: 1) the surviving spouse, 2) the surviving children if they are adults, 3) the surviving mother of the deceased employee, 4) the surviving father of the deceased employee, or 5) the surviving siblings of the deceased employee if they are adults. The employer may pay the due wages, salary, or other compensation to the chancery clerk of the county in which the deceased employee resided at the time of death, or to the chancery clerk of the county where the employee died if 1) the deceased employee has no surviving spouse, child, parent, or siblings; 2) any of the surviving children are minors; or 3) any of the surviving siblings are minors.

## **TIME OFF AND THE RIGHT TO RETURN**

### **May my employer require me to use my accrued vacation or sick leave to cover my absence from work due to Hurricane Katrina or its aftermath?**

Once the employer reopens, if you are unable to report to work due to something related to Hurricane Katrina, your employer may require you to use your accrued vacation or sick leave to cover your absences as long as this is consistent with the employer's leave policies and provided that that your absence does not qualify as leave under the Family Medical Leave Act (FMLA), and in Louisiana, the Louisiana Pregnancy Discrimination Law. In the below sections, there is a more extensive discussion of the FMLA and the Louisiana Pregnancy Discrimination Law.

**Does my employer have to provide me with either paid or unpaid leave if I am unable to work as a result of an injury suffered during Hurricane Katrina or its aftermath?**

An employer may be required to provide you with unpaid leave 1) under the FMLA if your or a member of your immediate family is suffering from a serious health condition; 2) under the Louisiana Pregnancy Discrimination Law, for employees of a Louisiana company, for pregnancy, childbirth, or related medical conditions; or 3) under the Americans with Disabilities Act (ADA) if you are disabled and if the granting of leave would serve as a reasonable accommodation to your disability.

**Leave under the FMLA.** The FMLA provides that a covered employee may take up to a total of 12 weeks' unpaid leave during any 12-month period for certain qualifying reasons. During the leave period, the employer must maintain the employee's health benefits and must guarantee that the employee will be reinstated to the same or an equivalent position.

The FMLA applies to only those employers that employ 50 or more employees for each working day in each of 20 or more calendar work weeks in the current or preceding calendar year. An employee is entitled to FMLA leave if the employee: (1) has been with the employer for at least 12 months; (2) logged at least 1,250 hours of services during the 12-month period immediately preceding the start of the leave; and (3) is employed at a work site where 50 or more employees are employed by the employer or within 75 miles of that work site. FMLA leave may be taken to care for the employee's spouse, child, or parent with a serious health condition or because of a serious health condition that makes the employee unable to perform the functions of the employee's position.

For more detailed compliance information on the FMLA, check out this website at <http://www.dol.gov/esa/regs/compliance/whd/1421.htm>.

**Leave under Louisiana's Pregnancy Discrimination Law.** Louisiana's Pregnancy Discrimination Law prohibits an employer from refusing to allow a female employee to take up to four months of leave for pregnancy, childbirth, or related medical condition. The employee may use accrued vacation leave, disability or sick leave, or any other accrued leave which is made available by the employer to temporarily disabled employees. The employer must continue to provide the same benefits or privileges of employment granted by that employer to other employees.

The law applies to an employer who employs more than 25 employees within Louisiana for each working day in each of 20 or more calendar weeks in the current or preceding calendar year.

**Leave under the ADA.** Under certain circumstances, an employer may be required to provide an employee with leave under the ADA. The ADA requires employers, in certain circumstances, to provide reasonable accommodations to employees who have

a disability. Such a reasonable accommodation may include providing an employee with an unpaid or paid leave of absence.

The ADA applies to only those employers that employ 15 or more employees for each working day in each of 20 or more calendar work weeks in the current or preceding calendar year. An employee is “disabled” within the meaning of the ADA if the employee has a physical or mental impairment that substantially limits a “major life activity” of an individual, including activities such as walking, seeing, hearing, speaking, breathing, learning, working, sitting, standing, lifting or reaching. Generally, temporary impairments are not protected disabilities under the ADA.

**Am I entitled to either paid or unpaid leave so that I can care for children or family members injured in Hurricane Katrina or its aftermath?**

If you are entitled to FMLA leave as described above, the employer must allow you to take FMLA leave. This leave does not have to be paid leave, but you are entitled to use your accrued vacation or sick leave for the absence as well as unpaid leave. Also, if your employer has a specific policy providing for leave under such circumstances, the employer will be required to comply with its policy.

**Am I entitled to either paid or unpaid leave if I am too afraid or emotionally traumatized to return to work?**

If you are suffering from post-traumatic stress or some other mental condition, your employer may be required to provide you with unpaid leave under the FMLA or as an accommodation under the ADA. However, you will have to meet the applicable requirements of these laws, as discussed above. The leave will be unpaid, although you should be able to use your accrued vacation or sick leave for the absence.

**BENEFITS**

**May I make a request for a plan distribution from my retirement plan or from my deceased relative’s retirement plan because of the effects of Hurricane Katrina or its aftermath?**

Distributions under a tax-qualified retirement plan can generally be made only upon the occurrence of certain events, including an employee-participant’s death, disability, and termination of service or attainment of the age of 59½ years. Limited exceptions to the general rule in connection with a 401(k) plan are available for distributions on account of certain “hardships” and/or plan loans. An additional exception is permissible in a non-401(k) plan for certain “in-service” distributions. However, any hardship or in-service distributions prior to age 59½ will be subject to a 10% “early” withdrawal penalty in addition to applicable income tax. “Hardship” distributions are generally limited to the need for funds to pay medical care expenses, purchase a primary residence, prevent foreclosure or eviction from a principal residence or pay dependents’ education expenses. (In addition, starting in 2006, a “hardship” may include payments of funeral expenses and certain repairs made to a principal residence.) However, if you experience financial strain caused by Hurricane Katrina and do not otherwise fall into

one of the foregoing “hardship” categories, under recent IRS guidelines, your employer may be able to allow additional distributions. In addition, you may be able to take out a loan or receive a hardship distribution even if you are outside of the disaster zone in order to help relatives who have been affected. Contact your Plan Administrator for more information. You may also be able to withdraw money from an IRA under relaxed distribution rules.

**If my job was displaced as a result of Hurricane Katrina or its aftermath, am I entitled to an employer contribution or benefit accrual with respect to the 2005 plan year? If my relative died as a result of Hurricane Katrina or its aftermath, is my deceased relative entitled to an employer contribution or benefit accrual with respect to the 2005 plan year?**

The answers to these questions depend on the terms of the plans. Many plans require a participant to complete a specific number of hours during the plan year (usually 1,000 hours) in order to be entitled to receive employer contributions or benefit accruals for such year. Others require a participant to be employed on the last day of the plan. Some plans may require both. To the extent an employer’s plan requires a participant to be employed on the last day of the year, any participant who died as a result of the hurricane may not be entitled to a contribution or benefit accrual for 2005.

**What can my employer do to help me recover psychologically from the trauma of Hurricane Katrina or its aftermath?**

Some employers may provide assistance under employee assistance programs (EAP). You should ask your employer about the availability of such counseling if you need it, both for yourself and your family. If your employer does not provide an EAP, and you are a veteran, you should see assistance from the Veterans Administration. Otherwise, you should seek help from a mental health agency in the county in which you live, either permanently or temporarily.

**What rights do I have to COBRA health coverage?**

Employers having 25 or more employees who maintain health plans are required by the federal law COBRA (Consolidated Omnibus Budget Reconciliation Act) to offer continuing medical coverage to qualified beneficiaries (participating employees and/or their dependents) who lose health coverage due to a “qualifying event” such as the death of the covered employee, termination of his or her employment or reduction of his or her hours sufficient to cause the loss of medical coverage. However, employees must pay for this medical coverage themselves. Coverage can usually continue for up to 18 months or for up to 36 months for family members of a deceased worker. You may be entitled to an extension of time to elect COBRA or make COBRA premium payments if you were affected by the hurricane.

## **Health Benefits**

### **I was injured as a result of Hurricane Katrina and cannot return to work. Can I continue my health insurance?**

Most employers are required to offer employees the ability to continue their medical coverage at their own cost for up to 18 months. This coverage is referred to as COBRA coverage. Normally, you must make an election to continue the coverage within 60 days after the date your coverage terminates as a result of your termination of employment. This deadline has been extended for victims of the hurricane. If you are disabled, you may have the ability to continue your coverage for up to 29 months.

### **Can my family members keep their health insurance coverage?**

Your dependents, which were covered by the plan, can also elect COBRA coverage, if available, at their own cost. Their maximum coverage period will be either 18 or 29 months depending on whether or not you are disabled for Social Security purposes.

### **My deceased spouse's employer provided group health plan coverage for the family. Can we continue our coverage?**

Most employers are required to offer each covered dependent that loses coverage as a result of the death of a covered employee the right to elect COBRA coverage. The election must be made within 60 days after the day coverage will terminate, although extensions may be available to those affected by the hurricane. Generally, COBRA coverage can continue for up to 36 months for family members of a deceased worker. Each dependent is required to make an election to continue coverage. You may contact the employer for the appropriate election forms.

### **What if I was not able to comply with my health insurance plan's rules regarding which provider to use or precertification?**

Many health insurers have temporarily modified their requirements for claim approval, such as requirements for precertification, referrals, medical necessity determinations, in-network providers and hospital admission procedures. The website [www.ahip.org/hurricaneresponse/](http://www.ahip.org/hurricaneresponse/) has information regarding the updates and services available in response to the hurricane. Contact your health insurer for more information.

### **Are counseling services available to people affected by Hurricane Katrina?**

Your employer's health plan may offer counseling to you and your dependents. In addition, CIGNA Behavioral Health has offered a telephone helpline, available to all residents of the communities affected by the hurricane, staffed with counselors trained to cope with grief, anxiety, stress, and other issues; membership in a CIGNA health plan is not required. The phone line will be open 24 hours a day, seven days a week, at 888-622-6470.

## **What other benefits may I be entitled to?**

You should check with the employer to find out whether the employer provided benefits such as accidental death and dismemberment insurance. These plans pay benefits to a beneficiary designated by the employee similar to life insurance. Insurers may waive the requirement of a death certificate for these policies.

## **Retirement Benefits**

### **What retirement benefits might an affected employee or his or her family be entitled to?**

Retirement benefits include the following:

- employer-sponsored pensions (so-called defined benefit plans);
- employer-sponsored 401(k) plans (or other defined contribution plans);
- union or multiemployer-sponsored pensions or 401(k) plans;
- individual retirement arrangements (IRAs); and
- Social Security retirement benefits.

Not every employee or his or her beneficiary would be entitled to these benefits. Entitlement depends on what plans the employer has in place, as well as any plan rules relating to eligibility and vesting (generally based on years of service with the employer or union). All plans have standards you must meet to qualify for benefits. Only vested benefits are paid.

For more information regarding Social Security benefits, also see the Social Security Section of this Handbook.

### **How can I find out what benefits I am entitled to either as a terminated or disabled employee or beneficiary of a deceased employee?**

A first step in determining these benefits would be to contact the Plan Administrator or other plan official at the employer or union office for complete information on filing a claim for your benefits.

For each plan, you should obtain a copy of the plan's summary plan description (SPD). This is a document that the Plan Administrator must furnish to each plan participant and beneficiary. It gives a detailed summary of the plan: how it works, what benefits it provides and how they may be obtained. The SPD is also required to spell out your rights and protections under ERISA, the federal law that covers most employer-sponsored benefit plans.

Many employers lost their records in the hurricane, so you should try to gather and examine whatever paperwork you have concerning the employed person's retirement benefits.

## **How are retirement benefits paid under a pension plan?**

In a typical pension plan, benefits are payable at normal retirement age, but may also become payable in the case of the disability of the employee, or to a surviving spouse in the case of death of the employee. Many pension plans provide benefits to non-spouse beneficiaries in the case of death. The forms of the retirement benefit payments (lump sum or annuity) will be specified by the plan and are subject to a series of complex rules. The Plan Administrator will provide detailed information about the various forms of payment. You should consult a tax advisor before selecting a form of payment.

## **How are retirement benefits paid under a defined contribution plan (such as a 401(k) plan)?**

Most profit sharing and 401(k) plans permit lump-sum payments upon termination of employment or death. While these plans also permit a participant to designate a non-spouse beneficiary to receive benefits upon the participant's death, there are rules that protect the spouse as a beneficiary. If an employee selected a beneficiary other than his or her spouse, the spouse must have consented in writing, witnessed by a notary or plan representative, in order for the alternative designation to be effective.

## **How do I make a claim for benefits under these plans?**

Each plan will have a written procedure for processing claims for benefits and for appealing if the claim is denied. This information will be found in the SPD. If for any reason information concerning the filing of a claim has not been provided, you may make a claim in writing to the employer or union or the Plan Administrator. Generally, claims for benefits are processed within 90 days, although 401(k) plans are typically faster than traditional pension plans. You may be required to provide proof of death or disability. If you receive notice that your claim has been denied, the SPD will contain information about how you can appeal the decision. Additional information and assistance can be obtained through the Department of Labor (see below).

## **Who can I contact for more information about pensions and 401(k) plans?**

You should first contact your Plan Administrator and/or union representative. They will have specific information on the plans provided by the employer or union of the affected employee.

The Employee Benefits Security Administration of the Department of Labor is also a good resource for information about your rights under federal law. While service in their regional offices may not currently be available, inquiries from plan participants in the affected regions may be directed to the national office at (866) 444-3272. You may also write to them at:

U.S. Department of Labor  
Employee Benefits Security Administration  
200 Constitution Ave., N.W.  
Washington, D.C. 20210

For more detailed benefits information on the web, you can log on to <http://www.dol.gov/ebsa>.

### **Can I use money in my traditional Individual Retirement Arrangement (IRA) to pay for medical expenses?**

Yes, if over a certain percentage of your taxable income. If the medical expenses are not deductible, however; any amounts you withdraw from the IRA will be subject to a ten percent penalty. Any amounts withdrawn are taxed as ordinary income. These rules have been relaxed for victims of Hurricane Katrina; however, you should consult a tax advisor before withdrawing money from an IRA.

### **What should I do if I am the beneficiary of an IRA?**

If you have been designated as a beneficiary of an IRA you will have several options regarding the amounts in the IRA. The options will vary depending on the age of the IRA owner and whether the IRA owner had begun distributions. Several options allow you to leave the assets in the IRA so they continue to grow on a tax-deferred basis for a period of time. Your decision about the timing and form of an IRA distribution will have serious tax consequences, so you should contact a tax advisor before taking a distribution from an IRA. You should contact the IRA custodian for more information on how to obtain a distribution. The custodian is the bank or brokerage firm holding the IRA assets. See the Personal Finance Section of this Handbook for more information on contacting banks and brokerage firms.

### **Where can I get more information about IRAs?**

For more information you can read IRS Publication 590-Individual Retirement Arrangements and other helpful tax resources available on the Internal Revenue Service website at <http://www.irs.gov>. You can also call your local IRS office.

## **Other Benefits**

### **Am I entitled to other benefits if I was working at the time I was injured?**

You may be able to make a claim under Workers' Compensation for your injuries and lost wages if you were working at the time you were injured. See the Employment section of this Handbook for more information.

### **I'm not eligible for Workers' Compensation. Are there other benefits available?**

If you were not on the job at the time you were injured, you may be entitled to short-term or long-term disability insurance payments. Check with your employer and personal insurance agent to find out what coverage you have. Your employer may also provide benefits for specific injuries such as loss of a limb under an accidental death or dismemberment policy. If you have been injured, you should inquire about this coverage as well.

Emergency loans against the cash value of some life insurance policies may also be available. Contact your agent, employer, or insurance company to learn more.

**I have lost my job due to Hurricane Katrina. Is unemployment or disaster insurance available?**

You may contact the U.S. Department of Labor at 1-866-487-2365 for information on registering for unemployment insurance and disaster insurance, or at <http://www.dol.gov>. See the Employment section of this Handbook for more information.

You may also be entitled to Social Security benefits. See the Social Security section of this Handbook for more information.

**LEAVING YOUR JOB**

**Can I be reimbursed by my employer for the destruction or loss of any of my personal items, such as personal computers or cars that they may have used for business purposes?**

You should consult with your employer and your own insurance company to determine whether loss of your personal property is covered by any applicable insurance policy. Generally speaking, your employer is not responsible for your loss of personal property.

**Does my employer have to provide its employees with any prior notice of termination if the employer determines that it is necessary to lay off employees?**

Probably not, because laws requiring notice do not apply in the case of natural disasters like Hurricane Katrina.

**Does my employer have to provide me with severance pay if I am laid off?**

There is no law that requires severance pay. If your employer has an established severance pay practice or plan, you may be eligible for severance pay, but otherwise severance pay is not required.

**Will I be eligible for unemployment?**

That depends on the requirements of your state. You are likely to be eligible for unemployment benefits if you held a job prior to the hurricane that you lost because of the hurricane. The numbers below should be helpful.

**What can I do if I am not eligible to receive unemployment insurance benefits?**

Persons not eligible for unemployment insurance benefits may be eligible for disaster unemployment assistance (DUA).

For more information, go to the National Employment Law Project online at <http://www.nelp.org/ui/federal/initiatives/duakatrina.cfm> or call the phone number listed below. Current information is also available on state and federal websites, such as the U.S. Department of Labor's website, listing state services for Hurricane Katrina victims <http://www.doleta.gov/Katrina/FACTSHEET.cfm>.

Below is a listing of the DUA application contact numbers posted by several of the impacted states. However, these contact numbers may not always provide all the necessary application information. You should consult the websites referenced above for current information.

Note: If you are applying for DUA, call FEMA 1-800-462-9029 first to get a registration number.

**Alabama:** 1-866-361-4524 or 1-866-767-8103

**Georgia:** 1-877-709-8185

**Florida:** 1-800-204-2418

**Louisiana:** 1-800-818-7811 or 1-866-783-5567 or 1-800-LAHELPU

**Mississippi:** 1-888-844-3577

**Texas:** 1-817-420-1600

## **FINDING WORK**

### **Because my employer's offices were destroyed, I will be working from home. Is there any information I should know?**

You should assume that the same laws and requirements, and rights, apply at your temporary work location as would apply if you were in your usual work location. If you are non-exempt, you should keep track of the hours you work. You should also keep track of any expenses you incur, as you are likely to be eligible for reimbursement.

### **Do I need any identification to get a new job?**

In order to work in the United States, you have to either be a citizen or have a green card or other work authorization. Ordinarily, in order to be hired by any employer, you must have proof of who you are, and other documentation certifying that you have the right to work in the U.S. However, because Hurricane Katrina destroyed many people's identification and other documents, the government has relaxed the documentation requirements. So at least until October 21, 2005, you can be hired without being required to show proof of your identity or work authorization. If you have identification, you should provide it. You will be asked to confirm that you have the right to work in the United States.

## MILITARY DUTY

### **I am a reservist who has been called to active duty. What are my rights?**

Under the Uniformed Services Employment and Reemployment Rights Act (USERRA), you and your family are entitled to health benefit coverage for an extended period of time after you leave your civilian job, as well as reinstatement of your benefits when you return to your civilian position. Furthermore, as a returning reservist, you must be offered a position that is similar in seniority, status and pay to the one you were in before leaving for active service. You may even be entitled to a position similar to what you would have held had you never left. It is a good idea to keep a record of your benefit, seniority, status, and pay level so you know to what you are entitled.

### **I am a reservist who is being called to active duty. What happens with my retirement benefits?**

As an employee called up to active duty who later returns to civilian life, you are entitled to benefit credit for your period of military service. If you were covered by defined contribution plans, you are entitled to make-up allocations and the opportunity to make up any elective deferrals to your 401(k) plan that you missed. Keeping careful records will make it easier to request the proper contributions upon your return.

### **Am I entitled to reinstatement if I was absent from my employment due to voluntary or involuntary duty in the Armed Services or the National Guard?**

With few exceptions, you will generally be entitled to reemployment after your military service if: 1) you provide advance written or oral notice of the service to your employer; 2) your cumulative period of absence for military service does not exceed five years; and 3) you make a *timely* application for reemployment with your employer.

USERRA specifies how soon you must file your application for reemployment after the completion of your military service. Generally speaking the deadlines are:

<b>Length of Service</b>	<b>Deadline for Filing Reemployment Application</b>
30 days or less	First work day after completion of service
31 days to 180 days	30 days after completion of service
Over 180 days	90 days after completion of service

### **Where can I get more information on these issues and help in this area?**

There is more information available on the website of the National Committee for Employer Support of the Guard and Reserve (ESGR) at <http://www.esgr.org>. ESGR is an office within the Department of the Defense. In addition, the Veterans' Employment and Training Service (VETS), within the Department of Labor is also charged with helping reservists resolve these issues. VETS may be contacted through ESGR. Finally, the website of the Reserve Officers Association, at <http://www.roa.org>, has many helpful resources for reservists.

# INSURANCE

## LIFE AND DISABILITY INSURANCE

### How do I collect on a life or disability insurance policy?

You are entitled to proceeds of the life insurance policy if you are listed as a beneficiary in the deceased's policy. You are entitled to disability payments if you are covered by a disability policy, meet the definition of "disabled" described in the policy, and otherwise satisfy the terms of the policy. There are two basic kinds of life or disability insurance policies which you or the deceased may have had — individual and employer-sponsored group policies. Individual policies typically are obtained by people on their own, often through an insurance agent. Group coverage typically is obtained as part of an employee's benefits package. Many employers provide life insurance coverage with death benefit protection equal to a worker's salary or twice his or her salary and disability insurance covering a portion of the employee's salary.

### Who do I contact to make a claim for individually purchased disability or life insurance?

A covered employee or the beneficiary of a disability or life insurance policy starts the claim process by notifying the insurance company. If the insurance was obtained through an insurance agent, he or she can help walk you through the process. If no agent was used or you do not know who the agent is, you can contact the insurance company directly. Many companies have set up hotlines and websites to help families file claims.

If you do not know who the insurance agent or the insurer is, look for any records that might contain information identifying the agency, policy or insurer, such as:

- statements (bills) from the insurance company or agency;
- insurance renewal notices; or
- check registers or bank statements that may show payments made to an insurer.

### How do I contact my state's Department of Insurance?

The Louisiana Department of Insurance can be contacted from inside the state of Louisiana at 800-259-5300, or from out of state at 225-342-5900.

The Mississippi Department of Insurance can be reached from out of state at 866-856-1982, in-state at 800-562-2957, or locally at 601-359-2453.

The Alabama Department of Insurance can be reached within the state at 800-433-3966, or from out of state at 334-269-3550, or on the Internet at <http://www.aldoi.gov>.

The Texas Department of Insurance Consumer Help Line number is 800-252-3439.

The Arkansas Department of Insurance Consumer Help Line number is 800-852-5494, or 501-371-2640.

The Tennessee Department of Insurance Consumer Help Line is 800-342-4029, or 615-741-2241.

### **What if the disability or life insurance coverage was provided as an employee benefit?**

First, contact the employer if possible and inform them you would like to apply for disability or death benefits on the employer's group disability or life insurance policy. You should request a copy of the summary plan description (SPD) for the disability or life insurance plan. In many cases, employers will get some or all of the benefits for you. Others may not be able to do so, and you may have to apply for benefits from the insurance company yourself as you would for an individual policy. Because the hurricane has disrupted many businesses, it may take longer to obtain benefits.

### **What do I need to submit to the insurer for life insurance?**

Life insurance companies typically pay claims on insured lives upon receipt of a death certificate for the insured and a claim form. Because death certificates may not be immediately available for people who reside in the areas affected by the hurricane, insurance companies may accept a sworn affidavit or other documentation in lieu of a death certificate; you should check with your insurance company to determine what supporting documentation it will require to process a claim.

Your insurer may send you claim forms. These must be filled out, signed and returned within a period of time stated on the forms. Be sure to return all forms on time and to keep records of all communications to and from the insurance company, including correspondence, faxes, e-mail messages and telephone notes.

Several life insurance companies have announced plans to waive deadlines for premium payments for families affected by the hurricane. Emergency loans against the cash value of some life insurance policies may also be available. Contact your agent, employer, or insurance company to learn more.

### **What do I need to submit to the insurer for disability insurance?**

Generally, you will need to fill out a claim form (obtained from the insurer) and provide evidence that you meet the definition of "disabled" provided by the policy and the policy's other eligibility requirements. Claim forms must be filled out, signed and returned with supporting evidence within a period of time stated on the forms. Be sure to return all forms on time and to keep records of all communications to and from the insurance company, including correspondence, faxes, e-mail messages and telephone notes.

## **How long will it take to receive benefits once I complete the application for benefits?**

Life insurance companies typically attempt to pay claims within 60 days of receiving a death certificate on the insured. Disability insurance companies generally pay claims within 45 days of receiving proof of disability. Bear in mind that many disability insurance policies have waiting periods before payment of benefits actually commence so you should file your claim as soon as possible to minimize any delay in payment.

## **What should I do if my claim is denied?**

If the insurance was provided by an employer, you must follow the claims procedure set out in the SPD. Otherwise, you should object to the denial in writing, and ask the insurer to reconsider. If you have new information pertinent to your claim, provide it.

If you opt to bring a lawsuit against the insurance carrier, you must do so within the time frame specified in the insurance policy or state law. Certain policies require an internal review or “appeal” process before you may sue, so read all policy materials carefully. You should contact a lawyer if you are considering bringing a lawsuit.

## **PROPERTY INSURANCE**

### **Coverage**

#### **My (real or personal) property was damaged or destroyed during the hurricane. What insurance policies might provide coverage for my loss?**

If your home has been destroyed or damaged as a result of the hurricane, several different types of policies may provide some coverage for your losses. Homeowners, renters, condominium, vehicle, flood and fire insurance policies all could provide some coverage. Keep in mind that most homeowners and renters insurance policies specifically exclude damages resulting from flood.

Typical homeowners, renters and condominium insurance policies cover losses resulting from fire, smoke, wind, theft, riots, vandalism, and water (excluding flood damage). “Comprehensive” vehicle insurance covers damage not caused by collision, including damage caused by fire, theft, vandalism, and windstorm. Flood insurance, not surprisingly, covers losses caused by flood, and fire insurance, by fire.

Your right to recover will ultimately depend on what kinds of losses you have suffered, which types of insurance policies you have, and what those policies state.

#### **What type of property should my policy cover?**

Coverage depends on the type of insurance you own:

- Homeowners insurance normally covers damage to personal property, dwellings (home and other buildings on your premises), and landscaping (on a limited

basis), as well as additional living expenses (including food and housing) incurred as the result of a covered loss.

- Renters insurance usually covers the loss of personal property and loss of use of the property. It may include liability and medical payments coverage.
- Condominium insurance usually covers personal property and improvements. Loss of use is usually limited to 40 percent of the contents limit. Condominium associations typically purchase insurance for the building structure and common areas.
- Comprehensive vehicle insurance ordinarily covers physical damage to the insured vehicle (either cost of repairs or fair market value of the vehicle).
- Flood insurance covers direct physical loss caused by flood.
- Fire insurance covers the listed property (dwelling and other buildings on the property) and personal property common to such occupancy. Some policies also provide coverage for debris removal, landscaping and additional living expenses.

Claims for damage caused by flood (except for flood insurance), mold, and earth movement are typically excluded. Exclusions will be listed in your insurance policy. Therefore, read your policy to learn which claims are excluded from your particular policy.

### **What is flood insurance?**

Flood insurance covers direct physical damage to buildings and/or contents of residential and non-residential property caused by flood. Personal property is covered if you have contents coverage. Flood insurance pays for damage up to the replacement value or actual cash value of your actual damages up to the limit of the policy.

Generally, flood insurance COVERS:

- The insured building
- Built-in appliances and central air conditioning
- Permanently-installed paneling, wallpaper, cabinets, and carpets
- Garages (up to 10 percent of total building coverage)
- Limited coverage for basements
- Debris removal
- Contents of the building, if you have purchased contents coverage.

Generally, flood insurance DOES NOT COVER:

- Vehicles
- Boats

- Decks
- Land and fences
- Plants
- Animals
- Currency
- Swimming pools

The Federal Emergency Management Agency (FEMA) manages the National Flood Insurance Program (NFIP). Flood insurance under the NFIP generally can be obtained provided that the local community has elected to participate in the NFIP. If you have any questions regarding flood insurance, contact your insurance company or FEMA at the numbers listed below. Additionally, if you are interested in obtaining flood insurance in the future, you also may wish to check with your local building department to find out if your community participates in the NFIP.

**If I have one of those policies listed above, how do I know if I am covered?**

First, you must obtain copies of your current insurance policies, if you do not already have copies. You can do this by contacting your insurance broker or agent. Ask for the entire policy, not just the cover page or the declarations page. Once you receive the policy, you should check the declarations page to confirm the policy number, named insured, policy period, limits of liability for each type of coverage available under the policy, and the endorsements that apply to the policy.

Second, you must make sure the premiums have been paid up to date. Receipts or cancelled checks can be used as evidence. Third, you must determine if the policy was in effect on the date of your loss. This can be done by checking the declarations page and endorsements for the policy period and verifying that you have not received any notice of cancellation from the insurance company. Fourth, you must check the declarations page and endorsements to confirm you are named as either the named insured or an additional insured and that the property in question is also insured under the policy.

An attorney or other qualified professional may be able to assist you in reviewing the language of your policy.

**I have a homeowners or renters insurance policy. Will it cover damage caused by flood?**

No. Standard homeowners and renters insurance policies cover damage caused by wind and rain, but not by flood. (Some policies for properties along the coast may exclude wind and hail damage.) Separate flood insurance is required for damage caused by flood. Check your insurance policy or contact your insurance company for details.

### **Does flood insurance only cover residences?**

No. Flood insurance also can cover non-residential buildings, including commercial structures.

### **I am not sure if I am covered. What should I do?**

Even if you are unsure if you are covered or whether you have already exceeded your deductible, you should contact your insurance company to notify them of your loss.

### **I know I have flood insurance. What should I do?**

Contact your insurance company. An updated list of insurance companies is available at <http://www.disasterinformation.org/findins.htm>.

### **I am not sure if I have flood insurance. What should I do?**

Contact your bank. If your bank office is closed, there may be temporary offices. Check with the FDIC at <http://www.fdic.gov/news/katrina/KatrinaStatus.pdf> for contact information.

### **I know I have flood insurance, but I don't know who my carrier is. What should I do?**

Contact the National Flood Insurance Program at 1-800-427-4661. The only information you will be required to give is your name, the state where you live and your zip code.

### **I do not have flood insurance. What should I do?**

You may be eligible for other assistance. Contact the Federal Emergency Management Agency (FEMA) at 1-800-621-FEMA (800-621-3362) (TTY 1-800-462-7585).

### **Can I buy flood insurance now?**

Even if you purchase flood insurance now, there may be a 30-day waiting period before you will be covered. Contact your insurance agent or your insurance company for more information. For the name of an agent who writes flood insurance where you live, contact the National Flood Insurance Program at 1-888-FLOOD29 (356-6329).

### **My car was damaged. Is it covered under my automobile insurance?**

Generally, damage to your car caused by the disaster should be covered under your comprehensive policy, however, the exact language of your policy will control what is covered. If you only have liability insurance, however, your vehicle is not covered for damage caused by flooding. Contact your insurance company for more information.

### **Will my insurance cover spoiled food?**

It may. Check your policy to see if food spoilage caused by natural disaster is covered.

### **Will insurance cover clean up and removal for a tree that fell on my property?**

Generally, insurance covers clean up and removal for a fallen tree if it causes damage to your home or property. Most policies will pay for removal of a tree that has fallen on your house, deck furniture or fence, and some policies will pay for removal of a tree that falls and blocks your driveway.

### **My neighbor's tree fell on my property. Will my neighbor's insurance pay?**

Most likely, no. Depending on your state, however, the rules may differ. Check with your insurance company, the state department of insurance or a lawyer for more information.

### **My insurance policy talks about "replacement cost value" and "actual cash value." What is the difference?**

"Replacement cost" coverage provides you with money to replace damaged or repair destroyed items with new items of a similar type. Your policy should give you enough funds to purchase a new item. "Actual cash value" coverage provides you with funds necessary to replace the damaged or destroyed item with a similar item. You likely will receive less money from an actual cash value policy than a replacement cost policy because the actual cash value policy takes depreciation (age, wear and tear, etc.) into account.

Under either form of policy, you will still have to pay any applicable deductible, unless that requirement is waived by the insurance company. Some policies have a hurricane deductible, check your insurance policy or with your insurance company for more details.

### **If I did not have renters insurance, am I covered under my landlord's policy?**

You probably are not covered, unless your landlord named you in his policy as a "named insured." If you are not covered, you may be eligible for assistance from FEMA. Contact FEMA at the numbers listed below for more information.

### **What should I do if I live in a condominium?**

Check the coverage provisions in your condominium association's insurance policy and the coverage provisions in your individual unit coverage owner's insurance policy.

## **I do not have sufficient insurance coverage. Is there other assistance available?**

You may qualify for assistance from the federal government through FEMA. You can apply for such assistance by calling 800-621-FEMA (800-621-3362). You should have the following information available.

- The street address of your damaged property;
- Your current mailing address and a telephone number where you can be reached in the event you have been forced to relocate;
- Your Social Security number;
- Your household's approximate gross income at the time of the flood or, if you are reporting business damages, the gross income of the business; and
- Information on the type of insurance coverage you have, particularly flood insurance.

You **MUST** register with FEMA to obtain FEMA assistance.

If you have immediate, emergency needs for food, clothing, shelter or medical care, contact the American Red Cross at one of their local offices or by calling 866-438-4636.

Additionally, your state may provide assistance if you have no other means of assistance.

If you own a small business, you may be eligible for low interest, long term disaster loans from the Small Business Administration (SBA) to repair or replace the real and personal property of a non-farm business. Contact the SBA's Office of Disaster Assistance at 800-659-2955.

Keep all of your repair and replacement receipts. You may be able to file your losses with the IRS on your income tax return for 2005. Contact the IRS's disaster hotline at 866-562-5227 for more information.

## **Making Claims**

### **How do I make an insurance claim?**

You should contact your insurance agent or insurance company **IMMEDIATELY** to start the claim process. Most insurance policies require that you promptly notify the insurance company of your loss. It is, therefore, important that you begin the claims process as soon as possible. You should contact your insurance agent or insurance company even if you do not know if you are covered or if your claim will exceed your deductible.

Most insurance carriers and state departments of insurance have established toll free telephone numbers to facilitate the claim filing process. These numbers may also be used by victims of hurricane or floods with other insurance questions. An updated list of

contact numbers is available at <http://www.disasterinformation.org/findins.htm>. If you cannot get through to your insurance company by telephone, write them a letter and keep a copy for your records.

When you call your insurance agent or insurance company, you should have ready (1) the name of your insurance company (your agent may write policies for more than one company); (2) your policy number; and (3) a telephone number/e-mail address where you can be reached. Keep your insurance company informed of your current contact information. If you are in a shelter or cannot easily be reached, make sure to give your insurance company or agent the contact number of a friend or relative, or someone else who knows how you can be reached.

When dealing with your insurance company, document every conversation. Be sure to write down who you are speaking with, the date, and the substance of your call and keep track of your claim number. It may be helpful to keep all of this information in a notebook so that it is in one place. This will help in future dealings with the insurance company.

For further information on how to file a flood insurance claim, visit: [http://www.fema.gov/hazards/floods/tips\\_flood\\_claim.shtm](http://www.fema.gov/hazards/floods/tips_flood_claim.shtm)

### **What should I do if my insurance policy is lost or destroyed?**

If your insurance documents were destroyed in the hurricane or floods, do not panic. Call your insurance agent or insurance company. They should have a copy of your policy on file and must provide you with a copy of the lost policy. Ask for the entire policy, and not just cover the page or the declarations. If you do not know the name of your insurance company or insurance agent, check with your mortgage lender or with your bank. They may have records of your insurance information. If those options are unavailable, call your state department of insurance listed below.

### **What happens after I notify my insurance company?**

When you contact your insurance company, ask when an insurance adjuster (a person professionally trained to assess the damage to your property) can be expected to visit your property so that you can plan for their visit. If an adjuster is not assigned to you within several days of your call, contact your insurance company or the state department of insurance. It also is a good idea to make the request for an adjuster in writing. Keep in mind that an adjuster will not be able to visit your property until public officials declare that is safe.

After public officials declare that it is safe to do so, an insurance adjuster will visit your property to assess the damages, and he or she will work with you to calculate the value of your loss. When the adjuster comes to visit your property, be sure to ask for official photo identification. Depending on the extent of the damage more than one visit may be necessary. The adjuster does not approve or disapprove your claim; he or she is only involved in the calculation of the value of your loss. You should come to an agreement with the adjuster about the scope of the damage, and what needs to be

repaired or replaced. Do not accept a settlement you believe is unfair. If you cannot reach an agreement with the adjuster, contact your insurance company or the state department of insurance.

Flood insurance requires that you file your Proof of Loss, which is your official claim for damages, within 60 days after the loss occurs. The adjuster should provide the form to you, but it is your responsibility to provide your insurance company with the completed, signed form within the time period allowed. The 60-day period may be extended by FEMA for areas of severe flooding. Contact FEMA or your insurance company at the numbers listed below for more information.

### **Are there specific documents I should have to prove my loss?**

The insurance company and/or adjuster will request evidence you may have to validate claims of loss. In preparing such evidence, you should separate your damaged from undamaged items, if possible. Do not throw away damaged items unless it presents a hazard or unless local officials require you to dispose of them. If you are required to dispose of damaged items, keep a swatch or other sample of damaged item(s) for the adjuster. Do not enter your property if it is not safe to do so.

Examples of evidence of loss include:

- Pictures (videotape or photograph) taken before and after the property loss. You should take pictures of any water in your house and any damaged personal property.
- Swatches from upholstery or carpets.
- An inventory of all property damaged or lost. Include the age and value of the property and any receipts, if possible.
- Records and receipts for all living expenses incurred due to the property loss (includes all food, hotel, and staples bought to maintain a normal standard of living).
- Repair estimates obtained from third parties or receipts for any repairs already completed.

### **My house is uninhabitable. The insurance company told me that I have to wait a long time for the adjuster to look at my house. How do I get money now to pay for living expenses, extra transportation costs to and from work or school, storage costs, etc.?**

You will most likely be eligible to receive money for any ADDITIONAL living expenses for the period you cannot live in your house. Keep proof of payment for these expenses. If you stay with a friend or relative or other host, you may be able to receive reimbursement for your host if you can show proof of payment. You may also be able to receive reimbursement for the cost of storing your personal property until your home is ready. Contact your insurance company, your state department of insurance, or

FEMA for more information. Ask your insurance company if there are any restrictions on where you can stay, how long you can stay there, and how much you can spend for a hotel room.

You can also ask your insurance company for an advance on your insurance proceeds. Funds disbursed in the form of an advance will be deducted from the final settlement. If you have a mortgage, your bank will need to sign the advance check.

You may also be eligible for expedited assistance from the federal government through FEMA. You can apply for such assistance through FEMA on line at <http://www.fema.gov>, or by calling 1-800-621-FEMA (3362), TTY 800-462-7585. FEMA representatives are also visiting disaster assistance centers.

### **My insurance company has offered to settle my claim. What should I do?**

You should consult with a lawyer before signing any releases, waivers, or cashing a check that might be deemed a full and final payment of your claim. Before you settle with your insurance company make sure you know the full extent of your damages and the full value of your claim.

### **My insurance company has denied me coverage or has offered me less than I think I should receive; what can I do?**

Insurance companies are required to acknowledge receipt of claims, communicate their decisions on claims, and pay claims in a timely manner. In general, insurance companies should acknowledge receipt of your claim within 15 days of receiving notice of your claim, and should communicate decisions on claims within 40 days of receiving your claim. Payouts should occur within 30 days of your acceptance of their offer. Because of the severity of the impact of Hurricane Katrina, these deadlines may be extended by your state department of insurance. Please contact your state department of insurance listed below for more information about the timing for payment of claims in your state.

If coverage is denied, in whole or in part, ask the insurance company to provide you with its reasons IN WRITING, as well as whether it has an appeals process. You should ask for any reports prepared by the insurance company in assessing your property or evaluating your claim. You may also want to seek an advance of the undisputed portion of your claim, if you can do so without giving up your rights to the disputed portion.

Contact your state department of insurance if you feel your claim has been wrongfully denied. You may want to seek help from an attorney, but be aware that their fee often will reduce your total recovery.

Most insurance policies have a ONE YEAR statute of limitations from the date of the occurrence of the damage for bringing a lawsuit against the insurance company for failure to pay a claim. If you do not file your lawsuit within this period you may be

prevented from doing so. You should read your policy and check the applicable law for the statute of limitations.

**Somebody approached me claiming that they can help me expedite my insurance claim if I give them money. What should I do?**

If someone claims to work for the government, the state department of insurance or your insurance company, ask for their name and demand to see official photo identification. Call the state department of insurance to report suspicious activity or to verify identification.

**Making Repairs**

**Can I make temporary repairs?**

You should make all necessary temporary repairs such as boarding up windows and repairing holes in the walls or roof, even if the insurance adjuster has not visited yet. Move your personal property to a protected area, if possible. Do not dispose of items you believe are a total loss until the insurance adjuster has inspected them, or unless you are instructed to do so by local officials. If you must dispose of damaged items, photograph them and take a swatch or sample, if possible. Also, get permission from your insurance company before conducting repairs, if possible. Take photographs before you begin repairs or cleanup and keep all of your receipts for your expenses.

**Can I hire someone else to make emergency repairs?**

Usually you can hire someone else to make temporary or emergency repairs, depending on the coverage your homeowner's policy provides. Usually, such policies cover materials and reasonable labor expenses for temporary and emergency repairs in addition to final repairs. Get several estimates. Also, contact your insurance company to find out if you will be reimbursed for repairs you conduct yourself. Keep all of your receipts for your expenses.

**A contractor said that he could finish the work faster if I sign my insurance check over to him. Should I do that?**

No. You should not sign your insurance check over to a contractor. A contractor may ask for partial progress payments. Reputable contractors, however, will not likely ask for full payment in advance, and your contract should specify that payments are to be made when the work is complete. If you have a mortgage, the mortgage company may have specific requirements on how insurance money should be spent. Contact your insurance company and/or mortgage company for more information.

**I received a repair estimate that seems too high. What should I do?**

If you receive a repair estimate that seems inflated, get another estimate, and obtain your insurance company's agreement to the repairs. Your insurance company will only reimburse you for repairs up to the limit of your policy.

## **Contact Info**

**I am not happy with the way my insurance company has treated me. What should I do?**

Contact your state department of insurance at the numbers listed below.

How can I contact my state's department of insurance?

### **Alabama**

Alabama Department of Insurance Consumer Help Line  
800-433-3966  
334-241-4141 (outside Alabama)  
334-269-3550  
<http://www.aldoi.gov/currentnewsitem.aspx?ID=594>

### **Louisiana**

Louisiana Department of Insurance Consumer Help Line  
800-259-5300  
225-342-5900 (outside Louisiana)  
E-mail at: [public@ldi.state.la.us](mailto:public@ldi.state.la.us)  
<http://www.ldi.state.la.us/HurricaneKatrina.htm>

State of Louisiana: How to File a Hurricane Insurance Claim  
[http://asklouise.custhelp.com/cgi-bin/asklouise.cfg/php/enduser/std\\_adp.php?p\\_sid=2Hy45ZO&p\\_lva=&p\\_faqid=197&p\\_created=1126036911&p\\_sp=cF9zcmNoPSZwX2dyaWRzb3J0PSZwX3Jvd19jbnQ9NjYmcF9wYWdlPTE\\*&p\\_li=](http://asklouise.custhelp.com/cgi-bin/asklouise.cfg/php/enduser/std_adp.php?p_sid=2Hy45ZO&p_lva=&p_faqid=197&p_created=1126036911&p_sp=cF9zcmNoPSZwX2dyaWRzb3J0PSZwX3Jvd19jbnQ9NjYmcF9wYWdlPTE*&p_li=)

Louisiana Citizens Property Insurance Corporation  
800-931-9548

### **Mississippi**

Mississippi Department of Insurance Consumer Help Line  
601-359-2453 (local)  
800-562-2957 (in state)  
866-856-1982 (toll free outside Mississippi)  
<http://www.doi.state.ms.us/>

### **Texas**

The Texas Department of Insurance has staff to answer questions at disaster recovery centers throughout the state. For up to date information on the

locations and hours of the centers, visit  
<http://www.tdi.state.tx.us/consumer/katrina.html>.

Texas Department of Insurance Consumer Help Line  
800-252-3439

Austin Disaster Recovery Center  
500 East Cesar Chavez Street  
Opened Thursday, September 8, 2005

Houston Disaster Recovery Center  
2575 West Bellfort  
Opened Monday, September 5, 2005  
Hours: 8 a.m. to 7 p.m.

Houston Insurance Assistance Center (IAC)  
Insurance rep.'s at IAC include Allstate, Chubb, Farmers, and State Farm  
Reliant Center - Room 102  
Hours: 8 a.m. to 7 p.m.

Dallas Disaster Recovery Center and Insurance Assistance Center (IAC)  
Insurance rep.'s at IAC include Allstate, Chubb, Farmers, and State Farm  
Dallas Convention Center, Loading Dock #2  
650 South Griffin Street  
Open Tuesday, September 6, 2005  
Hours: 8 a.m. to 7 p.m.

San Antonio Disaster Recovery Center and Insurance Assistance Center (IAC)  
Insurance representatives at IAC include Farmers, Nationwide, and State Farm  
Kelly USA Building 1536 (follow green signs to building 1536)  
Open Tuesday, September 6, 2005  
Hours: 7 a.m. to 7 p.m.

### **How do I contact my insurance company?**

An updated list of contact numbers is available at  
<http://www.disasterinformation.org/findins.htm>.

### **How do I contact FEMA?**

To apply for assistance, call 1-800-621-FEMA (800-621-3362) (TTY: 1-800-462-7585).  
You can also apply for assistance online at <http://www.fema.gov/register.shtm>.

### **How do I contact the American Red Cross?**

Visit a local American Red Cross office or call 866-438-4636.

# DEATH

## WILLS AND PROBATE

### **Who will get ownership of my deceased loved one's assets?**

Jointly owned (joint tenancy) assets pass automatically on the death of one of the owners to the surviving joint owner(s). Other assets (such as life insurance proceeds and retirement plan benefits) pass to designated beneficiaries. Assets held in a revocable trust are disposed of in accordance with the trust instrument following the death of the person who established the trust. Other assets owned by a deceased person (a "decedent") pass to the beneficiaries of his or her estate. If a person died with a valid will, his or her assets will be distributed according to the will. A person who died without a valid will is said to have died "intestate," in which case his or her assets will be distributed according to the intestacy laws of the state in which the decedent resided or the state in which the assets are situated if other than the residence of the decedent. Generally, an intestate decedent's spouse, children, parents and/or siblings will receive the assets.

### **My loved one left behind a will. What do I need to do?**

A will usually names an executor. If not, the court will appoint one. The executor's job is to collect the decedent's assets, pay the decedent's debts (such as taxes, bills, loans and expenses of administering the estate), and distribute any remaining assets according to the provisions of the will.

In order to carry out his, her or its duties, the executor generally must file a petition for probate with the appropriate state court, along with the original will and death certificate, and obtain letters testamentary. The petition for probate must contain pertinent information about the decedent and his or her family, debts, and assets. Usually, this filing must be done in the court in the county in which the decedent resided. The executor generally should engage a lawyer to assist with the filing of the petition and the administration of the decedent's estate.

Once the letters testamentary have been granted, the executor has the authority to and may begin to pay the decedent's debts and distribute the remaining assets to the beneficiaries of the decedent's estate.

### **What if I know that my loved one left a will, but I cannot find it?**

Check with the lawyer who prepared it. That lawyer may have retained the original, or at least a copy. In certain cases, a copy can be probated if the original cannot be found.

### **My loved one did not leave a will or none can be found. What do I need to do?**

If there is no will or no will can be found, an administrator of the deceased's estate will need to be appointed by the court to pay the decedent's debts and distribute the

remaining assets of the estate to the beneficiaries. The appointed administrator generally will be selected in the following order (assuming the potential administrator is competent and is at least 18 years old):

- the decedent's spouse;
- one or more of the decedent's children;
- one or more of the decedent's grandchildren;
- either or both of the decedent's parents;
- one or more of the decedent's brothers and sisters;
- any other distributee (heir); or
- one or more creditors of the estate.

The proposed administrator must file a petition for letters of administration in the appropriate state court along with a death certificate. Similar to the petition for probate and letters testamentary, this petition lists pertinent information about the decedent and his or her family and assets.

Once the letters of administration have been granted by the court, the administrator of the estate has the authority to and may begin to pay the decedent's debts and make the proper distributions to the beneficiaries of the estate in accordance with the laws of intestacy.

## **GUARDIANSHIPS OF MINORS AND INCOMPETENT ADULTS**

**I know a child who lost his or her only parent or both parents in the disaster. The parent provided for me to become the caretaker of the child in a will. What steps do I need to take to become the child's legal guardian?**

If the parent specified you to be the child's guardian in a will, you must complete guardianship proceedings in the appropriate state court in the county in which the deceased parent resided, as described in more detail below. The parent's will must also be duly admitted to probate. See the Wills and Probate section of this Handbook for more information about wills.

**The deceased parent did not specify another person to care for his or her child. What do I do if I wish to become a guardian the child?**

A guardian is a non-parent to whom the court gives authority to take responsibility for the care of a child. An appointment of guardianship may be permanent or temporary, and it expires when the child reaches the age of 18. You can petition the court to be appointed as the guardian of a child and/or the child's property if you have the ability and want to take responsibility for that child. Other potential options, not covered here, are adoptions and custody arrangements.

To file a petition for guardianship, you can go to the appropriate state court in the county where the child resides and ask the clerk of court for the necessary legal forms. If the court appoints you as guardian, you will receive letters of guardianship. You will need these documents for matters such as enrolling the child in school or for hospital emergencies. Please note that letters of guardianship are only valid in the state where they are issued.

### **What if a child inherits a sum of money or receives funds from an organization?**

Funds received by a child through inheritance or award will be administered by a guardian of the child's property. To file a petition to be appointed as guardian of the child's property, you should go to the appropriate state court in the county where the child resides. The child's assets or income must be invested as directed by the court for the child's benefit. The court may require the guardian to post a bond to ensure compliance with rules of the court and laws regarding the investment of a child's assets. If there are assets, the best scenario may be for the guardian of the child to be appointed the guardian of the assets. Usually, the funds are turned over to the child on the child's 18th birthday, at which time the guardianship is typically ended.

### **What if I am responsible for the care of a child who has received funds and I need to spend money on the child's behalf?**

With the permission of the court, as guardian of the child's property you may pay certain expenses on behalf of the child using funds held by you on the child's behalf. The court will decide each request based on the best interests of the child. You must petition the court for approval of each expense in advance or, if the court deems it to be appropriate, you may be able to obtain a monthly stipend for regular expenses. While courts approve spending on a case-by-case basis, expenses that are typically approved include education, medical and other support.

### **Do guardianships apply for adults as well? What if I now have to take care of an adult who is incompetent?**

A guardianship, conservatorship, or similar protective proceeding may also be instituted for an adult who is incompetent or has become unable to take care of his or her personal needs and property. You can file a petition to become a guardian of an adult and his or her property in the court in the county where the incompetent adult resides, and the above rules relating to guardianships of minors generally apply.

## **TAXES FOR MISSING OR DECEASED FAMILY MEMBERS**

### **Should federal income tax returns be filed on behalf of my missing relatives?**

If your missing relative has not been officially declared deceased, consult a professional tax advisor. A delay in obtaining a death certificate may have important federal income tax consequences. If your missing relative were to be treated as living, regular tax returns might be required on his or her behalf.

**Should federal income tax returns be filed on behalf of my deceased relatives? If so, when?**

Yes. A final return (Form 1040) should be filed for the year of death and for any prior years for which a required return has not yet been filed. If not filing a joint return, a final federal income tax return should be filed by the “executor” or the “personal representative” or other administrator of the estate of the deceased, appointed by the Court. The word “**DECEASED**,” the name of the deceased, and the date of death should be written across the top of the return. If it is a joint return, the name and address of the deceased and the surviving spouse should be written in the name and address space. If it is not a joint return, the name of the deceased should be written in the name space and the name and address of the estate administrator filing the return should be written in the remaining space. Generally, the final income tax return for a decedent who was a calendar-year taxpayer is due on April 15 following the year of death. Thus, in this case, the final return ordinarily would be due April 15, 2006. Income tax returns may also be required on behalf of the estate of the deceased.

**Can I file a joint tax return with my missing or deceased spouse?**

Yes. However, you should identify at the top of the return that you are doing so.

**Should a federal estate tax return be filed? If so, when and by who?**

Most relatively simple estates (cash, publicly traded securities, small amounts of other, easily valued assets, and no special deductions or elections or jointly held property) with a total value under \$1,500,000 and a date of death in 2005 do not require the filing of an estate tax return. However, the determination whether an estate tax return must be filed can be very complicated, and you should consult a professional tax advisor regarding the need to file an estate tax return. If an estate tax return must be filed, in general the return (Form 706) must be filed within nine months after the date of death. Extensions for filing can be applied for, although any taxes due should be paid on time to avoid interest and penalty charges. Estate tax returns generally should be filed by the person administering the decedent’s estate.

## EDUCATION

This information has been collected from <http://www.naehcy.org/katrina.html>, which was prepared by the National Association for the Education of Homeless Children and Youth (NAEHCY), the National Center on Homeless Education (NCHE), and the National Law Center on Homelessness & Poverty (NLCHP).

### **My family has been displaced due to Hurricane Katrina. How can I register my child for school in our new location?**

Many students from Mississippi, Louisiana, and Alabama displaced by Hurricane Katrina are seeking refuge in other states. The McKinney-Vento Act provides for public education for homeless children and youth. Katrina victims generally fit the definition of “homeless” under the McKinney-Vento Act, which includes those who lack a fixed, regular, and adequate nighttime residence. The Act further specifies that the following students should be considered homeless if they are in one of the following living situations:

- sharing the housing of others due to a loss of housing, economic hardship, or a similar reason;
- motels, hotels, trailer parks, or camping grounds due to a lack of alternative accommodations;
- emergency or transitional shelters;
- abandoned in hospitals;
- awaiting foster care placement;
- a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings;
- cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar setting.

### **What will I need to provide to enroll my child in school at the new location?**

Children and youth meeting the above criteria should be immediately enrolled in the school district where they currently reside. You do not need to provide birth certificates, school records, immunization records, proof of guardianship, or proof of residency to enroll in school. Given the lack of telephone services at your child’s former school and the potential permanent loss of school records, schools have been advised to begin new student files and seek to make appropriate placements based on information gathered from parents and students.

States that have imposed time limits on the collection of records should make exceptions for storm victims. It could be weeks and perhaps months before governmental agencies possessing birth certificates, proof of guardianship, and academic records are fully functioning and able to respond to request for documents.

Further, when they do resume business, they will be overwhelmed with requests and possibly distracted by the need to rebuild their internal infrastructures. Therefore, school districts and states have been advised that their state-established records timelines should not lead to barriers to enrollment and attendance that are prohibited under the McKinney-Vento Act.

Finally, you should be aware that the responsibility for obtaining records does not solely fall on families. McKinney-Vento requires new schools to request academic records while old schools must transfer those records. The law further states that school district homeless liaisons must assist families in obtaining necessary immunizations.

### **What if my family has to move more than once?**

Many storm victims may move frequently before finally finding a place to call home. Some may bounce between the homes of family members and friends. Others may be living in shelters provided by storm assistance efforts. As a result, their placements may continue to change as organizers are able to make incrementally better arrangements. The McKinney-Vento Act provides school stability by allowing homeless students to continue attending the same school, despite residential moves, if it is feasible for them to do so and desired by their parents or guardians. School officials are aware that school transfers are detrimental to academic, social, and emotional well-being, and should be avoided to the greatest extent possible.

### **How do I get my child to school?**

If the district provides transportation for non-homeless students, it must also provide transportation for homeless students. If children and youth move within an area, they should receive school bus service to their schools of origin.

### **Is my child entitled to school meals?**

Generally, homeless students are automatically eligible for free school meals. They should not be required to fill out forms or present proof of income eligibility. The USDA has issued special guidance in relation to storm victims. That guidance can be accessed through the following website:

<http://www.fns.usda.gov/cnd/Governance/Policy-Memos/2005-08-31.pdf>.

### **What other school services is my child entitled to receive?**

Homeless students are eligible for compensatory education, bilingual education services, special education, or any other programs offered by the local school district for which the homeless child or youth is otherwise eligible. Homeless children also should receive priority in preschool placement.

**Will my child be subject to segregation because of his or her status as a storm victim?**

No. Young people affected by the storm live with constant reminders of tragedy that they are still in the process of enduring. They may be waking up on cots in temporary shelters and remaining in those same spaces all day long. School is a time to escape these situations and be a normal kid. Shelter classrooms would deprive them of this vital component in improving their mental health. Thus, the McKinney-Vento act prohibits segregated educational facilities - such provisions are of great importance to those students affected by Katrina.

Resource Information

To learn more about the rights of homeless children, please refer to the following:

Diana Bowman  
National Center on Homeless Education (NCHE)  
1-800-308-2145  
dbowman@serve.org  
<http://www.serve.org/nche>

Barbara Duffield  
National Association for the Education of Homeless Children & Youth (NAEH CY)  
202-364-7392  
bduffield@naehcy.org  
<http://www.naehcy.org>

Joy Moses  
National Law Center on Homelessness & Poverty (NLCHP)  
202-638-2535  
jmoses@nlchp.org  
<http://www.nlchp.org>

## IMMIGRATION

For missing immigration documents, please also see the Replacing Lost Documents section of this Handbook.

Preliminary Note: The USCIS New Orleans district office is closed. All operations have been transferred to the Memphis sub-office, located at 842 Virginia Run Cove, Memphis, Tennessee, 38122. The USCIS has announced that all records and files in the New Orleans office have been secured and that the office sustained no damage. All USCIS documents stored in the New Orleans office will be transferred to Memphis. Anyone affected by Hurricane Katrina may seek assistance at any USCIS office.

According to the USCIS website, the USCIS will attempt to use its electronic file data to verify identity where possible.

### DISASTER RELIEF FOR IMMIGRANTS

#### **What are FEMA's citizenship/immigration requirements?**

In order to receive FEMA cash assistance (Individuals and Households Program Assistance) or Disaster Unemployment Assistance, you must be a U.S. citizen, non-citizen national, or a "qualified alien." A qualified alien is someone who has been granted legal permanent residence (green card), refugee status or asylum, withholding of deportation, conditional entry, or paroled into the United States for at least 1 year, is a Cuban-Haitian entrant, or a battered spouse or child with a pending or approved spousal petition or petition for relief. When you apply for these forms of FEMA relief, you will be required to sign a Declaration and Release attesting that you are a U.S. citizen or "qualified alien."

#### **Am I eligible for any disaster relief if I am an undocumented immigrant or not a "qualified" immigrant?**

Individuals not lawfully within the U.S. may qualify for emergency, non-cash, FEMA disaster assistance, including food, shelter, Disaster Legal Services or Crisis Counseling. Individuals not lawfully within the United States will not be eligible for FEMA cash assistance programs or for Disaster Unemployment Assistance. Private organizations such as the American Red Cross are not restricted from providing services to undocumented immigrants. Contact the specific organizations for each organization's eligibility information.

#### **If I am an undocumented immigrant, can I apply for FEMA assistance on behalf of my child who is a U.S. citizen? Will FEMA request information on my status when I fill out the application?**

You can apply for FEMA cash assistance on behalf of a *minor* child *if you live together*. FEMA has stated that when you fill out this application, you will not have to provide your own social security number or provide any information on your own immigration status.

Although part of the application includes a Declaration and Release attesting that you are a U.S. citizen or otherwise qualify for FEMA assistance, you may sign the Declaration and Release on your child's behalf even if you do not personally qualify for FEMA assistance.

**If I accept emergency assistance, am I at risk of being considered a “public charge”?**

DHS has stated that accepting assistance will not have a negative impact on your immigration status unless you fraudulently obtain such assistance.

**If I contact federal authorities in order to apply for FEMA or other assistance, will they discover my immigration status and try to deport me?**

After the September 11 disaster, the INS encouraged immigrants to come forward regardless of their status. No such announcements have yet been made by the DHS. Some immigrant advocates have circulated a petition requesting that the DHS place a moratorium on deportations in the face of the present crisis, but again, the DHS has not made any announcement that it will honor this request.

## **LOST DOCUMENTS**

**I lost all of my personal documents. Will I be eligible to work without my documentation?**

DHS recently announced that it would refrain from initiating enforcement actions against employers who hire victims of Hurricane Katrina who are “otherwise eligible for employment” but lack personal documents. As a practical matter, this means that employers are not required by law to request your employment eligibility documents during this period, but employers will still be required to complete the Employment Eligibility Verification Form (I-9). DHS stated that this policy will be in place for 45 days from September 6, at which time it will review the policy and make further recommendations.

**What can I do if I lost my passport, birth certificate or other documents from my country of origin?**

Please contact your consulate (many consulate numbers are shown below).

## **CONSULATE CONTACT INFO**

**How can I get help from representatives of my own country? How can I get in touch with my family in my country and let them know I am safe?**

### Mexico

The Mexican consulate has announced that it will help you get in touch with family members, find a new place to live, or return to Mexico. Consulate locations include:

Houston, Texas

4507 San Jacinto Street  
Houston, TX 77004  
(713) 271-6800

Los Angeles, California

2401 West 6th Street  
Los Angeles, CA 90057  
(213) 351-6800

Baton Rouge and Gonzalez, Louisiana  
(temporary, mobile consulate offices)

(225) 772-5893 and (713) 628-1066

### Honduras

The Honduran embassy is maintaining a list (which is posted on the website) of Katrina victims who have reported themselves to the embassy. You can contact them at (800) 261-4078. Consulate locations include:

Houston, Texas

6700 West Loop South  
Suite 360  
Bellaire, TX 77401  
(713) 667-4693

Los Angeles, California

3550 Wilshire Boulevard  
Suite 410  
Los Angeles, CA 90010  
(213) 383-9244

Miami, Florida

7171 Coral Way  
Suite 309  
Miami, FL 33155  
(305) 269-9399

There are also consulates in San Francisco, Atlanta, Phoenix, Washington D.C. & New York.

Nicaragua

Houston, Texas

6300 Hillcroft Street  
Suite 250  
Houston, TX 77081  
(713) 272-9628 and (713) 272-9629

Los Angeles, California

3550 Wilshire Boulevard  
Suite 200  
Los Angeles, CA 90010  
(Frente a la Iglesia San Basilio)  
(213) 252-1170 and (213) 252-1171 and (213) 252-1174

El Salvador

Houston, Texas

1702 Hillendahl Boulevard  
Houston, TX 77055  
(713) 270-6239

Los Angeles, California

3450 Wilshire Boulevard  
Los Angeles, CA 90010  
(213) 383-5776

India

Houston, Texas

1990 Post Oak Boulevard  
Houston, TX 77056  
(713) 626-2148

## **USCIS**

### **I used to deal with the New Orleans branch office of the USCIS. Now what office should I go to? What do I do if I had an interview scheduled or a pending application in the New Orleans USCIS office?**

Anyone affected by Hurricane Katrina may seek assistance at any USCIS office. The New Orleans office is closed and its operations have been moved to the Memphis, Tennessee sub-office located at 842 Virginia Run Cove, Memphis, Tennessee, 38122. The USCIS has announced that all records and files in the New Orleans office have been secured and that the office sustained no damage. All USCIS documents stored in the New Orleans office will be transferred to Memphis.

All interviews and other appointments in the New Orleans office have been cancelled. Once you are in a safe and secure place with an address for correspondence, the USCIS asks that you call customer service at (900) 375-5283. Someone will take your information and either transfer your case to the local office nearest you for scheduling, or, if you are still living in the service area, send you notification of when your interview has been re-scheduled.

For more information, check the USCIS website at <http://www.uscis.gov>, or call USCIS at (800) 375-5283.

### **Do I need to let USCIS know that I have moved as a result of the hurricane?**

All non-U.S. citizens who are required to be registered are also required to keep the USCIS informed of any change of address. To report a change of address you must file Form AR-11, available through the USCIS website or phone number given above.

## **WORK VISAS**

### **I was in the United States on a work visa that permitted me to work for an employer that was destroyed or closed as a result of the hurricane. Am I still eligible to be in the United States? Can I apply for other work?**

Many work visas are employer specific. That means the visa only authorizes you to work for one certain employer. Examples of employer specific visas are L-1, H-1 and E-1 or E-2 visas. Other types of work authorization are not employer specific. For example, if you have an Employment Authorization Document ("EAD"), you may work for any employer. If you have an employer specific work visa, you may not lawfully work for any other employer or remain in the US unless a new employer petitions for a new work visa on your behalf and you are otherwise eligible to change status. While DHS has not announced any specific relief for holders of work visas, please note that it has announced that it would refrain from initiating enforcement actions against employers who hire victims of Hurricane Katrina who are "otherwise eligible for employment" but lack personal documents. As a practical matter, this means that employers are not required by law to request your employment eligibility documents during this period, but employers will still be required to complete the Employment Eligibility Verification Form

(I-9). DHS stated that this policy will be in place for 45 days from September 6, at which time it will review the policy and make further recommendations.

## **STUDENT VISAS**

### **I was in the United States on a student visa, and was studying at a school affected by the disaster. What should I do?**

DHS recommends that you first attempt to contact your designated school official (DSO). You may also contact SEVIS (Student and Exchange Visitor Information System) by telephone at 202-305-2346, or email [SEVIS.source@dhs.gov](mailto:SEVIS.source@dhs.gov). They ask that you provide your date of birth, SEVIS ID number, and school information. The SEVIS website contains detailed information concerning transfers, status concerns, enrollment problems, and other issues. The website address is [www.ice.gov/SEVIS](http://www.ice.gov/SEVIS).

### **How long can I remain in the United States if I am not enrolled at school?**

Please note that DHS has stated that if you were not enrolled in school before the disaster, and your school was closed, you must make a decision whether to transfer to another school or leave the country within **thirty days** of your program or term start date. If you were enrolled, but are not able to attend classes due to the hurricane, you must resume classes, transfer to another approved school, or depart the United States.

## TELEPHONE AND INTERNET SERVICES

### EMERGENCY ACCESS

#### Where can I obtain emergency telephone or e-mail access if I am displaced?

All CompUSA stores in the following cities (addresses and phone numbers below) are offering free access to e-mail, local and long-distance phone service to Hurricane Katrina evacuees:

#### Arkansas:

Little Rock, AR:

801-A S. Bowman Rd., Bowman Hermitage Retail Center, 501-223-0588

#### Louisiana:

Baton Rouge, LA:

6051 Bluebonnet Blvd., 225-763-6886

#### Oklahoma:

Oklahoma City, OK:

6410 N. May Ave., 405-879-2300

Tulsa, OK:

10111 E. 71<sup>st</sup> Street, 918-461-2500

#### Texas:

Dallas/Ft. Worth, TX:

Mesquite: 1515 Town East Blvd., Ste. 168, 972-686-8167

North Park: 9368 N. Central Expressway, Dallas, 214-750-8866

Parkway: 15250 Dallas Parkway, Dallas, 972-233-4510

Frisco: 8549 Gaylord Parkway, 972-731-7580

Plano: 21 Central Expressway, Collin Creek, 972-423-0200

Hurst: 840 Airport Freeway, 817-577-9577

Arlington: 1102 W. Arbrook, 817-784-6004

Ft. Worth: 4465 Bryant Irvin Rd., 817-569-0130

Irving: 3578 W. Airport Freeway, 972-313-6100

Lewisville: 2325 S. Stemmons Freeway #504, 972-459-2100

Austin, TX:

South Austin: 5601 Brodie Lane, Ste. 800, 512-899-9221

Austin: 9503 Research Blvd., Ste. 300, Gateway Square, 512-502-6800

Lubbock, TX:

6002 Slide Rd., 806-796-3633

Houston, TX:

Royal Oaks/Westheimer: 11687 Westheimer, 281-589-9300

Webster: 1013 W. Bay Area Blvd., 281-554-8900

North Houston: 330 FM 1960 West, 281-444-3899  
First Colony: 16628 Southwest Freeway, Sugar Land, 281-494-8500  
Houston/Post Oak: 5000 Westheimer, 713-629-4333  
Willowbrook: 7630 FM 1960 West, 832-237-0738

San Antonio, TX:  
820 Rector Dr. East, 210-348-0880

Corpus Christi, TX:  
5701 South Padre Island Dr., 361-992-1400

McAllen, TX:  
1800 S. Main, 956-928-1604

The following Verizon Wireless Communications Stores are also currently providing free local and long-distance calls, battery charging and other wireless services for hurricane victims and evacuees:

**Florida:**

Pensacola, FL:  
Cordova Mall Store, 5100 North 9<sup>th</sup> St.  
Pensacola Store, 1765 E. Nine Mile Rd.

**Louisiana:**

Baton Rouge, LA:  
Baton Rouge/Sherwood Store, 4855 S. Sherwood Forest Blvd.  
Mall of Louisiana Store, 6401 Bluebonnet Blvd.  
Hammond, LA:  
Hammond Store, 702 SW Railroad Ave.  
Shreveport, LA:  
Shreveport Store, 7230 Youree Dr.  
Mall St. Vincent Cart, 1133 St. Vincent Ave.

**Texas:**

Beaumont, TX:  
Beaumont Store, 4106 Dowlen Rd., Ste. A  
Dallas, TX:  
North Dallas Store, 5631 Lyndon B. Johnson Freeway  
Preston Royal Store, 10720 Preston Rd.  
Park Cities Store, 5411 W. Lovers Lane  
Fort Worth, TX:  
Ridgmar Store, 6823 Green Oaks Rd.  
City View Store, 4869 Bryant Irvin Rd.  
Austin, TX:  
Highland Mall Kiosk, 6001 Airport Blvd.  
Lakeline Store, 14005B North US Highway 183  
Sunset Valley Store, 5601 Brodie Lane  
Barton Creek Kiosk, 2901 S. Capital of Texas Highway

San Antonio, TX:

Northwoods Store, 1742 North Loop 1604 E  
Rolling Oaks Mall Kiosk, 6909 N. Loop 1604 E  
Ingram Park Mall Store, 6301 N. Loop 410  
Bandera Pointe Store, 11619 Bandera Rd.  
DeZavala Store, 12822 W. Ih 10, Ste. 105  
The Quarry Store, 255 E. Basse #1530  
South Park Mall Store, 2310 SW Military Dr.

Tyler, TX:

Tyler Store, 4905 South Broadway Ave.

## **MOBILE PHONES**

### **Will my mobile phone continue to work even if I don't pay my bill?**

The Federal Communications Commission (FCC) required wireless carriers to submit reports confirming that they are complying with the standard industry practice of maintaining wireless service to customers displaced by Hurricane Katrina, despite failure to pay bills. Such customers may be relying exclusively on their mobile phones at this time and may not be receiving their bills or be able to pay them.

In response to this request, the major wireless carriers have committed to providing relief to mobile customers affected by Hurricane Katrina.

**Cingular** has stated that it will not disconnect service to affected customers and has suspended collection activities for at least 30 days, and may extend this grace period as necessary. Cingular is also making accessories available at 50% off in affected areas. In addition, Cingular subscribers in specific affected cities are eligible for free or discounted text messaging, roaming, long distance and overage charges and basic monthly service discounts, and qualifying prepaid customers are eligible for extended expiration dates on their prepaid cards. 1-866-CINGULAR.

**Sprint Nextel** has stated that it will provide affected customers with credits for monthly service charges, dismiss overage charges and offer free long distance, roaming and text messaging. 1-888-211-4727 (Sprint PCS) or 1-800-639-6111 (Nextel).

**T-Mobile** has stated that it will not suspend the service of any affected customers due to non-payment. In addition, T-Mobile will provide affected customers with free access to voice, data and Wi-Fi networks for at least the next two weeks, and will offer a free replacement handset to affected customers. 1-800-937-8997 or 611 from your phone.

**Verizon Wireless** has stated that it will not disconnect affected customers for non-payment, has stopped all collection activities, has issued an air-time credit for prepaid customers and extended the expiration dates of prepaid cards, and has stopped automatic payments from customers' bank accounts to free their funds for other needs. 1-800-922-0204 or \*611 from your mobile phone.

## **OTHER SERVICE ISSUES**

### **What happens to my BellSouth local telephone service and/or DSL service while I am away?**

BellSouth has temporarily waived fees on certain services for qualifying customers until September 30, 2005. Specifically, BellSouth is waiving set-up charges for service at a new or temporary location, as well as charges for switching back to your original location. BellSouth is also providing one free month of remote call forwarding and/or voice mail service so that customers can remotely forward calls or retrieve messages from their home phones. BellSouth is also providing free unlimited back-up dial-up service for its DSL customers that that they can temporarily access their e-mail accounts from remote locations.

For more information on these and other relief measures, residential customers can contact BellSouth at 1-888-757-6500 and small business customers can contact BellSouth at 1-866-620-6000.

### **Will I be able to keep my old telephone number when I return?**

Normal FCC rules would require disconnected telephone numbers to be made available for reassignment to new customers within 90 days. The FCC, however, has waived these rules in order to permit carriers to disconnect your residential phone number temporarily (if you request such disconnection to avoid phone bills during the time you are displaced from your home) and reconnect the same phone number when your service is restored – even if the disconnect period exceeds 90 days. The waiver applies to affected customers in Louisiana, Mississippi and Alabama and shall remain in place until at least June 5, 2006.

To request such a temporary disconnection, residential customers can contact BellSouth at 1-888-757-6500 and small business customers can contact BellSouth at 1-866-620-6000.

### **If my carrier has not restored service, will I be switched to another carrier?**

Normal FCC rules prohibit carriers from switching your service to another carrier unless they have provided you with at least 30 days' advance notice. The FCC, however, has waived these rules in order to permit carriers who have not been able to restore service to switch your service to another carrier that is operational. The FCC has stated that it expects service to be provided at the same rates, and on the same terms and conditions, as provided by your initial carrier, and that your service must be switched back to your original carrier when it is again operational. The temporary new carrier must provide you with notice of the switch as soon as possible. This waiver also applies to affected customers in Louisiana, Mississippi and Alabama and shall remain in place until at least June 6, 2006.

## VICTIMS OF CRIME

### **Am I, as the victim of a crime or the relative of a victim of a crime, entitled to receive benefits?**

You may be entitled to receive benefits to compensate you for losses suffered as a result of physical injuries that you or a relative sustained as a result of a violent crime from a victims of crime compensation program administered by the state in which the crime happened. Generally, the crime must have been a violent crime that caused injuries to you rather than to your property, though some states provide compensation for the catastrophic loss of a home as the result of a crime. In addition, state crime victim compensation programs are “payers of last resort.” This means that any other sources of payment that you receive for your injuries or the injuries of a relative (such as insurance, employee benefit programs, Workers’ Compensation, Social Security, disability benefits, Medicare and Medicaid) will reduce the amount that you may receive. Alternatively, if you receive compensation from a state’s crime victim compensation program, that state may be entitled to recover from these other sources the payment available to you to compensate you for your injuries.

### **What kinds of expenses and costs may be covered by state compensation programs for victims of crimes?**

The expenses and costs that may be covered by state compensation programs for victims of crime generally include medical care, mental health treatment, funerals and lost wages. Generally, property damage or loss is not covered. Compensation is also not available for pain and suffering.

### **How do I apply for the compensation that may be available to me?**

To apply for compensation as the victim of a violent crime, you should contact and file an application for benefits with the crime victim compensation program administered by the state in which the crime occurred. This application must be filed within a time limit prescribed by the state in which the crime occurred (in Alabama, Louisiana and Mississippi, this time limit is at least one year). In addition, states require that you report the crime to a law enforcement agency within a prescribed time period (typically 72 hours), though this time period may be extended for good cause shown. A state may also require that you attach a crime report to your application.

The phone numbers and websites for the victim compensation programs administered by Alabama, Louisiana and Mississippi are:

#### Alabama:

Alabama Crime Victims Compensation Commission

Phone: 800-541-9388 or 334-290-4420

Website: <http://www.acvcc.state.al.us>

Louisiana:

Louisiana Crime Victims Reparation Board  
Phone: 212-925-4437 or (in state only) 888-684-2846  
Website: <http://www.cole.state.la.us/cvr.htm>

Mississippi:

Office of the Attorney General  
Crime Prevention & Victim Services  
Crime Victim Compensation Division  
P.O. Box 220  
Jackson, MS 39205-0220  
Phone: 800-829-6766 or 601-359-6766  
Website: [http://www.ago.state.ms.us/divisions/crime\\_victim/cvcinfo.php](http://www.ago.state.ms.us/divisions/crime_victim/cvcinfo.php)

**Who can I contact to find out more about the benefits I may be entitled to as a victim of a crime?**

In addition to the state victim compensation programs for Alabama, Louisiana and Mississippi identified above, there are many organizations that you may contact to learn more regarding the benefits to which you may be entitled as the victim of a crime and as a victim of Hurricane Katrina. Such organizations include:

The National Center for Victims of Crime  
Phone: 800-394-2255 or 202-467-8700  
E-mail: [gethelp@ncvc.org](mailto:gethelp@ncvc.org)

National Organization for Victim Assistance (NOVA)  
Phone: 800-878-6682 or 703-535-6682  
Website: <http://www.trynova.org>

The Office for Victims of Crime (OVC)  
Phone: 202-307-5983  
Website: <http://www.ovc.gov> (includes a link to the Federal Government's "Hurricane Katrina recovery information" website)

## **PRICE GOUGING**

### **I believe I am being victimized by price gouging. What can I do?**

You should contact the law enforcement investigating or prosecuting agencies in the location where you believe price gouging is taking place.

In Louisiana, the Attorney General has set up special procedures for addressing price gouging. The Attorney General can be contacted at 1-800-488-2770. Price gouging complaints may be filed with the Attorney General's office at: Office of the Attorney General, Consumer Protection Section, P.O. Box 94005, Baton Rouge, LA 70804-9005, Fax: (225) 326-6499. Price gouging complaint information can also be found at <http://www.ag.state.la.us/Complaint.aspx>.

In Mississippi and Alabama, you may direct your complaints to the local District Attorney's office or to the State Attorney General.

In any state, you may also contact the local county bar association or legal aid society.

## VETERANS RESOURCES

Veterans affected by Hurricane Katrina who have access to the Internet should visit the following websites for comprehensive information:

<http://www.vba.va.gov>

<http://www1.va.gov/opa/katrina/>

<http://www1.va.gov/opa/katrina/QAVet.htm>

<http://www1.va.gov/opa/katrina/tollfree.htm>

<http://www.homeloans.va.gov/>

<http://www.insurance.va.gov/>

**I have been displaced by Hurricane Katrina and need basic information on where I can receive medicine, treatment, and have other questions answered. Who should I call?**

The Department of Veterans Affairs has established a toll-free telephone number—**800-507-4571**—for affected veterans or their families to obtain information, including where to receive care, how to receive prescription drugs, and other concerns.

**I am a VA patient. I need a prescription refilled. What should I do?**

Veterans should call the nearest open VA medical center, tell them the prescription needs and explain that they are unable to get a refill prescription because of the hurricane. Veterans can also call, toll free, **800-507-4571** for assistance with their prescriptions. In order to receive care, veterans will need to register at the new VA medical center. Veterans will also need to inform the VA medical center and the post office of their new or temporary addresses.

**I ordered a prescription, but the post office can't deliver it because my home is damaged. What should I do?**

Veterans should contact the nearest open post office with their forwarding address. Local post offices are holding packages for up to 14 days for addressees affected by the hurricane. Veterans should also inform both the nearest open post office and nearest open VA Medical Center of their new or temporary addresses.

**I am a veteran who experienced the trauma of Hurricane Katrina. I am shaken by the loss and devastation and would like to talk with someone about dealing with this event. Who can I call for help?**

Veterans should call the nearest open VA Medical Center. Counselors are available to help veterans. Please see the Mental Health Resources section of this Handbook for additional sources of help.

## **I have moved as a result of Hurricane Katrina. How do I notify VA of my new address?**

Veterans can update their information by phone, in person or by mail. Veterans can contact VA's toll-free help line at **877-222-VETS (8387)** to provide your new address information. Veterans can notify their local VA health care facility of the address change by letter or by completing a VA Form 10-10EZR. Veterans can provide their new address when they are seen in person at any VA health care facility.

## **How can I continue to receive monetary benefits from the Department of Veterans Affairs if I no longer reside at my address due to Hurricane Katrina?**

Veterans receiving benefits or aid from the Department of Veterans Affairs prior to Hurricane Katrina will continue to receive these benefits. Veterans currently receiving monthly disability compensation or pension from the Department of Veterans Affairs via electronic funds transfer (electronic deposit) will continue to receive these payments via electronic transfer to the financial institution as usual. Veterans who do not have access to their financial institution can obtain a paper convenience check by calling **800-827-1000** or by visiting any VA Regional Office in the county. Veterans displaced by Hurricane Katrina who normally receive a paper check can obtain a paper convenience check by also calling **800-827-1000** or by visiting any VA Regional Office in the county.

## **If I receive educational assistance and was displaced as a result of Hurricane Katrina, will I continue to receive educational benefits?**

Yes. For veterans whose school was closed due to Hurricane Katrina, the VA will consider the veterans' attendance as continuous. Veterans receiving active-duty or reserve G.I. Bill benefits should verify their enrollment until further notice as if their school did not close. Veterans can verify enrollment online at <https://www.gibill.va.gov/wave/default.cfm> (the WAVE website) or by calling **877-823-2378**. Veterans' payments will not be affected.

Veterans receiving benefits under the Dependents Educational Assistance program and who were due to receive a payment on September 1, 2005, should have received the payment as scheduled. Veterans who are unable to access funds should call **888-GIBILL1 (888-442-4551)** for information and assistance.

## **I have a VA loan on a home that was damaged by Hurricane Katrina. What should I do?**

In general, veterans *are not* excused from making regular monthly loan payments even if their home is uninhabitable. Veterans expecting to encounter difficulty making the payments on their mortgage should contact their lender/servicer as soon as possible for guidance and possible assistance.

The VA recommends veterans take the following steps if they have VA loans on homes that are damaged by natural disasters:

- Contact your mortgage company as soon as possible to discuss (1) forbearance or possible extension or modification of your loan if you are unable to make your payments on time, and (2) procedures regarding insurance loss checks and repairs to your property, payment to contractors, etc.
- Contact your insurance company or agent as soon as possible to file insurance loss claims.
- Contact Federal Emergency Management Agency (FEMA) to begin the disaster application process. Call FEMA's toll free number **800-621-FEMA (3362)**, or **800-462-7585 (TTY)** for the hearing and speech impaired.

**I am a Louisiana resident and need to make a new claim for VA benefits, or submit information in support of an existing claim. How can I do this?**

The New Orleans VA Regional Office is closed until further notice. VA compensation and pension claims for Louisiana veterans and dependents will be processed at the VA Regional Office, in Muskogee, Oklahoma. New benefit claims, and information in support of existing claims, should be sent to the Muskogee Regional Office at the following address:

VA Regional Office  
P.O. Box 8321  
Muskogee, OK 74402-8321

**How do I find out about benefits from my current participation in the VA's Vocation Rehabilitation and Employment Program?**

Veterans who are currently participating in the VA's Vocational Rehabilitation and Employment program and have questions regarding their benefits should contact the VA Regional Office in Little Rock, Arkansas at **866-426-6638**.

**What do I need to know about my VA Life Insurance Policy?**

VA Life Insurance Policy. Veterans who have a VA Life Insurance policy may be eligible for an expedited policy loan or dividend withdrawal—up to 94% of the cash surrender value of their insurance. The VA will process requests the day they are received. Loan and dividend withdrawal requests will be processed on the same day they are received.

Veterans concerned about lapse in their life insurance policies due to nonpayment of premiums can request a 90-day premium payment extension. Premium extension requests may be made by calling **800-669-8477** or by submitting a written request. Written requests can be faxed to the VA at **888-748-5828** or mailed to: VAROIC, P.O. Box 7327, Philadelphia, PA 19101 Veterans can visit <http://www.insurance.va.gov> for more information.

Servicemembers' Group Life Insurance (SGLI) policy. Veterans who have a Servicemembers' Group Life Insurance (SGLI) policy, were discharged from service and were unable to submit an application for Veterans Group Life Insurance (VGLI), may be eligible for an extension of your 120-day application period. Veterans should contact Office of Servicemen's Group Life Insurance (OSGLI) at **800-236-6142** for more details.

Veterans' Group Life Insurance (VGLI) policy. Veterans who have a Veterans' Group Life Insurance (VGLI) policy and are concerned that it may lapse due to nonpayment of premiums, should be aware that a liberal reinstatement policy and a 90-day premium payment grace period has been established. Veterans should contact OSGLI at **800-236-6142** for more details.

**I currently have an appeal before the Court of Appeals for Veterans Claims and a deadline is approaching. What can I do?**

Request an extension of time or a stay from the Court of Appeals for Veterans Claims. The Secretary's attorneys will not oppose motions to extend deadlines or to stay proceedings in cases affected by Hurricane Katrina that are pending before the U.S. Court of Appeals for Veterans Claims.

**What is the current status of VA Medical Centers (VAMCs) in areas affected by Hurricane Katrina?**

The New Orleans VAMC has lost power, and patients are being evacuated to VAMCs in Houston, Jackson, Shreveport and Alexandria, LA. The Medical Center's Staff will be evacuated once the patients have been evacuated.

The Biloxi VAMC is open, but it sustained significant damage from downed trees and broken windows.

The Gulfport VAMC is completely closed. All patients have been evacuated.

Veterans should regularly check <http://www1.va.gov/opa/katrina/QAVet.htm> for updates on the status of VAMCs in areas affected by Hurricane Katrina.

## PETS AND ANIMALS

**I had to leave my pets when I was evacuated. Are there resources to help me find them?**

The following are lost animal hotlines:

<ul style="list-style-type: none"><li>• <b>National Hotlines</b> for reporting lost pets: Phone (888) PETS-911 (800) Humane-1</li><li>• <b>Horse Helpline:</b> Phone (225) 578-9501</li><li>• <b>Hotline for New Orleans, Louisiana:</b> Phone (225) 578-6111</li></ul>	<ul style="list-style-type: none"><li>• <b>Hotline for Jackson, Mississippi:</b> Phone (800) 252-0923</li><li>• <b>Houston SPCA</b>, an animal emergency hotline: Phone (713) 802-0555;</li><li>• <b>Pet Loss Support Hotline</b>, a hotline run by the UC Davis School of Veterinary Medicine for people struggling to cope with the unknown status of their animals or their deaths: Phone (800) 565-1526.</li></ul>
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Owners can also check the following websites to help locate a lost pet:

<http://www.petfinder.org>

<http://www.pets911.com/services/lostandfound/index.php>

**Our house was destroyed by the hurricane, including the barns and stables we had to shelter our larger animals. Although we were able to evacuate the animals, we now must find some place to keep them. Can anyone help?**

Many shelters in the affected areas are continuing to care for animals displaced by the hurricane, sometimes at no charge. For a list of animal shelters in your area, visit the following websites:

<http://www.petfinder.org/disaster/#checkin> or

[http://www.uan.org/ears/action\\_report.html](http://www.uan.org/ears/action_report.html) or

<http://www.branwenscaultdron.com/Katrina.html> or

[http://www.uan.org/pdfs/Emergency\\_Animal\\_Shelters\\_Katrina.pdf](http://www.uan.org/pdfs/Emergency_Animal_Shelters_Katrina.pdf)

The following is information specific to three of the states affected by the hurricane:

### LOUISIANA

Evacuees can house their animals at the following temporary animal shelters. Owners are generally required to come by twice a day to care for their pets:

<ul style="list-style-type: none"> <li>• <b>Lamar-Dixon Horse Expo Center</b> 9039 St. Landry Road Gonzalez, Louisiana Phone (225) 413-8813</li> <li>• <b>Blackham Coliseum</b> 444 Cajundome Boulevard Lafayette, Louisiana Phone (337) 291-5644</li> <li>• <b>Monroe Civic Center</b> 401 Lea Joyner Memorial Expressway Monroe, Louisiana Phone (225) 578-9900 <i>(small animals)</i></li> </ul>	<ul style="list-style-type: none"> <li>• <b>Ike Hamilton Center</b> 501 Mane Street West Monroe, Louisiana Phone (225) 578-9900 <i>(large animals)</i></li> <li>• <b>LSU Agriculture Center/Parker Coliseum</b> Baton Rouge, Louisiana Phone (225) 578-9900</li> <li>• <b>Louisiana State University</b> Health and Physical Education Building Shreveport, Louisiana Phone (225) 578-9900 <i>(pets only, no livestock)</i></li> </ul>
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Louisiana residents can also call toll-free (888) 773-6489 between 8:00 am and 6:00 pm to direct a request for rescue for animals lost or stranded by Hurricane Katrina. If calling from outside of Louisiana, residents may call (225) 925-3980 between 8:00 am and 6:00 pm Central Time (a toll-free number for out-of-state callers is being established). Residents may also send an e-mail to [Katrina@ldaf.louisiana.gov](mailto:Katrina@ldaf.louisiana.gov) to leave information about the number of animals that need rescuing, their species, and their confined location.

## TEXAS

- **Society for the Prevention of Cruelty to Animals**  
362 S. Industrial Boulevard  
Dallas, Texas  
Phone (972) 562-7297 x/123

The SPCA will take in animals whose owners are temporarily living in shelters if the animals are already spayed or neutered & vaccinated, or if the owners agree to have the pets spayed or neutered and vaccinated while in the SPCA's care.

- **Austin Convention Center** (temporary animal shelter)  
500 East Cesar Chaves Street  
Austin, Texas  
Phone (512) 646-7387

Texas residents may complete form <https://www.uan.org/secure/rescue.html> to direct a rescue for animals lost or stranded by Hurricane Katrina.

## MISSISSIPPI

- **Fairgrounds**  
at the intersection of High Street and I-55  
Jackson, Mississippi  
Phone (800) 252-0923  
Provides animal shelter

Mississippi residents may complete form at <https://www.uan.org/secure/rescue.html> to direct a rescue for animals lost or stranded by Hurricane Katrina. They may also call (888) 772-3106 to report a lost or found animal.

### **I need a house or apartment that allows pets. How can I find one?**

Individuals seeking to rent pet-friendly apartments or houses should visit <http://www.petrent.net>

### **My pet was injured in the hurricane. Can I obtain financial assistance to care for my pet?**

Animals that have been injured, orphaned, or otherwise affected by the hurricane may be eligible to receive aid through the United Animal Nations' AnimalAid. The program can provide assistance in placing the animal in foster or permanent adoptive homes, transportation for the animal, and financial assistance of up to \$500 per family to cover veterinary care, kennel boarding arrangements, food, medications, and other supplies. The guidelines for the program and an application can be obtained at [http://www.uan.org/ears/animal\\_aid.html](http://www.uan.org/ears/animal_aid.html)

## MENTAL HEALTH RESOURCES

If you are feeling grief, stress, or simply need crisis counseling, contact information for various mental health organizations is listed below.

### Government resources

In Alabama, if you have been displaced by Hurricane Katrina and need mental health assistance call (800) 367-0955 or check with the Alabama Department of Mental Health at <http://www.mh.state.al.us>. Additional Crisis Counseling Information Services are available by calling (800) 832-0952 from 8 a.m. to 5 p.m. If you are in Baldwin County, call (251) 990-4210, Monday to Friday from 8 a.m. to 5 p.m. If you are in Mobile/Washington County, call (251) 422-3303 Monday to Friday from 8 a.m. to 5 p.m.

In Louisiana, please call (888) 524-3578 from 7 a.m. to 7 p.m. More information can be found at the Louisiana Department of Social Services website at <http://www.dss.state.la.us>.

In Mississippi, you can obtain a listing of crisis counseling services and providers by checking the Mississippi Department of Mental Health website at <http://www.dmh.state.ms.us/index.html> or by calling (877) 210-8513.

The federal government's Substance Abuse and Mental Health Services Administration also has a website with a number of publications on addressing mental health issues that may arise as a result of Hurricane Katrina:  
<http://www.mentalhealth.samhsa.gov/cmhs/katrina/pubs.asp>.

### National Mental Health Association

The National Alliance for the Mentally Ill maintains a helpline for information on mental illnesses and referrals to local groups. The local self-help groups have support and advocacy components and offer education and information about community services for families and individuals.

- **Main Office**  
2001 N. Beauregard Street - 12th  
Floor  
Alexandria, VA 22311  
Phone: 703-684-7722  
Fax: 703-684-5968  
Toll-free: 800-969-6642  
(TTY): 800-433-5959  
E-mail: [infoctr@nmha.org](mailto:infoctr@nmha.org)  
Internet: <http://www.nmha.org>
- **Alabama**  
6900 Sixth Avenue South, Suite  
B  
Birmingham, AL 35212-1902  
Phone: 205-833-8336  
Fax: 205-833-8309  
Toll-free: 800-626-4199  
(Statewide)  
E-mail:  
[Shannon@namialabama.org](mailto:Shannon@namialabama.org)  
Internet:  
<http://www.namialabama.org>

- **Mississippi**  
5269 Keele Street, Suite C  
Jackson, MS 39206  
Phone: 601-981-4491  
Fax: 601-981-4910  
Toll-free: 800-357-0388  
Internet: <http://ms.nami.org>
- **Louisiana**  
11762 South Harrell's Ferry Road  
Suite D  
Baton Rouge, LA 70816  
Phone: 225-292-6928  
Fax: 225-368-0055  
Toll-free: 888-343-5864  
E-mail:  
namilouisiana@bellsouth.net  
Internet: <http://la.nami.org>

### **Other private organizations**

The Samaritan Counseling Center in Texas provides professional counseling services. Reduced fees are available based on need. The center is located at 5425-A Burnet Road, Austin, TX 78756. It can be reached at (512) 451-7337 or on the web at <http://www.samaritan-center.org>

The National Suicide Prevention Hotline is available at (800) 273-TALK. Their website also has information to help victims of Hurricane Katrina:  
[http://www.suicidepreventionlifeline.org/NSPL\\_Hurricane\\_resources.html](http://www.suicidepreventionlifeline.org/NSPL_Hurricane_resources.html)

## SMALL BUSINESSES

### INSURANCE

**I own a business. Which types of policies could provide coverage for injury or damage suffered by me or my business?**

For direct property damage, including collateral damage, and for indirect property damage, including business income losses, extra expenses, and computer, valuable record, and data processing losses, you can look to the following types of policies:

- all risk policies;
- named peril policies (fire, etc.);
- building and personal property policies;
- business owner property policies;
- boiler and machinery policies;
- computer policies;
- commercial inland marine policies;
- causes of commercial loss policies;
- condominium commercial property or owner policies;
- homeowner/renter policies;
- ordinance or law commercial property policies;
- jewelers block policies;
- flood policies; and
- valuable papers and records policies.

If your business was closed or events cancelled by damage or governmental action, in addition to being covered by the policies listed above, you may be covered by business income (and extra expense) and cancellation policies. If you suffered damage to vehicles such as automobiles and boats, you may be covered under business or personal automobile policies, truckers' policies, motor carrier policies, mobile equipment policies, garage coverage and marine policies. If you or your employees were injured, you or they may be covered by your workers' compensation policy. If not, which may be the case if you are a sole proprietor, director, or officer, you can look to health insurance policies and short- and long-term disability policies (group and individual). Please see the Your Job, Benefits, section of this Handbook for additional information.

## **I own a business. What kinds of insurance coverage could I have for claims made against me or my company?**

Workers' Compensation claims can be brought against you by injured employees or their families for disability and lost wages. Injured visitors or those employees who are exempt from Workers' Compensation may have claims under health insurance, short- and long-term disability and travel accident policies. You may be covered by commercial general liability policies for lawsuits brought against you for bodily injury or property damage. Commercial and personal umbrella and excess policies may provide additional coverage.

## **LOANS FROM SBA**

### **What assistance does the U.S. Small Business Administration offer?**

The U.S. Small Business Administration (SBA) provides three types of disaster loans: (1) economic injury business loans, (2) physical disaster business loans, and (3) physical disaster home and personal property loans. Each of the loan programs is described in more detail below.

The following are some general principals applicable to all SBA disaster loan programs:

Loans are made for uninsured losses or otherwise uncompensated disaster losses. The SBA does not duplicate benefits provided by other agencies or insurance companies. SBA's disaster assistance is in the form of loans. The loans must be repaid by recipients. The SBA will consider an applicant's ability to repay in determining whether to make a loan. All SBA programs and services are provided to the public on a nondiscriminatory basis.

Economic Injury Disaster Loan (EIDL): These loans provide working capital to small businesses to assist them through the disaster recovery period. They cover operating expenses (as opposed to physical damage) that the small business could have paid, if the disaster had not occurred. EIDLs are generally capped at \$1.5 million. EIDLs are available only for small businesses located in declared disaster areas (and designated contiguous counties). The deadline for applying for an EIDL is **May 29, 2006**. For more information on EIDLs, see SBA Publication DA-3 online at <http://www.sba.gov/gopher/Disaster/eidlall.txt>.

Business Physical Disaster Loan (BPDL): These loans are available to all businesses, regardless of size, and to nonprofit organizations to repair or replace disaster damage or loss of property, including real estate, machinery and equipment, inventory and supplies. BPDLs are capped at \$1.5 million. Further, while you may receive both a BPDL and an EIDL, the combined assistance is capped at \$1.5 million. The deadline for applying for a BPDL is currently **October 28, 2005**. For more information on BPDLs, see SBA Publication DA-2 online at <http://www.sba.gov/gopher/Disaster/pdball.txt>.

Home Disaster Loans (HDL). These loans are for homeowners and renters to repair damages to real estate or personal property owned by the victim. Homeowners may

apply for a loan of up to \$200,000 to restore their primary home to its pre-disaster condition. Renters are eligible for a loan of up to \$40,000 for personal property losses only. The deadline for applying for these loans is currently **October 28, 2005**.

For more information on HDLs, see SBA Publication DA-1 online at <http://www.sba.gov/gopher/Disaster/homeall.txt>.

### **How do I apply for an SBA loan?**

Businesses and individuals are urged to register with the Federal Emergency Management Agency (FEMA) by telephone at (800) 621-FEMA (3362) or (800) 462-7585 (TTY), online at <http://www.fema.gov> or apply in person at any of the designated disaster recovery centers. See the FEMA Assistance section of this Handbook.

SBA Disaster Area Offices are at <http://www.sba.gov/gopher/Disaster/dao.txt>. For the office nearest you, look under "U.S. Government" in your telephone directory, or call (800) U-ASK-SBA (827-5722), Monday through Friday, 9 am to 5 pm, or (704) 344-6640 (TTY). You may also send a fax to (202) 481-6190 or send an email to [answerdesk@sba.gov](mailto:answerdesk@sba.gov).

### **Economic Injury Disaster Loans for Small Businesses**

#### **What is the deadline for applying for an EIDL?**

The deadline to file an application for an EIDL is currently **May 29, 2006**.

#### **Is my business eligible for an EIDL?**

Your business may be eligible for an EIDL if the following conditions are met: 1) your business is a "small business"; 2) your business has suffered "substantial economic injury" as a result of Hurricane Katrina, regardless of physical damage; 3) your business is located in a "declared disaster area" (or in a jurisdiction located next to the disaster area); and 4) the business and its principals do not have credit available elsewhere.

A "small business" is one that is independently owned and operated and that is not dominant in its field of operation. What constitutes a small business varies from industry to industry, but is almost always stated in terms of either number of employees or average annual receipts. For industry size guidelines, see <http://www.sba.gov/size/indextableofsize.html>.

In addition, certain categories of businesses are not eligible for an EIDL. These include nonprofits, religious organizations, businesses which derive one-third of their annual income from legal gambling and agricultural enterprises (other than small nurseries and small agricultural cooperatives). Individuals also are not eligible for EIDLs.

"Substantial economic injury" is the inability of a business to meet its obligations as they come due or to pay its ordinary and necessary operating expenses due to Hurricane Katrina. Loss of anticipated profits or a drop in sales is not sufficient to establish

substantial economic injury. Indicators of economic injury might be a larger than normal volume of receivables, a lower sales volume, slow inventory turnover, and the development of delinquencies in trade payables, current accruals and debt payments.

Your business must be located in the declared disaster areas or certain counties, parishes or other political subdivisions that are contiguous to the declared disaster area.

**If I can borrow from a bank, am I still eligible for an EIDL?**

No. Private credit sources must be used as much as possible to overcome the economic injury. The SBA can provide EIDL assistance only to the extent the business (and its principals) cannot recover by using its own resources and normal lending channels.

**Must I sell assets that are not used in my regular business operations before I am eligible for an EIDL?**

The SBA will review the availability of such assets to determine if part or all of the economic injury might be remedied by using such assets. The business and its principal owners must use their own resources to overcome the economic injury to the greatest extent possible without causing undue hardship.

**How much money may I borrow?**

You may request an EIDL for the amount of economic injury and operating needs, but not in excess of what your business could have paid had the disaster not occurred. In determining the eligible amount, the SBA will look at: 1) the total of your debt obligations; 2) operating expenses that mature during the period affected by the disaster, plus the amount you need to maintain a reasonable working capital position during that period; and 3) expenses you could have met and a working capital position you could have maintained had the disaster not occurred.

The amount of your economic injury does not automatically represent the dollar amount of your loan eligibility; the SBA will evaluate the information you provide and determine the reasonableness of your loan request.

**Am I required to submit a personal financial statement with my loan application?**

Yes. The SBA must review your financial statement and the financial statements of each partner, officer, director and stockholder with 20% or more ownership in your business. The SBA requires the principals of the business to personally guarantee repayment of the loan and, in some instances, to secure the loan by pledging additional collateral.

**What documents should I use to show my losses when applying for an EIDL?**

In order for the SBA to compare your financial condition and operating results prior to Hurricane Katrina with those during and after Hurricane Katrina, you must furnish

balance sheets and operating statements for both pre-disaster and post-disaster periods of time. The specific requirements are contained in the EIDL application form.

### **Are there any limitations on the use of an EIDL?**

Yes. An EIDL is intended to help you maintain a secure financial condition until your business is back to normal. It provides operating funds until your business recovers. Your loan will be made for specific and designated purposes. For instance, you may use an EIDL to make payments on short-term notes, accounts payable and installment payments on long-term notes, to the extent that you could have made these payments had the disaster not occurred.

You may not use EIDL funds to: 1) pay cash dividends or bonuses, or for disbursements to owners, partners, officers or shareholders not directly related to the performance of services for the business; 2) refinance long-term debts or provide working capital that was needed by the business prior to the disaster; or 3) expand your business facilities or purchase a new line of inventory with an EIDL.

### **Must I pledge collateral or sign a personal guarantee to obtain an EIDL?**

If the amount of the loan is \$5,000 or less, you will not be required to pledge collateral. If the amount of the loan is over \$5,000, you will be required to pledge collateral to the extent that it is available. Normally, the collateral would consist of a first or second mortgage on the business property. In addition, personal guarantees by the principals of a business are required. The SBA will not decline a loan for lack of collateral, but you must pledge available collateral.

### **What interest rate will apply to my EIDL? What are the repayment terms?**

The maximum annual interest rate for EIDLs is 4%. The maximum term of an EIDL is 30 years. The actual rate and term will be determined by the SBA, based on your business needs and your ability to repay the loan.

### **How soon can I expect the money?**

EIDLs over \$5,000 must be secured. After the SBA approves a loan request, it will tell you what documents are needed to close the loan. Once the SBA receives these documents, it can order the checks. You will receive the money in installments, as it is needed.

## **Business Physical Disaster Loans**

### **What is the deadline for applying for a BPD?**

The deadline to file an application for a BPD is currently **October 28, 2005**.

### **Is my business eligible for a BPD?**

Almost all businesses and charitable or other nonprofit entities that are located in a declared disaster area and have incurred damage to real or tangible personal property as a result of the disaster may apply for a loan to help repair or replace the damaged property. Your business may be a sole proprietorship, partnership, corporation, limited liability company or other legal entity recognized under state law. The size of your business (average annual receipts or number of employees) will not be taken into consideration in determining your eligibility for a BPD.

### **Are there any limitations on the use of a BPD?**

Yes. Physical disaster loans are intended to be used to repair or replace real and personal property damaged in the hurricane. Proceeds from the loan can be used to cover items such as real property machinery, equipment, fixtures, inventory and leasehold improvements. Motor homes, boats, aircraft and other vehicles typically used for recreation will not be covered by the loan unless you can demonstrate that the vehicle was used in your business at the time of Hurricane Katrina. A BPD will be made for specific and designated purposes. The SBA requires that you obtain receipts and maintain good records of all loan expenditures as you restore your damaged property, and that you keep these receipts and records for three years. Normally, SBA funds cannot be used to expand or upgrade a business. If city or county building codes require such upgrading, however, then the BPD can be used for that purpose.

BPDs to repair or replace real property or leasehold improvements may be increased by as much as 20% to protect the damaged property against possible future disasters of the same type.

### **I already have a mortgage on my business and I can't afford a disaster loan plus my current mortgage payment. Can the SBA refinance my mortgage?**

In certain cases, yes. The SBA can refinance all or part of prior mortgages, evidenced by a recorded lien, if you: 1) do not have credit available elsewhere; 2) have suffered substantial uncompensated disaster damage (40% or more of the value of the property); and 3) intend to repair the damage.

### **Must I pledge collateral or sign a personal guarantee for a BPD?**

BPDs of \$10,000 or less do not require collateral. BPDs in excess of \$10,000 require that you pledge collateral to the extent it is available. Normally, the collateral would consist of a first or second mortgage on the damaged business property. In addition, personal guarantees by the principals of a business are required for all BPDs. The SBA will not decline a loan for lack of collateral, but you must pledge available collateral.

### **What information should I include with my BPD L application?**

The BPD L application form asks for the same information about your business and its principal owners and managers that is generally required for a bank loan. The required information is specified in the loan application and includes: 1) an itemized list of losses with your estimate of the repair or replacement cost of each item; 2) a copy of certain federal income tax information; 3) a brief history of the business; and 4) personal and business financial statements.

### **Am I required to submit a personal financial statement with my BPD L application?**

Yes. The SBA must review your financial statement and the financial statements for each partner, officer, director and stockholder with 20% or more ownership. The SBA requires the principals of the business to personally guarantee repayment of the loan and, in some instances, to secure the loan by pledging additional collateral.

### **I had to remove debris from my property after Hurricane Katrina. Can this expense be included in my BPD L application?**

Yes, but your own labor and that of your family members cannot be included. Amounts paid to others and any equipment rental can be listed as part of repairs to real estate.

### **Do I need to get a contractor's estimate for the cost of repairing damage to my business before I file my BPD L application?**

No. Do not wait to obtain a contractor's estimate to file your application. You should submit your application to the SBA as soon as possible. If you have received a contractor's estimate, include it with the application; otherwise, include your own. The SBA will verify the damage estimate in your application.

### **Do I need to wait for my insurance settlement before I file my BPD L application?**

No. Do not wait to obtain an insurance settlement to file your application. You should submit your application to the SBA as soon as possible. Final insurance information can be added when a settlement is made. The SBA can approve a loan for the total replacement cost up to its loan limits; however, you must assign the insurance proceeds to the SBA settlement.

### **If my business is completely destroyed, will SBA lend me money for relocation?**

Yes. In certain circumstances, limited relocation costs can be included in the loan amount. Whenever relocation is involved, you should contact the SBA disaster office before making any commitments.

## **What interest rate will apply to my BPDL? What are the repayment terms?**

If you or your business do not have credit elsewhere, the maximum annual interest rate for your BPDL will not exceed 4%. If you or your business have credit elsewhere the maximum annual interest rate will not exceed 8%.

The term of the loan will be determined by the SBA based on your business needs and your ability to repay the loan. If you or your business do not have credit elsewhere, the maximum term is 30 years. If you or your business have credit elsewhere the term of the loan will not exceed 3 years.

## **General SBA Information**

### **When will I know if I get the loan?**

The SBA's goal is to decide on each application within 21 days from the date it receives a complete application (missing information is the biggest cause of delay). The SBA processes applications in the order received, so you should submit a complete application as soon as you can. To make a loan, the SBA must estimate the cost of repairing the damage, be satisfied that the business or individual can repay the loan and take reasonable safeguards to help ensure that the loan is repaid.

### **Is insurance required to get a loan?**

The SBA requires borrowers to obtain and maintain insurance if your property is in a special flood hazard area. The SBA will not disburse a loan until you have obtained flood insurance.

### **Are there consequences for misuse of the loan proceeds?**

Yes. The penalty for misusing disaster funds is immediate repayment of one-and-a-half times the original amount of the loan.

### **Is there a minimum monthly payment? When is the first payment due?**

The SBA does not have a minimum monthly payment. Payments vary depending upon income and expenses, size of family and other circumstances that may affect your repayment ability. Generally, the first payment is not due until five months after the date of the loan.

### **Where can I get more information about SBA loans?**

For more information call the SBA at (800) 659-2955 or visit the SBA website at [http://www.sba.gov/disaster\\_recov/index.html](http://www.sba.gov/disaster_recov/index.html).

## CONTRACTS

### Performance Excused

**If my business was physically destroyed or damaged by Hurricane Katrina, do my contracts for goods and services need to be performed?**

It depends. A party will be relieved from its obligation to supply goods or perform services if, without the party's fault, performance of the contract has become impossible. However, the impossibility must be "objective," in the sense that no one can perform the contract. For example, a contract to clean beach-front houses in Mississippi that were washed away would be impossible to perform. If reasonable alternative means for performance of the contract are available, impossibility likely will not apply. However, other legal doctrines, as described below, may apply.

**My business is in the affected area and has not been physically affected by flooding or looters; however, my business has deteriorated substantially after Hurricane Katrina. Do my contracts for goods and services need to be performed?**

Yes. Typically, impossibility excuses a party's performance only when the destruction of the subject matter of the contract or the means of performance renders performance impossible. In addition, a party may be excused from performing its contractual obligations if performance is found to be impracticable. However, if a party has a choice of ways to perform the obligations and only one option is precluded, that is not generally considered impracticable, even if the remaining option is more burdensome or more expensive.

**If my business has been taken over by police/fire or other state agency for relief work, are contracts for future performance excused?**

Generally, yes. When the government, through its sovereign power, intervenes for the preservation of the country or makes performance of a contract impossible, the contracting parties generally are relieved of further liability. Because the test is whether a change renders performance impossible, the mere fact that a contract has become more difficult or expensive to perform because of a new law or regulation does not excuse performance. In addition, government intervention may only provide for a delay in performance rather than a permanent excuse.

**Does a "force majeure" clause in a contract that my business has with another party automatically relieve the other party of its liability under the contract?**

No. A "force majeure" clause is a provision in a contract that excuses a party to the contract from performing under the contract because of the occurrence of an event beyond the party's control. The other party may or may not be liable depending on the provisions of the force majeure clause. A party may excuse itself from liability under a force majeure clause only by showing that the event preventing its performance was contemplated by the force majeure clause. A force majeure clause may be drafted

broadly (to include a few events such as an “act of war” and a catch-all phrase such as “or other events beyond its control” or “unavoidable causes”) or more narrowly (listing the specific events that prevent performance and including only a narrow catch-all).

Even if the contract does not contain a force majeure clause, or if the clause is not broad enough to include the events surrounding Hurricane Katrina, it is possible that a contract will not be enforced due to “impossibility” and related doctrines discussed above.

**If the business owner or key employee is dead (or sick), does the business still need to perform contracts of personal service?**

No. If the primary purpose of a personal services contract is to permit a specified person to perform in a certain manner, there is an implied intent by the parties to hold each other liable only if the health and life of that person permits continued performance. To be covered under this general rule, the act or acts to be performed must be ones that can be performed only by the particular individual named in the contract.

**What happens to advances received from third parties (or given to third parties) where the performance of the contract is excused?**

If goods or services are not supplied, advances must be returned.

**What if I can no longer deliver or accept goods under my contracts? Can someone else perform on my behalf?**

Absent a provision in the contract prohibiting assignment, a party may be able to delegate or assign its duties or rights under a contract to someone else unless the other party has a substantial interest in having the original promisor perform the acts required by the contract. The rights of the buyer or seller also may be assigned unless the assignment would significantly change the duty of the other party, increase the burden or risk imposed on him by the contract, or significantly impair the chance of obtaining return performance. Parties delegating or assigning duties will still be liable under the original contract. Many commercial contracts provide that duties of the buyer and seller cannot be delegated or assigned without the prior written consent of the other party.

**Liability for Damaged Property**

**What if goods that were paid for by the buyer were destroyed before they could be delivered?**

In the absence of an agreement to the contrary, risk of loss of goods subject to sale passes in the following manner: 1) if a contract requires physical delivery of identified goods to a specific destination, title passes on tender of the goods at that destination; 2) if the contract does not specify a place of delivery, title passes at the time and place of shipment; if delivery is to be made without moving the goods, title passes at the time and place documents of title are to be delivered; and 3) if no documents of title are

delivered, title passes at the time and place of contract. An insurance policy may cover damage to or destruction of the goods.

**If I have equipment that was either leased or purchased on credit and is now destroyed or damaged, am I obligated to continue making payments on the equipment?**

This question is usually governed by the terms of the specific contract, lease or credit agreement. In addition, the loss of equipment could be covered by an insurance policy. If the equipment was not covered by an insurance policy, most likely payments must continue to be made.

See the Real Estate section of this Handbook for additional information on damage to real property.

**Is my business liable for damage to a customer's property caused by Hurricane Katrina, flooding, or looting? Is my dry cleaner or laundry business liable for damage to customers' clothing that was in the store? Is my jewelry/TV/watch repair store liable for damages to customers' property that was in the store for purposes of repair or maintenance?**

Probably not. When the owner of personal property (a bailor) delivers the property to another (a bailee) for a particular purpose, with the understanding that the property must be returned to the owner, a bailment contract is formed. In each of the three situations above, a bailment relationship exists for benefit of both parties because the bailee receives compensation and the bailor receives a service. Therefore, the bailee would only be liable to the bailor for property damaged through the bailee's negligence.

Because the relevant legal standard is the bailee's negligence, it is necessary to consider how the property was damaged or lost and what actions the bailee took to protect it. Destruction caused by Hurricane Katrina, the flooding, or by looting would not likely be a breach of the bailment contract. However, if all of the other jewelry stores carried customer merchandise out of the store and one jeweler did not, then that one jeweler may be deemed negligent. In addition, if all dry cleaners except one locked the door when evacuating, that one dry cleaner may be deemed negligent if a customer's clothes were stolen.

**Lost Checks or Correspondence**

**Is there a contract if, in response to my offer, the offeree sends an acceptance by mail but I never received it because it was lost or destroyed?**

Yes, there is a contract and thus an obligation to perform. Assuming that you, as the offeror, did not specify a mode of acceptance other than mail, acceptance of an offer is effective when the letter is dropped in the mailbox, and not upon receipt. The offeree has the power to accept and close the contract by mailing a letter of acceptance within a time specified in the offer (or within a reasonable time, if no time is stated).

**If, for example, my insurance payment premium was due on August 30th and the payment was sent on August 26th, would the policy cover damages that occurred on August 29th, even if the payment was not received on the actual due date or was destroyed in the mail?**

The “mailbox rule” or “postal acceptance rule” described above also applies to insurance premiums. Assuming that the insurance company requested that the premium be mailed and the premium payment was mailed in a timely manner, the insurance company is obligated to defend and indemnify the insured party.

**What if a check was mailed but it was not received?**

There are different alternatives depending on the type of check that was lost:

*Checks payable from debtor’s account:* A bank customer has a right to stop payment of any item, including a check, drawn on that customer’s account. After the stop payment is made, the debtor may issue a new check without bearing the risk of loss should the bank fail to stop the original check.

*Certified checks:* Since certified checks are drawn by the bank, the bank is not required to stop payment on lost or destroyed checks and issue replacements unless an indemnity bond of twice the unpaid amount is posted. This serves to protect banks from potential double liability, should a holder of the lost check later present it for payment.

**My business has a city contract on which we have performed, but payment on vouchers has been delayed due to the disaster. What action, if any, can I take to expedite processing and payment?**

Many cities are experiencing delays in making various contract payments due to the effects of Hurricane Katrina, a situation that has been exacerbated by the dislocation of government offices and the reallocation of resources. The first step is to try and contact your contract manager who should have the most current information about the agency’s operations. If you cannot locate the contract manager or if he or she lacks information, you can contact the city government. If payment is still not forthcoming, you may be able to file a notice of dispute, depending on the procedures of the city government. You likely will need to continue to supply services during adjudication of any disputes or you will be considered in breach of contract.

### **Business Licenses**

**My business was destroyed by the Hurricane. Is my business license is still in effect, and what do I do if it needs to be replaced?**

For any issues relating to business licenses, contact the state or local authority that issued your license.

## **BUSINESS REAL ESTATE**

*The following questions are designed to provide general information for small businesses that rent their space from a landlord, and for landlords who rent space to small businesses. (For questions about landlord-tenant issues for a residence, please refer to the sections of this Handbook on Housing). As with other information in this Handbook, this is intended to provide general information that may be helpful in assessing the types of legal questions that may be faced by small businesses and landlords that rent space to small businesses.*

Generally, the rights of both the tenant and the landlord will be determined by the provisions of your lease. There is no one single “standard” form of lease, even though many leases are based on preprinted lease forms. The provisions of a lease which cover these matters can vary significantly, even for different leases in the same building. A professional will need to check the provisions of your lease carefully to answer these questions for your particular case. The following is only general advice for tenants and landlords regarding property that is damaged or unusable as a result of accidental destruction relating to Hurricane Katrina and is based on general principles of state law in Alabama, Louisiana and Mississippi and some of the form leases commonly used in those states.

### **Leases**

#### **What happens if the building or property that is leased is destroyed? Does the lease automatically terminate? Does the tenant have to pay rent?**

To answer these questions, you will need to first check your lease to see if there is a specific written provision setting forth what happens if the leased premises are totally destroyed or partially destroyed. Most business leases include this type of provision, and these provisions may include definitions that will help you to determine whether your building has been totally destroyed or partially destroyed. If your lease contains such written provisions, those written provisions will govern and should provide the answer to your question.

If your lease does not contain specific provisions setting forth what happens when the leased premises are totally or partially destroyed, or if you do not have a written lease, then this question will be answered based on general provisions of state law.

Under the general state law governing leases in all three states (Alabama, Louisiana and Mississippi), unless a lease contains specific provisions to the contrary, a lease automatically terminates only when the leased premises are “totally destroyed.” The critical factor is whether the leased premises are “totally destroyed” or only “partially destroyed.” Determining whether the premises are totally or partially destroyed is a fact determination made on a case-by-case basis. In most situations, the lease will terminate only if the premises are “totally unfit for use.”

Whether the property is totally unfit for use will depend on several factors. The primary factor is the extent of damage. For example, a building that burns to the ground or is

completely submerged by floodwaters would likely be considered totally destroyed. But if the damage is limited (for example, if only the roof is damaged or floodwater only damaged the floor or carpet of a leased building), then the tenant probably cannot terminate the lease on the basis of that damage. Another factor is the landlord's ability to repair the premises. If the landlord can repair the damage in a reasonable period of time, then the tenant may not be able to terminate the lease. The length of time that a landlord has to make repairs will depend on the circumstances and may hinge on the term of the lease. If a lease is for a term of ten years and there are still eight years remaining on the lease, it might be reasonable for the landlord to take 30 or 60 days to make repairs. But if the lease is for a shorter term or if there are only several months left on the lease, then 30 or 60 days would not be reasonable and the tenant should be entitled to terminate the lease.

In some cases, it is necessary for the tenant to provide notice before terminating the lease. For example, in Louisiana, if the premises are partially destroyed, the lease does not automatically terminate. Instead, the tenant must give written notice to the landlord to terminate the lease.

Once the lease is terminated the tenant is relieved of any obligation to pay rent. But until the lease is terminated the tenant must continue to pay rent according to the terms of the lease. In some cases, the tenant may be able to pay an adjusted rent until necessary repairs are made, but the need for repairs does not automatically release the tenant from its obligation to pay rent.

**What degree of damage to the premises constitutes “partially destroyed” or “totally destroyed” or “unusable”?**

The answer depends on the individual facts involved. To be considered “totally destroyed,” the premises must cease to be fit for the use for which they were rented. Extreme flood or storm damage is likely to be considered “total destruction,” while minor flood or storm damage is most likely only a partial destruction.

The question of total destruction versus partial destruction arose in lawsuits following the 1927 Mississippi River floods, and some of the court decisions that are now governing legal precedent were decided then. For example, in one Louisiana case, a landlord had rented land with a cement swimming pool to a small businessman who operated a water resort in the summer months. Following the levee breaches and flooding in 1927, the property was under water from the end of May until the end of August. The landlord argued that the land itself and the cement pool were not destroyed, and sought to recover rent from the business. The court determined, however, that the flooded property was unfit for the specific use for which it had been leased, so the lease was annulled or terminated and the landlord could not recover the rent. (The court decision is *Chargeois v. Fiero*, 129 So.229 (La.App. 1930)).

### **Is the landlord obligated to rebuild the building?**

Again, it is important to refer to your lease, as commercial leases generally have provisions dealing with the landlord's obligations to rebuild.

Absent an express provision in the lease, the answer generally depends on the severity of the damage. If the leased premises are partially damaged or rendered partially unusable for the purpose for which it was leased, then the landlord is obligated to make all necessary repairs at its expense.

If the building is so seriously damaged that the landlord decides to demolish or rebuild it, or in the event the premises are totally damaged or rendered wholly unusable, the landlord may terminate the lease rather than rebuilding.

### **Does the tenant have the right to terminate the lease if the landlord plans to rebuild the building?**

Although Louisiana law provides the tenant with a right to terminate the lease if the premises are partially destroyed, commercial leases almost always have specific provisions which supersede the statute. Tenants in all states should consult their own lease.

### **Can the landlord terminate the lease if the premises are partially destroyed?**

A landlord can terminate a lease when (1) the lease itself gives the landlord a right to terminate when a disaster renders the premises partially unusable or (2) the landlord and tenant mutually agree to terminate the lease.

### **If the landlord terminates the lease, is the tenant entitled to receive its security deposit?**

Yes.

According to Louisiana law, the landlord must refund the security deposit and/or provide a statement of any lawful deductions from the deposit within one month after the tenant vacates the premises. In Alabama and Mississippi, details regarding the refund of the security deposit will be controlled by the terms of the lease.

### **Is the landlord required to repair and restore the tenant's furniture and equipment?**

Generally, the landlord is not required to repair any damage to the tenant's furniture and/or furnishings or any fixtures or equipment, improvements or appurtenances that are removable. This damage should be covered by the tenant's insurance company.

## **Is the tenant obligated to pay rent during the time that the landlord makes repairs on the building?**

Again, this depends on the severity of the damage. Determining whether premises are totally or partially destroyed is a fact determination made on a case-by-case basis. To be considered “totally destroyed,” the premises must cease to be fit for use. Extreme flood or storm damage is likely to be considered “total destruction,” while minor flood or storm damage is most likely only a partial destruction.

Under Louisiana law, if the premises are partially damaged, the tenant may obtain a reduction in rent as long as repairs are being made. The amount of such reduction depends on the length of the repair period and the extent of loss of use. This rent reduction is not automatic, and the law does not give the landlord or the tenant the unilateral right to determine the appropriate amount of rent reduction. In Alabama and Mississippi, rent reductions will be governed by the terms of the lease. In any case, before paying less than full rent, the tenant should always talk to the landlord to reach a mutual agreement on any rent reduction. If the landlord and the tenant cannot agree on the appropriate amount of the reduction, then the tenant must sue and have a court decide the amount.

In the event the premises are totally damaged or rendered wholly unusable, the lease terminates with no further liability on the part of the tenant or the landlord. The tenant does not have to continue rent payments from the time of the destruction.

Once the landlord completes the restoration of the premises, the tenant may still have work to do to repair installations, phones, office equipment, etc. The tenant will be obligated to pay rent during this time period, but may be able to cover the cost of that rent from proceeds of the tenant’s business interruption insurance policy.

Note, again, that generally commercial leases have specific provisions governing rent abatement in the event of destruction of the premises, and these provisions dictate the rights of the landlord or tenant. Refer to your lease.

## **How long can the landlord take to repair the premises?**

If the landlord elects or is required to repair the premises, the landlord must do so reasonably expeditiously, subject to delays due to adjustment of insurance claims, labor troubles and causes beyond the landlord’s control.

## **Can the tenant withhold rent if the landlord has failed to timely repair the premises after the disaster?**

Generally, a tenant remains obligated to pay rent if the premises are usable and are not totally destroyed or made unusable, as discussed above. Thus the requirement to pay rent is not generally dependent on whether the landlord makes timely repairs, unless the tenant decides to terminate the lease on this basis.

However, generally and under Louisiana law, if the landlord fails to make required repairs in a timely manner, then the tenant has the right to make the required repairs, and the tenant then has the right either to be immediately reimbursed by the landlord or to deduct the cost of the repairs from the rent payments. Remember, however, that commercial leases usually have specific provisions regarding repairs and that the lease provisions will dictate the rights of the landlord or tenant. Refer to your lease.

The tenant may also terminate the lease, if the landlord fails to timely repair the premises. In that case, once the lease is terminated, the tenant is no longer required to pay rent.

**If the landlord elects to terminate the lease, is the landlord obligated to help the tenant find alternative space or reimburse the tenant for related costs?**

No, unless the lease contains a specific provision that provides for this.

**Can the landlord rent the premises to someone else while the tenant is gone?**

No, a landlord cannot rent the premises to another party unless the lease has been terminated. The landlord has an obligation to make the leased space available to the tenant as long as the lease is in effect. The landlord cannot impair the tenant's "peaceful possession" of the property unless there has been a default by the tenant and the lease has been terminated.

**Condemned Buildings**

**Can the building be condemned?**

Yes. Governmental agencies that have jurisdiction over a building may order it to be condemned if the building is not suitable for safe occupancy. Generally, either FEMA or the local building inspection department are the agencies that have jurisdiction to determine that a building cannot safely be occupied.

**If the building is condemned, will the property owner be paid for the loss?**

When the government condemns property based on a finding that it is no longer habitable or safe for occupancy, the government is not responsible for paying for the loss of the property. Generally, the government is only required to pay for the loss of the property when the property is taken by the government for a public use. Condemnation of property as unsafe generally is not a "taking" for public use. To the extent the owner can recover the lost value of the condemned property, the property owner might be able to recover all or part of the value of the property from the owner's Insurance (depending on the terms of that insurance) or from FEMA or other relief agencies.

## **Tax Relief**

### **I own a small building in the area which was damaged. Is there any relief from my obligation to pay property taxes?**

As of September 12, 2005, the Alabama Department of Revenue, the Louisiana Department of Revenue, and the Mississippi State Tax Commission have not announced any relief from the payment of property taxes associated with the destruction of real property due to Hurricane Katrina. It is recommended that those affected check the applicable state agencies' websites for updated information or contact one of the agencies' local offices for more information.

Alabama Department of Revenue - <http://www.ador.state.al.us>

Louisiana Department of Revenue - <http://www.revenue.louisiana.gov/sections/katrina>

Mississippi State Tax Commission - <http://www.mstc.state.ms.us>

## **DEATH OF A BUSINESS OWNER**

The laws in your state may vary from this general description. You should consult with an attorney licensed to practice in your state to confirm there are no differences in the laws of your state.

### **What happens to a business when one of the owners has died?**

The first step is to determine what type of legal entity the business is. A small business will likely be a sole proprietorship, a partnership, or a corporation. To find out what type of legal entity a business is and under what state law it was formed, contact your Department of State.

Alabama Office of the Secretary of State: <http://www.sos.state.al.us> or (334) 242-5324.

Louisiana Department of State: <http://www.sec.state.la.us> or (225) 342-4479.

Mississippi Department of State: <http://www.sos.state.ms.us> or (800) 256-3494.

### **What is a sole proprietorship?**

In a sole proprietorship, an individual conducts business and holds title to property in his or her name and is directly liable for the obligations of the business. No formalities are necessary to conduct business as a sole proprietorship. No organizational documents are drafted or filed.

### **What happens to the sole proprietorship upon the death or disability of the sole proprietor?**

Because the existence of the sole proprietorship depends upon the personal efforts of the sole proprietor, the business generally ends upon the death or incapacity of the sole proprietor and the business assets and liabilities become part of the sole proprietor's estate. Because no distinction is made between the proprietorship and the proprietor, all the proprietor's assets may be used to meet his or her debts, business and personal.

Typically, the sole proprietor's business will be liquidated as part of the estate disposition (either by selling the specific assets of the business or by a sale of the business as a going concern). Alternatively, a trustee or "fiduciary" may seek legal authority to continue the business on behalf of the proprietor's estate and, if the sole proprietor's will so provides, the assets and liabilities of the business may be passed on by will to a designated person as a going concern.

### **How can a fiduciary obtain authority to continue the business on behalf of the sole proprietor's estate?**

The law in some states provides that a fiduciary may file a petition with a court to continue a sole proprietor's business (other than a profession) on behalf of the sole proprietor's estate. The petition must state that the deceased proprietor was the sole owner of the business, and include facts demonstrating that it is in the best interests of the estate that the business be continued rather than liquidated. The filing of a petition may not grant an automatic right to a proceeding before the court, and the court may decline to consider the petition. If the court finds that it is in the best interest of the estate, the court may then make a decree for continuation of the business, although the decree may provide restrictions, conditions or requirements and incidental relief, including a direction or permission to incorporate the business. Once the petition has been granted, the fiduciary must keep the business and remaining estate assets separate. Any creditor or other interested person may apply to the court for an order requiring the fiduciary to discontinue the business.

### **What is a partnership?**

A partnership is an association of two or more persons to carry on as co-owners of a business for profit.

### **What happens to a partnership when one of the partners dies?**

The death or incapacity of a partner will have a different impact and will require different treatment depending on the form of the partnership and the nature of each partner's involvement. In a general partnership, the death of a general partner legally dissolves the partnership and the deceased partner's interest in the business must be settled. All business activity, except as necessary for winding up the partnership affairs, must cease. On the other hand, a limited partnership or registered limited liability partnership (a partnership for professional services) is not automatically dissolved upon the death of a limited partner. For this reason, it is important to consider both the nature of the partnership entity and whether the deceased partner was a general partner (personally liable for debts of the partnership) or limited partner (not liable for the debts and obligations of the partnership). If you didn't take the actions necessary to form a limited partnership or limited liability partnership, you are a general partnership.

If the partners of a limited partnership or limited liability partnership have entered into a written agreement that provides for the effects of the death or incapacity of a partner or the sale and purchase of a deceased partner's interest, this agreement will control.

Such an agreement may establish a mutually agreeable purchase price for each partner's interest and may contain a provision for adjustment of the purchase price. The partnership also may have provided for life insurance to fund the purchase obligation by providing, upon the death of a partner, the immediate cash necessary to purchase the deceased's interest.

### **What are the surviving partners' rights in partnership property?**

Generally, specific partnership assets (land, leases or equipment that are owned only by the partnership, etc.) are not transferable inheritance. Similarly, management rights in the partnership are an asset that belongs only to the partnership and cannot be transferred to a partner's heir(s).

### **What if there is no written partnership agreement?**

In the absence of an agreement to the contrary, the surviving partner or partners succeed to the ownership of the firm's assets as liquidating trustee(s). The relationship between the surviving partner(s) and a deceased partner's estate is fiduciary in nature, particularly with respect to the remedies available if there is a breach of trust. In this role, the surviving partner(s) must make a fair and complete disclosure of all facts affecting those assets.

In the absence of an agreement entered into during the partners' lifetimes providing specifically for the continuation of the business, there are two alternatives at a partner's death: (1) the business may be reorganized or (2) it may be terminated (that is, liquidated or wound up). You should consult an attorney if you wish to reorganize or liquidate a partnership.

### **What is a corporation?**

A corporation is formed by filing formal documents with the relevant state agency.

### **What happens to a business if one of the shareholders in a corporation has died?**

Because the corporation is an entity separate from its owners, the death of an owner has no institutional affect on the corporation absent an agreement to the contrary. When a shareholder dies, his or her shares are distributed to the heirs as personal property. That said, agreements requiring that a corporation buy out a shareholder, at least upon retirement or death, are not uncommon. Accordingly, the certificate of incorporation, bylaws, and any relevant shareholders' agreements or other corporate organizational documents should be reviewed to determine whether such an agreement exists. In addition, the certificate of incorporation may require the dissolution of the corporation upon the occurrence of a specific event. It should be reviewed to determine whether the death of any or all of the shareholders requires dissolution.

## **What if the remaining shareholders no longer want to continue to operate the business?**

If the remaining shareholders decide that they no longer want to continue as a corporation, the law may allow for the dissolution of a corporation. Consult an attorney if you wish to dissolve the business.

## **EMPLOYEES**

The answers to each of the following questions are based on the assumption that the affected employees are not covered by a collective bargaining agreement and do not have an employment contract with their employer. In the event that the affected employees are covered by a collective bargaining agreement or an employment contract, the employer should consult the terms and conditions of those agreements and contracts. Similarly, if the employer has certain established employment policies, the employer should consult and comply with its policies.

### **Salary and Leave**

#### **Does an employer have to pay its employees for the days that its business was closed as a result of Hurricane Katrina and its aftermath?**

The answer to this question depends on whether the employee is considered an “**exempt**” employee or a “**non-exempt**” employee for purposes of federal and state wage-and-hour laws. Every employee must be treated as either exempt (not entitled to premium pay for overtime hours worked) or non-exempt (entitled to premium pay for overtime hours worked) under federal and state wage-and-hour laws. The determination of whether an employee is “exempt” or “non-exempt” is a complicated, fact-specific determination. Generally speaking, an employee is considered a non-exempt employee if the employee is paid on an hourly basis and not on a salary basis. In contrast, to be considered an exempt employee, an employee must be paid on a salary basis and must have certain job duties and responsibilities that are executive, administrative or professional (among others) as required under the applicable wage-and-hour laws.

An employer is not required to pay its non-exempt employees for any days or hours that the employees did not work because the business was closed following Hurricane Katrina. On the other hand, an exempt employee should receive his or her full salary for any week in which he or she performs any work without regard to the number of days or hours worked. Thus, if an exempt employee worked on Sunday, August 28, 2005, but worked no other days during the week of August 28, 2005, then the employer should pay the employee his or her full salary for the week of August 28, 2005.

**Once an employer reopens its business, does the employer have to pay its employees for the days on which a transportation problem or some other obstacle prevented them from reporting to work?**

This also depends on whether the employee is considered an exempt or non-exempt employee. For purposes of wage-and-hour laws, the employer is not required to pay a non-exempt employee for any days or hours that the employee was absent from work due to a transportation problem or some other obstacle that prevented him or her from reporting to work. An exempt employee should receive his or her full salary for any week in which he or she performed any work.

**May an employer require its employees to use their accrued vacation or sick leave to cover their absences from work due to Hurricane Katrina and its aftermath?**

Once the employer reopens, if an employee is unable to report to work due to Hurricane Katrina and its aftermath, the employer may require an employee to use his or her accrued vacation or sick leave to cover his or her absences, provided that this is consistent with the employer's leave policies and provided that the employee's absence from work does not qualify as leave pursuant to the Family Medical Leave Act (FMLA), and in Louisiana, the Louisiana Pregnancy Discrimination Law. See below for discussion of the FMLA and the Louisiana Pregnancy Discrimination Law.

**Does an employer have to provide an employee with either paid or unpaid leave if the employee is unable to work as a result of an injury suffered during Hurricane Katrina and its aftermath?**

An employer may be required to provide an employee with unpaid leave (1) under the FMLA if the employee or a member of the employee's immediate family is suffering from a serious health condition; (2) under the Louisiana Pregnancy Discrimination Law, for employees of a Louisiana company, for pregnancy, childbirth, or related medical conditions; or (3) under the Americans with Disabilities Act (ADA) if the employee is disabled within the meaning of those statutes and if the granting of leave would serve as a reasonable accommodation to the employee.

**Leave under the FMLA.** The FMLA provides that a covered employee may take up to a total of 12 weeks' unpaid leave during any 12-month period for certain qualifying reasons. During the leave period, the employer must maintain the employee's health benefits and must guarantee that the employee will be reinstated to the same or an equivalent position.

The FMLA applies to only those employers that employ 50 or more employees for each working day in each of 20 or more calendar workweeks in the current or preceding calendar year. An employee is entitled to FMLA leave if the employee (1) has been with the employer for at least 12 months, (2) logged at least 1,250 hours of services during the 12-month period immediately preceding the start of the leave and (3) is employed at a work site where 50 or more employees are employed by the employer or within 75

miles of that work site. FMLA leave may be taken to care for the employee's spouse, child, or parent with a serious health condition or because of a serious health condition that makes the employee unable to perform the functions of the employee's position.

For compliance information, see <http://www.dol.gov/esa/regs/compliance/whd/1421.htm>.

***Leave under Louisiana's Pregnancy Discrimination Law.*** Louisiana's Pregnancy Discrimination Law prohibits an employer from refusing to allow a female employee to take up to four months of leave for disabilities related to pregnancy, childbirth, or related medical condition. The employee may use accrued vacation leave, disability or sick leave, or any other accrued leave which is made available by the employer to temporarily disabled employees. The employer must continue to provide the same benefits or privileges of employment granted by that employer to other persons not so affected who are similar in their ability or inability to work.

The law applies to an employer who employs more than 25 employees within Louisiana for each working day in each of 20 or more calendar weeks in the current or preceding calendar year.

***Leave under the ADA.*** Under certain circumstances, an employer may be required to provide an employee with leave under the ADA. The ADA requires employers, in certain circumstances, to provide reasonable accommodations to employees who are suffering from a disability. Such a reasonable accommodation may include providing an employee with an unpaid or paid leave of absence.

The ADA applies to only those employers that employ 15 or more employees for each working day in each of 20 or more calendar workweeks in the current or preceding calendar year. An employee is "disabled" within the meaning of the ADA if the employee suffers from a physical or mental impairment that substantially limits a "major life activity" of an individual, including such activities as walking, seeing, hearing, speaking, breathing, learning, working, sitting, standing, lifting or reaching. Generally, temporary impairments are not protected disabilities under the ADA.

### **Is an employee entitled to either paid or unpaid leave so that he or she can care for children or family members injured by Hurricane Katrina?**

If the employee is entitled to FMLA leave as described above, your employer must allow the employee to take FMLA leave. This leave does not have to be paid leave, but the employee may be able to use accrued vacation or sick leave for the absence. Also, if the employer has a specific policy providing for leave under such circumstances, the employer will be required to comply with its policy.

### **Is an employee entitled to either paid or unpaid leave if the employee is too afraid or emotionally traumatized to return to work?**

If the employee is suffering from post-traumatic stress or some other mental condition, the employer may be required to provide the employee with unpaid leave under the FMLA or as an accommodation under the ADA. However, the employee will have to

meet the applicable requirements of the FMLA and ADA, as set forth above. If the employer provides paid leave, the employee may be able to use his or her accrued vacation or sick leave for the absence.

### **Where can an employer get more information about complying with the FMLA and the ADA?**

The United States Department of Labor's website at <http://www.dol.gov/esa/whd/fmla/> contains detailed information about the FMLA, including a Fact Sheet, a Compliance Guide, the text of the statute and accompanying regulations, and relevant forms. The Department of Justice has online information about the ADA at <http://www.usdoj.gov/crt/ada/adahom1.htm>.

### **If an hourly employee has died during Hurricane Katrina and its aftermath, how does an employer calculate monies that are owed to the deceased employee's estate, including salary up to August 29, 2005?**

Such employees should be paid for all hours worked up to and including the last hour that they worked.

### **To whom may an employer issue a new paycheck if an employee died before cashing his/her paycheck and the deceased employee's will has not yet been probated or no administrator for the deceased employee's estate has yet been appointed? Are there any amount restrictions?**

#### Alabama

In Alabama, if an employee dies without a will, the employer may pay due wages to the surviving spouse of the deceased employee, or if there is no surviving spouse to the person having legal custody and control of the minor child or children of the deceased employee, or to whomever brings a legal action to recover the wages as part of a property allowed owed to that person.

#### Louisiana

In Louisiana, an employer may pay up to \$6,000 of any due wages, sick leave, annual leave, or other benefits to the surviving spouse of the deceased employee if neither spouse has instituted a divorce proceeding. In the event the deceased employee leaves no surviving spouse or if either spouse has instituted a divorce proceeding, the employer may pay the last wages and other benefits to any major child of the deceased employee.

Before making such payment to anyone requesting the payment, the employer must require such person to execute a document before two witnesses which provides the name, address, date and place of death of the deceased employee, the relationship of the person requesting payment to the deceased employee, the name and address of the surviving spouse, or children, if any, of the deceased employee and other information that the employer may require.

## Mississippi

In Mississippi, an employer may be due wages, salary, or other compensation to the surviving relatives of the deceased employee in the following order of priority, moving to the next level of priority only if there is no one who satisfies the higher level of priority: a) the surviving spouse, b) the surviving children if they are adults, c) the surviving mother of the deceased employee, d) the surviving father of the deceased employee, or e) the surviving siblings of the deceased employee if they are adults. The employer may pay the due wages, salary, or other compensation to the chancery clerk of the county in which the deceased employee resided at the time of death, or to the chancery clerk of the county where the employee died if a) the deceased employee has no surviving spouse, child, parent, or siblings; b) any of the surviving children are minors; or c) if any of the surviving siblings are minors.

### **Retirement Benefits**

#### **What are a plan sponsor's options and/or obligations to plan participants or beneficiaries who make requests for plan distributions as a result of Hurricane Katrina and its aftermath?**

Distributions under a tax-qualified retirement plan can generally be made only upon the occurrence of certain events, including an employee-participant's death, disability, termination of service or attainment of the age of 59½ years. Limited exceptions to the general rule in connection with a 401(k) plan are available for distributions on account of certain "hardships" and/or plan loans. An additional exception is permissible in a non-401(k) plan for certain "in-service" distributions. However, any hardship or in-service distributions prior to age 59½ will be subject to a 10% "early" withdrawal penalty in addition to applicable income tax. "Hardship" distributions are generally limited to the need for funds to pay medical care expenses, purchase a primary residence, prevent foreclosure or eviction from a principal residence or pay dependents' education expenses. (In addition, starting in 2006, a "hardship" may include payments of funeral expenses and certain repairs made to a principal residence.) However, if you experience financial strain caused by Hurricane Katrina and do not otherwise fall into one of the foregoing "hardship" categories, under recent IRS guidelines, your employer may be able to allow additional distributions. In addition, you may be able to take out a loan or receive a hardship distribution even if you are outside of the disaster zone in order to help relatives who have been affected. Contact your Plan Administrator for more information. You may also be able to withdraw money from an IRA under relaxed distribution rules.

#### **Will a plan participant who either died or whose job was displaced as a result of Hurricane Katrina and its aftermath be entitled to an employer contribution or benefit accrual with respect to the 2005 plan year?**

The answers to these questions depend on the terms of the plans. Many plans require a participant to complete a specific number of hours during the plan year (usually 1,000 hours) in order to be entitled to receive employer contributions or benefit accruals for

such year. Others require a participant to be employed on the last day of the plan. Some plans may require both. To the extent an employer's plan requires a participant to be employed on the last day of the year, any participant who died as a result of the hurricane may not be entitled to a contribution or benefit accrual for 2005

### **What other administrative steps should a plan sponsor generally take with respect to benefit plans?**

Plan sponsors should ensure that plan administrators are in contact with the plans' investment managers to confirm that investment programs are in order and to evaluate the plans' liquidity needs. All benefit staff should be fully informed of all benefit plan procedures and who is responsible for which tasks so that claims are handled properly and quickly. With respect to any plans with participant-directed investments, plan sponsors should consider providing additional information on investment concepts to help participants deal with market volatility.

### **What else can a plan sponsor do to help its participants?**

Plan sponsors of Section 401(a), 401(k), 403(a) or (b), and 457(b) plans may make loans or hardship distributions to plan participants even if the plan does currently not allow these types of distributions; the plan must be amended to reflect the types of distribution allowed by the end of 2006 (or later, depending on when the plan year begins). The plan loan limits may be increased from 50% of a participant's loan balance or \$50,000, to 100% or \$100,000 (although the plan may need to obtain additional security for the loan if it exceeds 50% of the account balance). Loan and hardship distribution rules have been relaxed so that a Katrina victim can borrow from their plan to repair or replace a home or for some other purpose, such as food or shelter, from August 29, 2005 to March 31, 2006. Other plan requirements, such as spousal consent rules and documentation requirements, may be relaxed during the period from August 29, 2005, to March 31, 2006. These changes may be applied to people who either lived or worked in the hurricane disaster areas designated by FEMA. Also, a participant who lives in another part of the country can take out a loan or receive a hardship distribution and use it to assist a child, grandchild, parent, grandparent, or other dependent who lived or worked in the disaster area. These exceptions generally do not apply to defined benefit plans, however.

In addition, the following acts may be postponed to help participants:

- Plan loan repayments
- Excise tax of 10% on plan distributions not in a series of substantially equal payments
- First required minimum distribution from retirement plan

**What happens if an employer missed the deadline for filing Annual Return/Report of Employee Benefit Plan on Form 5500 (and 5500EZ) that would have been otherwise due between August 24 and January 3, 2006?**

The IRS, the Department of Labor and the PBGC have granted extensions of upcoming deadlines for filing Forms 5500. Any filings of Form 5500 or Form 5500-EZ by plan sponsors in areas affected by Hurricane Katrina which were required to be filed between August 29, 2005 and January 3, 2006 are will be considered timely if filed by January 3, 2006. Plan filers entitled to relief should check Part I, Box D on the Form 5500 or Part 1 on the Form 5500-EZ and attach a statement to the form in accordance with the instructions.

**What other relief has the IRS and Department of Labor offered?**

The IRS has stated that the following acts may be postponed:

- Certain employee stock ownership plan elections and notices of the elections
- Excess deferral distributions and their earnings
- Excess contribution distributions and their earnings
- ESOP repurchase requirements
- Self-correction period for plan operational failures
- Distribution of nondeductible plan contributions

The Department of Labor has indicated that sponsors of affected plans would be held harmless from being treated as violating the terms of their plans when implementing the provisions as allowed by the IRS.

**Health and Welfare Benefits**

**Are there sources beyond or in lieu of employers' own insurance policies to alleviate some of the financial burden caused by Hurricane Katrina and its aftermath?**

Many of the individuals injured by Hurricane Katrina and its aftermath may be able to receive benefits from a number of sources, including federal government assistance, charitable donations, and unemployment compensation. Thus, employers should, without delaying treatment for any employees or their dependents, pay special attention to the rules of their policies regarding subrogation and the order of benefit determinations.

## **How should health and welfare plan claims be handled?**

The IRS and the Department of Labor have extended the deadlines for submitting and processing claims for benefits under health and welfare plans for individuals affected by Hurricane Katrina. For these individuals, the period from August 29, 2005 through January 3, 2006 is disregarded for purposes of the deadlines that are ordinarily applicable to benefit plan claims and appeals.

## **What can employers do to help their employees recover psychologically from the trauma of Hurricane Katrina and its aftermath?**

Plans may experience an increase in mental health claims, as well as more requests for assistance under employee assistance programs (EAPs). Employers should advise their employees of both the availability and the importance of such counseling, both for themselves and their families. If an employer does not have an EAP, counseling and other related services are available on a fee-paying basis.

## **What should be done about Consolidated Omnibus Budget Reconciliation Act (COBRA) coverage?**

Employers having 25 or more employees who maintain health plans are required to offer continuation coverage under the federal law COBRA to qualified beneficiaries (participating employees and/or their dependents) who lose health coverage due to a "qualifying event" (such as the death of the covered employee, termination of employment or reduction of hours sufficient to cause the loss of medical coverage). Employees self-pay the premium.

Once an affected employee loses coverage as a result of one of these events, the employer must take action to notify the plan administrator within the prescribed time period. Qualified beneficiaries must be informed of their right to continued health insurance coverage under COBRA within 44 days (the employer must notify plan administrator within 30 days, which must then notify eligible dependents within 14 days) of a qualifying event. All required notices regarding COBRA should be carefully documented and timely. Generally, the qualified beneficiary has 60 days from the later of (a) the date of termination of coverage or (b) his or her receipt of a COBRA notice to elect to continue coverage. COBRA coverage can usually continue for up to 18 months for the employee and the employee's dependents, and for 36 months for family members of a deceased worker. However, many COBRA deadlines have been extended. Katrina victims will therefore have more time to request continuation coverage, make COBRA payments, and file benefit claims and appeals. In addition, the Department of Labor and the IRS are giving plans more time to make COBRA disclosures where plan sponsors were affected by the hurricane.

Employers, while not required to do so, have the option of extending certain non-mandated COBRA benefits in the wake of the hurricane (that is, employer-paid premiums instead of requiring spouses of deceased employees to pay such premiums, extended lengths of coverage, etc.).

## **What should be done about the portability requirements under the Health Insurance Portability and Accountability Act (HIPAA)?**

The IRS and the Department of Labor have extended the deadlines for providing certificates of creditable coverage and taking advantage of special enrollment rights for new dependents and have temporarily suspended the HIPAA break in coverage rules relating to pre-existing condition limitations under health plans. For individuals affected by Hurricane Katrina, the period from August 29, 2005 through January 3, 2006 is disregarded for purposes of the deadlines that are ordinarily applicable under HIPAA.

### **Damage to Office and Records**

#### **If an employer's records were destroyed as a result of Hurricane Katrina and its aftermath, what basic payroll records does the employer need to try to recreate?**

Under federal law, every employer must establish, maintain and preserve weekly payroll records, including the following information for each employee:

- Employee's full name, as used for social security purposes;
- Address, including zip code;
- Birth date, if younger than 19;
- Sex and occupation;
- Time and day of week when employee's workweek begins;
- Hours worked each day and total hours worked each workweek;
- Basis on which employee's wages are paid;
- Regular hourly pay rate;
- Total daily or weekly straight-time earnings;
- Total overtime earnings for the workweek;
- All additions to or deductions from the employee's wages;
- Total wages paid each pay period, including money paid in cash;
- Date of payment and the pay period covered by the payment.

There is no special rule relieving employers of this obligation in connection with Hurricane Katrina.

#### **When must an employer pay its workers if the employer's payroll records were destroyed?**

Individual states require timely payment of wages for certain industries (see below). If records are not available, the employer should make a reasonable effort to determine the hours worked and make payment accordingly as promptly as possible.

## Louisiana

Louisiana law requires that most employees of the following four industries be paid wages on a timely basis: oil and gas, mining, manufacturers, and public service corporations. There is no Louisiana law, however, concerning the timeliness of payment to employees of other industries. Accordingly, there would be no state sanction imposed against those employers for missing a regularly scheduled payroll date and in paying their employees late.

## Mississippi

Mississippi law requires every employer engaged in manufacturing of any kind, and employing fifty (50) or more employees and employing public labor, as well as every public service corporation doing business in Mississippi, to make timely payments to employees. Payment must be made as often as once every two (2) weeks or twice during each calendar month, or on the second and fourth Saturday, respectively, of each month.

This payment must include all amounts due for labor or services performed up to not more than ten (10) days previous to the time of payment, except that public service corporations shall not be required to make payment for labor or services performed up to more than fifteen (15) days prior to the time of payment. Mississippi Code § 71-1-35.

## Alabama

In Alabama, every public service corporation engaged in transportation and employing as many as 50 or more employees, must make full payment to employees for services performed as often as once every two weeks, or twice during each calendar month. This payment must include all amounts due for labor or services performed up to not less than 15 days previous to the time of payment. Alabama Code § 37-8-270

**If an employer has employees working from home because the employer's offices were destroyed, what does the employer need to know and how does the employer get the needed information?**

Generally speaking, the same rules apply when employees work from a remote location as when they worked in the office. For example, employees who are considered non-exempt under the wage-and-hour laws should be required to keep track of the hours of work for payroll and overtime purposes.

**Does an employer have to reimburse its employees for the destruction or loss of any of their personal items, such as personal computers or cars that they may have used for business purposes?**

You should consult with your insurance provider to determine whether loss of employees' personal property is covered by any insurance policy. Ordinarily, employers are not responsible for reimbursing employees for the loss or damage to personal property an employee chose to bring to the work site.

## **Layoffs and Closing the Business**

### **Does an employer have to provide its employees with any prior notice of termination if the employer determines that it is necessary to lay off employees?**

No, if the employer does not have an established policy requiring that prior notice be given, the emergency circumstances of the hurricane would relieve the employer of a notice obligation. Usually, employers with more than 100 employees may have an obligation to provide certain notice to its employees pursuant to the Worker Adjustment and Retraining Notification (WARN) Act. However, the WARN Act contains an “Act of God” provision if the layoff or shutdown is the result of a natural disaster. Note that employers with established policies requiring that prior notice be given may be required to comply with their policies.

### **Does an employer have to provide its employees with severance pay if the employer determines to lay off employees?**

No, so long as the employer does not have a plan, policy or practice providing for the payment of severance benefits. The state laws of Louisiana, Alabama, Mississippi, as well as federal law, do not require employers to provide severance pay to departing employees.

### **Is a self-employed, small business owner eligible to receive unemployment insurance benefits?**

No. Self-employed, small business owners (sole proprietorships and members of a partnership or limited liability company) as well as independent contractors are not eligible for unemployment insurance benefits. However, persons denied unemployment insurance benefits may be eligible for disaster unemployment assistance (DUA).

For more information, contact the numbers listed below, or visit the National Employment Law Project online at <http://www.nelp.org/ui/federal/initiatives/duakatrina.cfm>. Current information is also available on state and federal websites, such as the U.S. Department of Labor’s website, listing state services for Hurricane Katrina victims (<http://www.doleta.gov/Katrina/FACTSHEET.cfm>).

Below is a listing of the DUA application contact numbers posted by several of the impacted states. However, these contact numbers may not always provide all the necessary application information. Workers and employers should consult the websites referenced above for current information.

Note: If you are applying for DUA, call FEMA 1-800-462-9029 first to get a registration number.

**Alabama:** 1-866-361-4524 or 1-866-767-8103

**Georgia:** 1-877-709-8185

**Florida:** 1-800-204-2418

**Louisiana:** 1-800-818-7811 or 1-866-783-5567 or 1-800-LAHELPU

**Mississippi:** 1-888-844-3577

**Texas:** 1-817-420-1600

**Is an employer personally liable for its employees' wages if the failing corporation is unable to make payroll?**

Although there is no federal obligation, employers may be personally liable under state law.

**Louisiana:** Under Louisiana law, the shareholder of a corporation is usually not personally liable for corporate debts. Personal liability only attaches to shareholders in certain circumstances, such as where stockholders bind themselves for corporate debt under a valid contract, or fail to pay overtime or minimum wage as mandated by federal law.

**Alabama:** In Alabama, neither a subscriber nor a shareholder of a corporation is personally liable for the acts or debts of a corporation. Alabama Code § 10-2B-6.22.

**Mississippi:** Under Mississippi law, a shareholder of a corporation is not personally liable for the acts or debts of the corporation except that he may become personally liable by reason of his own acts or conduct. Mississippi Business Corporation Act, §79-4-6.22(b)

**Military Reservists**

**If an employee is a reservist who is being called to active duty, what issues should the employer know about?**

Under the Uniformed Services Employment and Reemployment Rights Act (USERRA), the employee reservists and their families are entitled to health benefit coverage for an extended period of time after leaving their civilian jobs, as well as reinstatement of their benefits when they return to their civilian positions. Furthermore, returning reservists must be offered positions that are similar in seniority, status and pay to those they were in before leaving for active service and may be entitled to positions similar to what they would have held had they never left. It is a good idea for employers to keep a record of employees who leave for active service to make it easier to provide the proper benefit, seniority, status, and pay levels upon their return.

**If an employee is a reservist who is being called to active duty, what happens with his or her retirement benefits?**

Employees called up to active duty who later return to civilian life are entitled to benefit credit for their period of military service. If the employees were covered by defined

contribution plans, they are entitled to make-up allocations and the opportunity to make up any elective deferrals to their 401(k) plans that they missed. Employers should keep careful records of their employees who leave for active service to make it easier to provide the proper contributions upon their return.

### **Is an employer required to reinstate an employee who has been absent due to voluntary or involuntary duty in the Armed Services or the National Guard?**

With few exceptions, an employee will generally be entitled to reinstatement after his or her military service if:

- the employee provides advance written or oral notice of the service;
- the employee's cumulative period of absence for military service does not exceed five years; and
- the employee makes a *timely* application for reemployment.

### **Can an employer get a loan to cover its expenses while its employee is in active duty?**

If your small business loses a key employee due to a reservist call-up, it may be eligible for a Military Reservist Economic Injury Disaster Loan, to help it cover fixed debts, payroll, accounts payable and other bills. Loans are available under the same terms as an Economic Industry Disaster Loan (EIDL). See the Loans from SBA section of this Handbook for more information about an EIDL. You can apply for a Military Reservist EIDL from the date your employee is notified until 90 days following the employee's discharge. For more information about Military Reservist EIDLs see <http://www.sba.gov/disaster/mreidlall.txt>.

### **Where can an employer find additional information on these issues?**

There is more information available on the website of the National Committee for Employer Support of the Guard and Reserve (ESGR) at <http://www.esgr.org>

ESGR is an office within the Department of the Defense.

### **Hiring New Employees**

#### **May an employer hire displaced individuals who do not have proper immigration documentation as a result of Hurricane Katrina?**

U.S. employers are usually responsible for completing and retaining Employment Eligibility Verification (I-9) Forms for individuals they hire for employment. This form requires employers to verify employment eligibility and establish identity through original documents presented by the employee. Many victims from Hurricane Katrina lack these documents as a result of being evacuated from their homes and/or the destruction or loss of personal records.

The Department of Homeland Security has issued a “reprieve” until October 21, 2005 (subject to extension). Accordingly, DHS will not sanction employers for failing to complete or retain immigration paperwork with regard to individuals hired during this period who are unable to provide identity and eligibility documents as a result of the hurricane. Employers will still need to complete the I-9 Form as much as possible and should note that the documentation normally required is not available due to the events involving Hurricane Katrina. At the end of 45 days, the Department of Homeland Security will review this policy and make further recommendations.

## **LAWYER REFERRAL SERVICES AND LEGAL AID**

### **ALABAMA LEGAL REFERRAL AND LEGAL SERVICES**

Note: Some of the listed offices may not be open at this time due to damage sustained during the Hurricane.

**Alabama State Bar/ABA/FEMA Disaster Legal Services Hotline:**  
800-354-6154

#### **Legal Services Alabama**

Bell Building  
PO Box 1271  
207 Montgomery Street, Suite 1100  
Montgomery, AL 36104  
Phone: 334-832-4570  
Fax: 334-241-8683  
Toll Free: 800-844-5342

#### **Baldwin, Mobile**

##### **Legal Services Alabama**

AmSouth Bank Building  
107 St. Francis Street, Suite 2104  
Mobile, AL 36602  
Phone: 251-433-6560  
Fax: 251-434-2488  
Toll Free: 800-403-4872

##### **Mobile Bar Association**

153 Government Street  
Mobile, AL 36602  
Post Office Drawer 2005  
Mobile, AL 36652  
Phone: 251-433-9790  
Fax: 251-433-9973

#### **Mobile Bar Association Volunteer Lawyers Program**

2102 AmSouth Bank Building  
107 St. Francis Street  
Mobile, AL 36602  
Phone: 251-438-1102  
Unpublished lawyers line: 251-433-6693  
Fax: 251-438-1982  
[www.vlpmobile.com](http://www.vlpmobile.com)

#### **Bibb, Fayette, Greene, Hale, Lamar, Pickens, Tuscaloosa, Walker**

##### **Legal Services Alabama**

PO Box 020967  
2315 9<sup>th</sup> Street, Suite 3A  
Tuscaloosa, AL 35402  
Phone: 205-758-7503 or Toll Free 888-440-3256  
Fax: 205-758-6041

**Clarke, Conecuh, Escambia, Monroe, Washington**

**Legal Services Alabama**

PO Box 629

107 Pineville Road

Monroeville, AL 36461

Phone: 334-743-3234

Fax: 334-575-7556

Toll Free: 800-819-7685

## LOUISIANA LEGAL REFERRAL AND LEGAL SERVICES

Note: Some of the listed offices may not be open at this time due to damage sustained during the hurricane.

ABA/FEMA Disaster Legal Services Hotline  
(800) 310-7029

**Acadia Parish** - Major cities: Church Point Rayne

**Acadiana Legal Service Corp.**

1020 Surrey Street  
Lafayette, LA 70501  
Director: Joseph R. Oelkers, III  
Contact for services: Joseph R. Oelkers, III  
Phone: (318) 237-4320; (800) 256-1175  
Fax: (318) 237-8839

*Case Types Accepted:* Welfare, Consumer, Education, Employment, Family, Food Stamps, Health, Housing, Income Maintenance, Incorporation/Dissolution, Indian/Tribal Law, Individual Rights, Juvenile, License, Medicare, Social Security, SSI, Wills

**Ascension Parish** - Major cities: Donaldsonville and Gonzales

**Assumption Parish** - Major cities: Labadieville, Paincourtville, Pierre Part

**Capital Area Legal Services Corp.**

**WEST BANK:**

313 Nicholls Street  
Donaldsonville, LA 70346  
Director: James A. Wayne  
Contact for services: Marie Alleman  
Phone: (504) 473-4100; (800) 256-6151  
Fax: (504) 473-6287

**Capital Area Legal Services Corp.**

**EAST BANK:**

Francois Plaza Turner Bldg.  
1060 East Worthey Road  
Gonzales, LA 70737  
Director: James A. Wayne  
Contact for services: LaDonna Wilson  
Phone: (504) 647-9775  
Fax: (504) 644-4412

*Case Types Accepted:* Welfare, Consumer, Employment, Family, Food Stamps, Medicare, Social Security, SSI, Veterans' Administration, Wills

**Calcasieu Parish** - Major cities: DeQuincy, Iowa, Lake Charles, Moss Bluff, Prien, Sulphur, Vinton, Westlake

**Southwest Louisiana Legal Services Society, Inc.**

1011 Lakeshore Drive  
Magnolia Bldg., Suite 402  
Lake Charles, LA 70601  
Director: Jim Ortego  
Contact for services: Connie Coulson  
Phone: (318) 436-3308; (800) 256-1955  
Fax: (318) 433-2523

*Case Types Accepted:* Welfare, Consumer, Employment, Family, Food Stamps, Medicare, Social Security, SSI, Veterans' Administration, Wills

**E. Baton Rouge** - Major cities: Baker, Baton Rouge, Zachary

**Advocacy Center for the Elderly & Disabled**

8281 Goodwood Blvd., #D-1  
Baton Rouge, LA 70806  
Director: Lois Simpson  
Contact for services: Intake Unit  
Phone: (504) 925-8884; (800) 960-7705  
Fax: (504) 925-9625

*Case Types Accepted:* Offering legal assistance to the elderly and people with disabilities in the following priority areas: Special Education, Rights Protection, Accessibility, Financial Entitlements (Medicare, Medicaid, Social Security, SSI, OCDD Cash Subsidies), Housing, Legal Status (POA, defense of interdictions, revocation of interdictions, commitment to OCDD custody), Juvenile Law, Parental Rights, and Assistive Technology

**Capital Area Legal Services Corporation**

200 Third Street  
Baton Rouge, LA 70801  
Director: James A. Wayne  
Contact for services: Marion White  
Phone: (504) 387-5173; (800) 256-1900  
Fax: (504) 387-4802

**Baton Rouge Bar Foundation Pro Bono Project**

P.O. Box 2241  
Baton Rouge, LA 70821  
Director: Ann Scarle  
Contact Person: Joy Shepard  
Phone: (504) 344-4803  
Fax: (504) 344-4805

*Case Types Accepted:* Welfare, Consumer, Employment, Family, Food Stamps, Medicare, Social Security, SSI, Veteran's Administration, Wills and Estates

**Louisiana Coalition Against Domestic Violence**

P.O. Box 77308  
Baton Rouge, LA 70879-7308  
Contact for services: Merni Carter  
Phone: (504) 752-1296  
Fax: (504) 751-8927

*Case Types Accepted:* Welfare, Consumer, Employment, Family, Food Stamps, Medicare, Social Security, SSI, Veterans' Administration, Wills

**Mental Health Advocacy Service**

625 North Fourth St., Suite 707

Baton Rouge, LA 70801

Director: Kevin Robshaw

Contact for services: Kevin Robshaw

Phone: (504) 342-6678

Fax: (504) 342-6658

*Case Type Accepted:* No Direct Services  
- Training and Technical Assistance to Service Providers, Community Education, Community Organizing

*Case Types Accepted:* Mental Health Admission/Commitment, Mental Health Patients Rights, Some Interdictions

**East Feliciana** - Major city: Jackson

**Capital Area Legal Services Corporation**

Hwy. 10 (Martin Luther King Park)

Jackson, LA 70748

Director: James A. Wayne

Contact for services: Marion White

Phone: (504) 634-2664; (800) 259-2664

Fax: (504) 634-9953

*Case Types Accepted:* Welfare, Consumer, Employment, Family, Food Stamps, Medicare, Social Security, SSI, Veterans' Administration, Wills

**Iberia** - Major cities: Jeanerette, New Iberia

**Acadiana Legal Service Corporation**

513 French Street  
New Iberia, LA 70560  
Director: Joseph R. Oelkers, III  
Contact for services: Staci Villemarette  
Phone: (318) 367-2204; (800) 256-1175  
Fax: (318) 367-2209

*Case Types Accepted: Welfare:* Consumer, Education, Employment, Family, Food Stamps, Health, Housing, Income Maintenance, Incorporation/Dissolution, Indian/Tribal Law, Individual Rights, Juvenile, License, Medicare, Social Security, SSI, Wills

**Iberia Parish Pro Bono Project**

P.O. Box 9664  
New Iberia, LA 70562-9664  
Director: Lewis H. Pitman, Jr.  
Contact Person: Marcia Van Brocklin  
Phone: (318) 365-3800  
Fax: (318) 365-3872

*Case Types Accepted:* Consumer, Family, Real Estate

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

PO Box 10207  
New Iberia, LA 70562  
Director: Sami Riley  
Contact for services: Sami Riley  
Phone: (318) 367-7627  
Fax: (318) 367-7697

*Case Types Accepted:* Battered Women and Children's Shelter (22 beds), 24-hour Crisis Line, Legal Advocacy Program, Children's Program, and Support Groups

**Jefferson** - Major cities: Avondale, Barataria, Estelle, Grand Isle, Gretna, Harahan, Harvey, Jefferson, Kenner, Marrero, Metairie, River Ridge, Terrytown, Timberlane, Waggaman, Westwego

**Legal Aid Bureau**

1001 Howard Ave., Suite 2204  
New Orleans, LA 70113  
Director: Kevin McClue  
Contact for services: Kevin McClue  
Phone: (504) 524-0495  
Fax: (504) 558-0262

*Case Types Accepted:* Welfare, Consumer, Employment, Family, Food Stamps, Landlord/ Tenant, Medicare, Social Security, SSI, Veterans' Administration, Wills

**Loyola Law School Clinic**

7214 St. Charles Avenue  
New Orleans, LA 70118  
Director: Stacey Coughenour  
Contact for services: Stacey Coughenour or Ramona Almonte  
Phone: (504) 861-5590  
Fax: (504) 861-5440

*Case Types Accepted:* Criminal, Civil, Domestic, Employment, Immigration, Juvenile, Public Benefits (including SS and SSI)

**New Orleans Legal Assistance Corporation**

**West Bank:** 4051 Westbank Expressway  
Marrero, LA 70072  
Managing Attorney: Ruben Bailey  
Phone: (504) 340-1381  
Fax: (504) 348-0211

**East Bank:** 144 Elk Place, Suite 1000  
New Orleans, LA 70112-2635  
Phone: (504) 529-1000  
Fax: (504) 529-1008

*Case Types Accepted:* Bankruptcy, Consumer, Employment, Eviction Defense, Family, Food Stamps, Landlord/Tenant, Medicaid, SSI, Social Security, Temporary Assistance to Needy Families (TANF), Successions, Veterans' Administration

**Metropolitan Battered Women's Program**

P.O. Box 10775  
Jefferson, LA 70181  
Director: Dale Standifer  
Contact for services: Imez Kerth or Jana Lindner  
Phone: (504) 837-5400; (504) 365-04

*Case Types Accepted:* Family and Domestic Violence

**New Orleans Pro Bono Project**

601 St. Charles Avenue  
New Orleans, LA 70130  
Director: Rachel Piercey  
Contact for services: Rachel Piercey or  
Nicole Pitman  
Phone: (504) 581-4043  
Fax: (504) 566-0518

*Case Types Accepted:* Consumer, Elder  
Law, Family, General Civil, Homeless,  
Housing, Juvenile Child in Need of Care,  
Miscellaneous, Social Security Disability,  
Wills/Successions

**Jefferson Davis** - Major cities: Jennings, Lake Arthur, Welsh

**Southwest Louisiana Legal Services Society, Inc.**

1011 Lakeshore Drive  
Magnolia Bldg., Suite 402  
Lake Charles, LA 70601  
Director: Jim Ortego  
Contact for services: Connie Coulson  
Phone: (318) 436-3308; (800) 256-1955  
Fax: (318) 433-2523

*Case Types Accepted:* Welfare, Consumer, Employment, Family, Food Stamps,  
Medicare, Social Security, SSI, Veterans' Administration, Wills

**Lafayette** - Major cities: Broadmoor, Broussard, Carencro, Lafayette, Scott

**Acadiana Legal Service Corporation**

1020 Surrey Street  
Lafayette, LA 70501  
Director: Joseph R. Oelkers, III  
Contact for services: Joseph R. Oelkers, III  
Phone: (318) 237-4320; (800) 256-1175  
Fax: (318) 237-8839

*Case Types Accepted:* Welfare, Consumer, Education, Employment, Family, Food Stamps, Health, Housing, Income Maintenance, Incorporation/Dissolution, Indian/Tribal Law, Individual Rights, Juvenile, License, Medicare, Social Security, SSI, Wills

**Advocacy Center for the Elderly & Disabled**

515 S. College Road, #130  
Lafayette, LA 70503  
Director: Lois Simpson  
Contact for services: Intake Unit  
Phone: (318) 237-7380; (800) 960-7705  
Fax: (318) 237-0486

*Case Types Accepted:* To elderly and disabled: Special Education, Rights Protection, Accessibility, Financial Entitlements (Medicare, Medicaid, Social Security, SSI, OCDD Cash Subsidies), Housing, Legal Status (POA, defense of interdictions, revocation of interdictions, commitment to OCDD custody), Juvenile Law, Parental Rights, Assistive Technology

**Farmworkers Legal Assistance Project**

P.O. Box 4823  
Lafayette, LA 70502  
Director: Nolton Senegal, Sr.  
Contact: Nolton Senegal, Sr.  
Phone: (318) 237-4320; (800) 256-1175  
Fax: (318) 237-8839

**Lafayette Volunteer Lawyers**

P.O. Box 2194  
Lafayette, LA 70502-2194  
Director: Stasia Herbert  
Contact for services: Stasia Herbert  
Phone: (318) 237-4700  
Fax: (318) 237-0970

*Case Types Accepted:* Bankruptcy, Collections, Consumer, Employment, Family, Social Security, SSI, Wills

**Lafourche** - Major cities: Cut Off, Galliano, Golden Meadow, Larose, Lockport, Raceland, Thibodaux

**Capital Area Legal Services Corporation**

801 Barrow St., Suite 305  
Houma, LA 70360  
Director: James A. Wayne  
Contact for services: Angela Cotton  
Phone: (800) 256-1660  
Fax:(504) 851-5695

**Chez Hope, Inc.**

P.O. Box 5464  
Thibodaux, LA 70302  
Director: Jeanne Leblanc  
Contact for services: Donna G. Ayo  
Phone: (504) 449-1301; (800) 331-5303  
Fax: (504) 446-8926

*Case Types Accepted:* Welfare, Consumer, Employment, Family, Food Stamps, Medicare, Social Security, SSI, Veterans' Administration, Wills

*Case Types Accepted:* Domestic Violence

**Livingston** - Major cities: Denham Springs, Livingston, Walker

**Southeast Louisiana Legal Services Corporation**

P.O. Drawer 2867  
1200 Derek Drive, Suite 100  
Hammond, LA 70404  
Director: Brian D. Lenard  
Contact for services: Brian D. Lenard  
Phone: (504) 345-2130; (800) 349-0886  
Fax: (504) 345-2686

*Case Types Accepted:* Welfare, Consumer, Education, Family, Food Stamps, Housing, Medicare, Social Security, SSI, Veterans' Administration, Wills; Legal assistance is provided to the elderly regardless of income.

**Orleans** - Major city: New Orleans

**Advocacy Center for the Elderly & Disabled**

225 Baronne Street, #2112  
New Orleans, LA 70112  
Director: Lois Simpson  
Contact for services: Intake Unit  
Phone: (504) 522-2337; (800) 960-7705  
Fax: (504) 522-5507

*Case Types Accepted:* Offering legal assistance to the Elderly and people with disabilities in the following priority areas: Special Education, Rights Protection, Accessibility, Financial Entitlements, (Medicare, Medicaid, Social Security, SSI, OCDD Cash Subsidies), Housing, Legal Status (POA, defense of interdictions, revocation of interdictions, commitment to OCDD custody), Juvenile Law, Parental Rights, Assistive Technology

**Legal Aid Bureau**

1001 Howard Ave., Suite 2204  
New Orleans, LA 70113  
Director: Kevin McClue  
Contact for services: Kevin McClue  
Phone: (504) 524-0495  
Fax:(504) 558-0262

*Case Types Accepted:* Welfare, Consumer, Employment, Family, Food Stamps, Landlord/ Tenant, Medicare, Social Security, SSI, Veterans' Administration, Wills

**AIDSLaw of Louisiana Inc.**

144 Elk Place, Suite 1530  
New Orleans, LA 70112  
Contact for services: Iska Beck  
Phone: (504) 568-1631; (800) 375-5035  
Fax: (504) 568-1242

*Case Types Accepted:* Consumer, Employment, Family, Food Stamps, Housing, Legal services to HIV and AIDS community, Medical Directives, Medicare, Powers of Attorney, Social Security, SSI, Veterans' Administration, Wills

**Loyola Law School Clinic**

7214 St. Charles Avenue  
New Orleans, LA 70118  
Director: Stacey Coughenour  
Contact for services: Stacey Coughenour or Ramona Almonte  
Phone: (504) 861-5590  
Fax: (504) 861-5440

*Case Types Accepted:* Criminal, Civil, Domestic, Employment, Immigration, Juvenile, Public Benefits (including SS and SSI)

**Mental Health Advocacy Service**

New Orleans Adolescents Hospital  
210 State St., Annex 601  
New Orleans, LA 70118  
Director: Kevin Robshaw  
Contact for services: Kevin Robshaw  
Phone: (504) 568-8678  
Fax: (504) 568-8680

*Case Types Accepted:* Mental Health Admission/Commitment, Mental Health Patients' Rights, Some Interdictions

**New Orleans Legal Assistance Corporation**

144 Elk Place, Suite 1000  
New Orleans, LA 70112-2635  
Director: Mark Moreau  
For services contact the office serving your parish  
Phone: (504) 529-1000  
Fax: (504) 529-1008

*Case Types Accepted:* Bankruptcy, Consumer, Employment, Eviction Defense, Family, Food Stamps, Landlord/Tenant, Medicaid, SSI, Social Security, Temporary Assistance to Needy Families (TANF), Successions, Veterans' Administration

**New Orleans Pro Bono Project**

Suite 201  
615 Baronne St.  
New Orleans, LA 70113  
Contact for services: Rachel Piercey or Nicole Pitman  
Phone: (504) 581-4043  
Fax: (504) 566-0518

*Case Types Accepted:* Consumer, Elder Law, Family, General Civil, Homeless, Housing, Juvenile Child in Need of Care, Miscellaneous, Social Security Disability, Wills/Successions

**Tulane Law School Clinic**

6329 Freret Street  
New Orleans, LA 70118  
Contact Person: Lisa Lamonte  
Phone: (504) 865-5153  
Fax: (504) 862-8753

*Case Types Accepted:* Child in Need of Care, Criminal Defense (Orleans Parish only), Employment Discrimination, Family, Immigration, Juvenile

**Point Coupee** - Major city: New Roads

**Capital Area Legal Services Corporation**

200 Third Street  
Baton Rouge, LA 70801  
Director: James A. Wayne  
Contact for services: Mary Julien  
Phone: (504) 387-5173; (800) 256-1900

*Case Types Accepted:* Welfare, Consumer, Employment, Family, Food Stamps, Medicare, Social Security, SSI, Veterans' Administration, Wills

**Plaquemines** - Major cities: Belle Chasse, Buras-Triump, Port Sulphur

**Legal Aid Bureau**

1001 Howard Ave., Suite 2204  
New Orleans, LA 70113  
Director: Kevin McClue  
Contact for services: Kevin McClue  
Phone: (504) 524-0495  
Fax: (504) 558-0262

*Case Types Accepted:* Welfare,  
Consumer, Employment, Family, Food  
Stamps, Landlord/ Tenant, Medicare,  
Social Security, SSI, Veterans'  
Administration, Wills

**New Orleans Legal Assistance  
Corporation**

9001 W. Judge Perez, Suite 203  
Chalmette, LA 70043  
Managing Attorney: Jay Welch  
For services contact the office serving your  
parish  
Phone: (504) 277-8211; (800) 427-6319  
Fax: (504) 277-2358

*Case Types Accepted:* Bankruptcy,  
Consumer, Employment, Eviction  
Defense, Family, Food Stamps,  
Landlord/Tenant, Medicaid, SSI, Social  
Security, Temporary Assistance to Needy  
Families (TANF), Successions, Veterans'  
Administration

**St. Bernard** - Major cities: Arabi, Chalmette, Poydras, Violet

**Legal Aid Bureau**

1001 Howard Ave., Suite 2204  
New Orleans, LA 70113  
Director: Kevin McClue  
Contact for services: Kevin McClue  
Phone: (504) 524-0495  
Fax: (504) 558-0262

*Case Types Accepted:* Welfare,  
Consumer, Employment, Family, Food  
Stamps, Landlord/ Tenant, Medicare,  
Social Security, SSI, Veterans'  
Administration, Wills

**New Orleans Legal Assistance  
Corporation**

9001 W. Judge Perez, Suite 203  
Chalmette, LA 70043  
Managing Attorney: Jay Welch  
For services contact the office serving your  
parish  
Phone: (504) 277-8211; (800) 427-6319  
Fax: (504) 277-2358

*Case Types Accepted:* Bankruptcy,  
Consumer, Employment, Eviction  
Defense, Family, Food Stamps,  
Landlord/Tenant, Medicaid, SSI, Social  
Security, Temporary Assistance to Needy  
Families (TANF), Successions, Veterans'  
Administration

**New Orleans Pro Bono Project**

601 St. Charles Avenue  
New Orleans, LA 70130  
Director: Rachel Piercey  
Contact for services: Rachel Piercey or  
Nicole Pitman  
Phone: (504) 581-4043  
Fax: (504) 566-0518

*Case Types Accepted:* Consumer, Elder  
Law, Family, General Civil, Homeless,  
Housing, Juvenile Child in Need of Care,  
Miscellaneous, Social Security Disability,  
Wills/Successions

**St. Charles** - Major cities: Des Allemands, Destrehan, Hahnville, Luling, Mimosa Park,  
New Sarpy, Norco

**Capital Area Legal Services  
Corporation**

200 Third Street  
Baton Rouge, LA 70801  
Director: James A. Wayne  
Contact for services: Margaret Jefferson  
Phone: (504) 387-5173; (800) 256-1900  
Fax: (504) 387-4802

*Case Types Accepted:* Elderly Legal  
Services Only

**Metropolitan Battered Women's  
Program**

P.O. Box 10775  
Jefferson, LA 70181  
Director: Dale Standifer  
Contact for services: Imez Kerth or Jana  
Marie Lindner  
Phone: (504) 837-5400; (504) 365-0400  
Fax: (504) 828-2893; (504) 365-0310

*Case Types Accepted:* Family and  
Domestic Violence

**New Orleans Legal Assistance Corporation**

144 Elk Place, Suite 1000  
New Orleans, LA 70112-2635  
Managing Attorney: Reuben Bailey  
For services contact the office serving your parish  
Phone: (504) 340-1381; (800) 624-4771  
Fax: (504) 348-0211

*Case Types Accepted:* Bankruptcy, Consumer, Employment, Eviction Defense, Family, Food Stamps, Landlord/Tenant, Medicaid, SSI, Social Security, Temporary Assistance to Needy Families (TANF), Successions, Veterans' Administration

**St. Helena**

**Southeast Louisiana Legal Services Corporation**

P.O. Drawer 2867  
1200 Derek Drive, Suite 100  
Hammond, LA 70404  
Director: Brian D. Lenard  
Contact for services: Brian D. Lenard  
Phone: (504) 345-2130; (800) 349-0886  
Fax: (504) 345-2686

*Case Types Accepted:* Welfare, Consumer, Education, Family, Food Stamps, Housing, Medicare, Social Security, SSI, Veterans' Administration, Wills; Legal assistance is provided to the elderly regardless of income.

**St. James** - Major Cities: Gramercy, Lutcher

**Capital Area Legal Services Corporation**

1069 East Worthey Road  
Gonzales, LA 70737  
Director: James A. Wayne  
Contact for services: LaDonna Wilson  
Phone: (504) 387-5173; (800) 256-1900  
Fax: (504) 387-5802

*Case Types Accepted:* Welfare, Consumer, Employment, Family, Food Stamps, Medicare, Social Security, SSI, Veterans' Administration, Wills

**Metropolitan Battered Women's Program**

P.O. Box 10775  
Jefferson, LA 70181  
Director: Dale Standifer  
Contact for services: Imez Kerth or Jana Marie Lindner  
Phone: (504) 837-5400; (504) 365-0400  
Fax: (504) 828-2893  
(504) 365-0310

*Case Types Accepted:* Family and Domestic Violence

**St. John** - Major Cities: Gramercy, Lutcher

**Capital Area Legal Services Corporation**

200 Third Street  
Baton Rouge, LA 70801  
Director: James A. Wayne  
Contact for services: Marion White  
Phone: (504) 387-5173; (800) 256-1900  
Fax: (504) 387-5802

*Case Types Accepted:* Welfare, Consumer, Employment, Family, Food Stamps, Medicare, Social Security, SSI, Veterans' Administration, Wills

**Metropolitan Battered Women's Program**

P.O. Box 10775  
Jefferson, LA 70181  
Director: Dale Standifer  
Contact for services: Imez Kerth or Jana Marie Lindner  
Phone: (504) 837-5400; (504) 365-0400  
Fax: (504) 828-2893; (504) 365-0310

*Case Types Accepted:* Family and Domestic Violence

**St. Mary** - Major Cities: Amelia, Baldwin, Bayou Vista, Berwick, Franklin, Morgan City, Patterson

**Acadiana Legal Service Corporation**

P.O. Box 430  
Franklin, LA 70538  
Director: Joseph R. Oelkers, III  
Contact for services: Joseph R. Oelkers, III  
Phone: (318) 828-9010; (800) 256-1175  
Fax: (318) 828-9030

*Case Types Accepted:* Welfare, Consumer, Education, Employment, Family, Food Stamps, Health, Housing, Income Maintenance, Incorporation/Dissolution, Indian/Tribal Law, Individual Rights, Juvenile, License, Medicare, Social Security, SSI, Wills

**Chez Hope, Inc.**

P.O. Box 98  
Franklin, LA 70538  
Director: Jeanne L. Leblanc  
Contact for Services: Paulette Guy Layton  
Phone: (318) 923-4537; (800) 331-5303  
Fax: (318) 923-9888

*Case Types Accepted:* Domestic Violence

**St. Martin** - Major Cities: Amelia, Baldwin, Bayou Vista, Berwick, Franklin, Morgan City, Patterson

**Acadiana Legal Service Corporation**

1020 Surrey Street  
Lafayette, LA 70501  
Director: Joseph R. Oelkers, III  
Contact for services: Joseph R. Oelkers, III  
Phone: (318) 237-4320; (800) 256-1175  
Fax: (318)237-8839

*Case Types Accepted:* Welfare, Consumer, Education, Employment, Family, Food Stamps, Health, Housing, Income Maintenance, Incorporation/Dissolution, Indian/Tribal Law, Individual Rights, Juvenile, License, Medicare, Social Security, SSI, Wills

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

200 West Main Street  
St. Martinville, LA  
Director: Sami Riley  
Contact for services: Sami Riley  
Phone: (318) 367-7627  
Fax: (318) 367-7697

*Case Types Accepted:* Battered Women and Children's Shelter (22 beds), 24-hour Crisis Line, Legal Advocacy Program, Children's Program, and Support Groups

**St. Tammany** - Major cities: Abita Springs, Covington, Lacombe, Mandeville, Pearl River, Slidell

**Legal Aid Bureau**

80 Whisperwood Drive  
Slidell, LA 70458  
Director: Kevin McClue  
Contact for services: Kevin McClue  
Phone: (504) 524-0495  
Fax: (504) 558-0262

*Case Types Accepted:* Welfare, Consumer, Employment, Family, Food Stamps, Landlord/ Tenant, Medicare, Social Security, SSI, Veterans' Administration, Wills

**Mental Health Advocacy Service**

Southeast Louisiana State Hospital  
P.O. Box 688  
Mandeville, LA 70470  
Director: Kevin Robshaw  
Contact for services: Kevin Robshaw  
Phone: (504) 626-6661  
Fax: (504) 626-6662

*Case Types Accepted:* Mental Health Admission/Commitment, Mental Health Patients Rights, Some Interdictions

**Safe Harbor Shelter for Battered Women**

P.O. Box 402  
Slidell, LA 70459  
Director: Joan L. Scanlan, MSW  
Contact for services: Joan L. Scanlan  
Phone: (504) 643-0496; (504) 649-1071  
Fax: (504) 847-1187

*Case Types Accepted:* Protective Orders, Domestic Violence Issues, Custody and Criminal Domestic Violence cases

**Southeast Louisiana Legal Services Corporation**

P.O. Box 2330  
417 North Theard Street  
Covington, LA 70434  
Director: Brian D. Lenard  
Contact for services: Brian D. Lenard  
Phone: (504) 893-0076; (800) 891-0076

*Case Types Accepted:* Welfare, Consumer, Education, Family, Food Stamps, Housing, Medicare, Social Security, SSI, Veterans' Administration, Wills; Legal assistance is provided to the elderly regardless of income

**Tangipahoa** - Major cities: Amite City, Hammond, Kentwood, Ponchatoula, Roseland

**Legal Aid Bureau**

1001 Howard Ave., Suite 2204  
New Orleans, LA 70113  
Director: Kevin McClue  
Contact for services: Kevin McClue  
Phone: (504) 524-0495  
Fax:(504) 558-0262

*Case Types Accepted:* Welfare,

**Safe Harbor Shelter for Battered Women**

P.O. Box 402  
Slidell, LA 70459  
Director: Joan L. Scanlan, MSW  
Contact for services: Joan L. Scanlan  
Phone: (504) 643-0496; (504) 649-1071  
Fax: (504) 847-1187

Consumer, Employment, Family, Food Stamps, Landlord/ Tenant, Medicare, Social Security, SSI, Veterans' Administration, Wills

*Case Types Accepted:* Protective Orders, Domestic Violence Issues, Custody and Criminal Domestic Violence cases

**Southeast Louisiana Legal Services Corporation**

P.O. Drawer 2867  
1200 Derek Drive, Suite 100  
Hammond, LA 70404  
Director: Brian D. Lenard  
Contact for services: Brian D. Lenard  
Phone: (504) 345-2130; (800) 349-0886  
Fax: (504) 345-268

*Case Types Accepted:* Welfare, Consumer, Education, Family, Food Stamps, Housing, Medicare, Social Security, SSI, Veterans' Administration, Wills; Legal assistance is provided to the elderly regardless of income.

**Terrebonne** - Major cities: Bayou Cane, Chauvin, Houma

**Capital Area Legal Services Corporation**

801 Barrow St., Suite 305  
Houma, LA 70360  
Director: James A. Wayne  
Contact for services: Salyria Gumms or Kayla Nettleton (Rural Project)  
Phone: (504) 387-5173; (800) 256-1900  
Fax: (504) 387-5802

**Chez Hope, Inc.**

P.O. Box 1514  
Houma, LA 70361  
Director: Jeanne LeBlanc  
Contact for services: Annette Whitlock  
Phone: (504) 868-6229  
Fax: (504) 868-6293

*Case Types Accepted:* Domestic Violence

*Case Types Accepted:* Welfare, Consumer, Employment, Family, Food Stamps, Medicare, Social Security, SSI, Veterans' Administration, Wills

**Vermillion** - Major cities: Abbeville, Erath, Kaplan

**Acadiana Legal Services Corporation**

1020 Surrey Street  
Lafayette, LA 70501  
Director/Contact for Services: Joseph R. Oelkers, III  
Phone: (318) 237-4320; (800) 256-1175  
Fax: (318)237-8839

*Case Types Accepted:* Welfare, Consumer, Education, Employment, Family, Food Stamps, Health, Housing, Income Maintenance, Incorporation/Dissolution, Indian/Tribal Law, Individual Rights, Juvenile, License, Medicare, Social Security, SSI, Wills

**Lafayette Volunteer Lawyers**

P.O. Box 2194  
Lafayette, LA 70502-2194  
Director: Stasia Herbert  
Contact for services: Stasia Herbert  
Phone: (318) 237-4700  
Fax: (318) 237-0970

*Case Types Accepted:* Bankruptcy, Collections, Consumer, Employment, Family, Social Security, SSI, Wills

**Washington** - Major cities: Bogalusa, Franklinton

**Safe Harbor Shelter for Battered Women**

P.O. Box 402  
Slidell, LA 70459  
Director: Joan L. Scanlan, MSW  
Contact for services: Joan L. Scanlan  
Phone: (504) 643-0496; (504) 649-1071  
Fax: (504) 847-1187

*Case Type Accepted:* Protective Orders, Domestic Violence Issues, Custody, Criminal Domestic Violence

**Southeast Louisiana Legal Services Corporation**

P.O. Drawer 2330  
417 North Theard Street  
Covington, LA 70434  
Director: Brian D. Lenard  
Contact for services: Brian D. Lenard  
Phone: (504) 345-2130; (800) 349-0886  
Fax: (504) 345-2686

*Case Types Accepted:* Welfare, Consumer, Education, Family, Food Stamps, Housing, Medicare, Social Security, SSI, Veterans' Administration, Wills; Legal assistance is provided to the elderly regardless of income.

**West Baton Rouge** - Major city: Port Allen

**Baton Rouge Bar Foundation Pro Bono Project**

P.O. Box 2241  
Baton Rouge, LA 70821  
Director: Ann Scarle  
Contact Person: Joy Shepard  
Phone: (504) 344-4803  
Fax: (504) 344-4805

*Case Types Accepted: Welfare, Consumer, Employment, Family, Food Stamps, Medicare, Social Security, SSI, Veterans' Administration, Wills and Estates*

**Capital Area Legal Services Corporation**

200 Third Street  
Baton Rouge, LA 70801  
Director: James A. Wayne  
Contact for services: Mary Julien  
Phone: (504) 387-5173; (800) 256-1900  
Fax: (504) 387-4802

*Case Types Accepted: Welfare, Consumer, Employment, Family, Food Stamps, Medicare, Social Security, SSI, Veterans' Administration, Wills*

**West Feliciana** - Major city: Port Allen

**Baton Rouge Bar Foundation Pro Bono Project**

P.O. Box 2241  
Baton Rouge, LA 70821  
Director: Ann Scarle  
Contact Person: Joy Shepard  
Phone: (504) 344-4803  
Fax: (504) 344-4805

*Case Types Accepted: Welfare, Consumer, Employment, Family, Food Stamps, Medicare, Social Security, SSI, Veterans' Administration, Wills and Estates*

**Capital Area Legal Services Corporation**

200 Third Street  
Baton Rouge, LA 70801  
Director: James A. Wayne  
Contact for services: Mary Julien  
Phone: (504) 387-5173; (800) 256-1900  
Fax: (504) 387-4802

*Case Types Accepted: Welfare, Consumer, Employment, Family, Food Stamps, Medicare, Social Security, SSI, Veterans' Administration, Wills*

## MISSISSIPPI LEGAL REFERRAL AND LEGAL SERVICES

Note: Some of the listed offices may not be open at this time due to damage sustained during the Hurricane.

### **ABA/FEMA Disaster Legal Services Hotline**

866-255-4495

### **Mississippi Center for Legal Services**

414 South State Street, 3rd Floor - P.O. Box 951

Jackson, MS 39205

601-948-6752

### **Mississippi Volunteer Lawyers Project**

643 North State Street - P.O. Box 2168

Jackson, MS 39225

601-960-9577

<http://www.nmrls.com/mvlp.htm>

### **Pearl River, Stone, George, Hancock, Harrison, Jackson**

### **Mississippi Center for Legal Services-Hattiesburg Office**

111 East Front Street - P.O. Drawer 1728

Hattiesburg, MS 39403

601-545-2950

228-575-8473 (Gulfport)

### **Clarke, Kemper, Lauderdale, Leake, Neshoba, Newton, Scott**

### **Mississippi Center for Legal Services - Meridian Office**

2305 Fifth Avenue, 2nd Floor - P.O. Box 1931

Meridian, MS 39302

601-693-5470

### **Franklin, Lincoln, Lawrence, Amite, Pike, Walthall**

### **Mississippi Center for Legal Services - McComb Office**

221 Main St.

McComb, MS 39649

Phone: 601-684-0678; 800-898-0985

Fax: 601-684-0575

**Forrest, George, Lamar, Marion, Perry**

**Mississippi Center for Legal Services - Hattiesburg Office**

111 East Front Street  
Hattiesburg, MS 39403  
Phone: 601-545-2950  
Fax: 601-545-2935  
Toll-free: 800-773-1737

**Hinds, Rankin, Madison, Copiah, Simpson**

**Mississippi Center for Legal Services - Jackson Office**

414 South State Street, The Dixie Building, Third Floor  
Jackson, MS 39205  
601-948-6752

Warren, Yazoo, Issaquena, Sharkey

**Mississippi Center for Legal Services - Vicksburg Office**

1222 Washington Street - P.O. Box 52  
Vicksburg, MS 39181  
601-636-8322

**Adams, Claiborne, Jefferson, Wilkinson**

**Mississippi Center for Legal Services - Natchez Office**

20 Magnolia Mall - P.O. Box 427  
Natchez, MS 39120  
601-446-7590

**Attala, Carroll, Clay, Choctaw, Lowndes, Montgomery, Noxubee, Oktibbeha,  
Webster, Winston**

**North Mississippi Rural Legal Services Inc. – West Point Office**

221 Commerce Street  
P.O. Box 277  
West Point, Mississippi 39773  
Phone: 662-494-6122  
Fax: 662-494-0670  
Toll Free: 800-898-6122  
<http://www.nmrls.com/>

# CONTACT INFORMATION

## FEDERAL GOVERNMENT

FEMA (Disaster Assistance) .....	1-800-621-3362
(TTY line) .....	1-800-462-7585
United States Citizenship & Immigration Services .....	1-800-375-5283
(TTY line) .....	1-800-767-1833
United States Internal Revenue Service	
Line for Hurricane Katrina victims .....	1-866-562-5227
United States Social Security Administration .....	1-800-772-1213
(TTY line) .....	1-800-325-0778
Small Business Administration	
Dist. Area 3: Louisiana .....	1-800-366-6303
Dist. Area 2: Alabama, Florida, Georgia, Mississippi .....	1-800-359-2227
Centers for Disease Control and Prevention .....	1-800-CDC-INFO
Email .....	cdcinfo@cdc.gov
Emergency Preparedness & Response Materials:	
<a href="http://www.bt.cdc.gov/disasters/hurricanes/printindex.asp">http://www.bt.cdc.gov/disasters/hurricanes/printindex.asp</a>	
Driver's License/ID Help	
Louisiana, Mississippi and Alabama .....	1-866-283-2838

## LOUISIANA GOVERNMENT

### Louisiana Attorney General's Office

Consumer Protection ..... 1-800-351-4889  
Equal Opportunity/Fair Housing ..... 1-800-273-3718

Louisiana Dept. of Insurance..... 1-800-259-5300  
Email..... public@ldi.state.la.us

Louisiana Dept. of Social Services ..... 1-888-LAHELPU

Louisiana Dept. of Health and Hospitals ..... 1-225-342-8093 or 1-504-568-5050  
Fax..... 1-225-342-8098  
Toxic Substance Exposure Investigation  
Program (SEET) ..... 1-504-568-8537 or 1-888-293-7020  
Environmental Epidemiology & Toxicology ..... 1-504-568-8537 or 1-888-293-7000  
Email ..... envpweb@dhh.la.gov

Louisiana Works, Dept. of Labor ..... 1-866-783-5567

### Louisiana Dept. of Revenue

General Information ..... 1-225-219-2448  
(TTY line) ..... 1-225-219-2114  
Compliance ..... 1-225-219-7462  
Individual Income ..... 1-225-219-0102  
Corporation Income and Franchise Tax..... 1-225-219-0067

### Louisiana Office of Emergency Preparedness

Baton Rouge ..... 1-225-925-7500  
Fax..... 1-225-925-7501  
<http://www.loeep.state.la.us/>

State Bar of Louisiana (temporary offices) ..... 1-337-272-0536  
Fax..... 1-337-272-0356  
Hotline..... 1-800-310-7029  
Louisianabar@yahoo.com

Crime Victims Reparations Program ..... 1-888-684-2846

### Louisiana Relay Service (24 hr.) Communications Assistance for

Deaf, Hard of Hearing, Deaf-blind, and Speech Disabled..... 1-800-846-5277  
(TTY line) ..... 1-800-256-1633

Disabilities Information Access Line ..... 1-800-922-3425  
(TTY line) ..... 1-800-256-1633

State Government Directory Assistance ..... 1-800-256-7777

## Louisiana Parish Information (Assessor's Offices)

Please note that many of these offices may be currently closed. We hope that the phone and email information will help you locate the appropriate resources once forwarding information is provided.

### **Acadia**

Russel L. Benoit - Assessor  
P.O. Box 1329  
Crowley, LA 70527-1329  
Phone: 337-788-8871  
Fax: 337-788-0523  
Email: [apta@apso.org](mailto:apta@apso.org)  
Website:

<http://www.acadiaassessor.org>

Irvin Smith - Chief Deputy

### **Ascension**

Renee Mire Michel - Assessor  
P.O. Box 544  
Donaldsonville, LA 70346  
Phone: 225-473-9239  
Fax: 225-473-9333  
Email: [rmichel@ascassessors.com](mailto:rmichel@ascassessors.com)

### **Assumption**

Wayne P. Blanchard - Assessor  
P.O. Box 576  
Napoleonville, LA 70390  
Phone: 985-369-6385  
Fax: 985-369-7049  
Email: [assessor@eatel.net](mailto:assessor@eatel.net)  
Wendy Baldwin (Administrative Asst) -  
Secretary  
Email: [wendybaldwin@eatel.net](mailto:wendybaldwin@eatel.net)

### **Calcasieu**

Richard J. Cole, Jr. - Assessor  
P.O. Box 1346  
Lake Charles, LA 70602  
Phone: 337-721-3000  
Fax: 337-721-3021  
Connie Pascale - Chief Deputy

### **Cameron**

Robert E. Conner - Assessor  
P.O. Box 1100  
Cameron, LA 70631-1100  
Phone: 337-775-5416  
Fax: 337-775-7898  
Gary Dimas - Chief Deputy

### **East Baton Rouge**

Brian Wilson - Assessor  
222 St. Louis Street, Room 126  
Baton Rouge, LA 70801  
Phone: 225-389-3920  
Fax: 225-389-8483  
Willie Strahan - Chief Deputy  
Jude Vaughn - Office Manager

### **East Feliciana**

Holice T. Jackson, Jr. - Assessor  
P.O. Box 263  
Clinton, LA 70722  
Phone: 225-683-8945  
Fax: 225-683-8042  
Brooks Gonsoulin - Office Manager

### **Iberia**

Rickey J. Huval, Sr., CLA - Assessor  
300 Iberia Street, Suite B  
New Iberia, LA 70560-4544  
Phone: 337-369-4415  
Fax: 337-369-4406  
Email: [rickeyhuval@bellsouth.net](mailto:rickeyhuval@bellsouth.net)

Phyllis Mendoza - Chief Deputy  
Email: [iberiaassessor@bellsouth.net](mailto:iberiaassessor@bellsouth.net)

Marnell Fremin - Office Manager  
Email: [iberiaassessor@hotmail.com](mailto:iberiaassessor@hotmail.com)

**Iberville**

James H. Dupont - Assessor  
P.O. Box 697  
Plaquemine, LA 70765  
Phone: 225-687-3568  
Fax: 225-687-3103

**Jefferson Parish**

Lawrence E. Chehardy - Assessor  
New Courthouse Building, First Floor  
Gretna, LA 70053-5896  
Phone: 504-362-4100  
Fax: 504-366-4087  
Juanita Suggs - Office Manager

**Jefferson Davis**

Donald G. Kratzer - Assessor  
300 N. State Street, Room 103  
Jennings, LA 70546  
Phone: 337-824-3451  
Fax: 337-824-7681  
Madonna Orgeron - Chief Deputy

**Lafayette**

Conrad Comeaux - Assessor  
Physical Address:  
1010 Lafayette St.  
Suite 402  
Lafayette, LA 70501

P.O. Box 3225  
Lafayette, LA 70502-3225

Phone: 337-291-7080  
Fax: 337-291-7086  
Email: [info@lafayetteassessor.com](mailto:info@lafayetteassessor.com)  
Website:  
<http://www.lafayetteassessor.com>

Elsie Simon - Chief Deputy  
Email: [elsies@lafayetteassessor.com](mailto:elsies@lafayetteassessor.com)

**Lafourche**

Michael H. Martin - Assessor  
403 St. Louis Street  
Thibodaux, LA 70301-3090  
Phone: 985-447-7242  
Fax: 985-447-8060  
Email: [michael-martin@lafourcheassessor.org](mailto:michael-martin@lafourcheassessor.org)  
Kenneth Neal - Chief Deputy  
Wendy Thibodeaux - Office Manager

**Livingston**

Jeffrey "Jeff" Taylor - Assessor  
P.O. Box 307  
Livingston, LA 70754  
Phone: 225-686-7278  
Fax: 225-686-1817  
Nelson Duane Mack - Chief Deputy  
Cindy Marino - Office Manager

**Orleans****First Municipal District**

Darren G. Mire - Assessor  
4E01 City Hall  
New Orleans, LA 70112  
Phone: 504-658-1310  
Fax: 504-658-1312  
Email: [darrenm@new-orleans.la.us](mailto:darrenm@new-orleans.la.us)

**Second Municipal District**

Claude T. Mauberret - Assessor  
4E01 City Hall  
New Orleans, LA 70112  
Phone: 504-658-1320  
Fax: 504-658-1321  
Barbara "Diane" Mauberret - Chief Deputy

### **Third Municipal District**

Erroll G. Williams - Assessor  
4E01 City Hall  
New Orleans, LA 70112  
Phone: 504-658-1330  
Fax: 504-658-1353

### **Fourth Municipal District**

Betty Jefferson - Assessor  
4E01 City Hall  
New Orleans, LA 70112  
Phone: 504-658-1340  
Fax: 504-658-1345  
Sandra H. Wilson - Office Manager

### **Fifth Municipal District**

Thomas L. Arnold - Assessor  
225 Morgan Street, Algiers Courthouse  
New Orleans, LA 70114  
Phone: 504-368-7642 or 504-658-1350  
Fax: 504-658-1351  
Email: tommya@bellsouth.net  
Website:  
<http://www.algiersassessor.com>  
Connell Vallette - Chief Deputy

### **Sixth Municipal District**

Albert L. Coman, III - Assessor  
4E01 City Hall  
New Orleans, LA 70112  
Phone: 504-658-1360  
Fax: 504-658-1368  
Email: alc@new-orleans.la.us

Michael Markey - Chief Deputy  
Email: mickeym@new-orleans.la.us  
Karen M. Gould - Secretary  
Email: KarenMo@new-orleans.la.us

### **Seventh Municipal District**

Henry F. Heaton - Assessor  
4E01 City Hall  
New Orleans, LA 70112  
Phone: 504-658-1370  
Fax: 504-658-1375  
Marilyn Raspino - Office Manager

### **Pointe Coupee**

James A. Laurent - Assessor  
211 E. Main Street, Suite 4  
New Roads, LA 70760  
Phone: 225-638-7077  
Fax: 225-638-4370  
Wanda Henry - Chief Deputy

### **Plaquemines**

Robert R. Gravolet - Assessor  
P.O. Box 7129  
Belle Chasse, LA 70037  
Phone: 504-297-5256  
Fax: 504-297-5262  
Mary Lou Fontenelle - Chief Deputy

### **St. Bernard**

Marlene Vinsanau - Assessor  
Chalmette Courthouse, Room 105  
Chalmette, LA 70043  
Phone: 504-279-6379  
Fax: 504-279-8791  
Email: stbassor@bellsouth.net  
Judy Murchison - Chief Deputy  
April Coupel - Secretary

### **St. Charles**

Clyde A. Gisclair - Assessor  
P.O. Box 303  
Hahnville, LA 70057  
Phone: 985-783-6281  
Fax: 985-783-6593  
Adeline Verda - Chief Deputy

**St. Helena**

Wesley Blades - Assessor  
P.O. Box 607  
Greensburg, LA 70441  
Phone: 225-222-4131  
Fax: 225-222-4132  
Email: sthenaassessor@yahoo.com  
Jelaine Fitzhugh - Chief Deputy  
Email: jelfitz@yahoo.com

**St. James**

Glenn M. Waguespack - Assessor  
P.O. Box 55  
Convent, LA 70723  
Phone: 225-562-2251  
Fax: 225-562-2249  
Email: gwag@stargazer.net  
Mary L. Champagne - Chief Deputy

**St. John the Baptist**

Whitney Joseph, Jr. - Assessor  
1801 W. Airline Highway, Room 103  
La Place, LA 70068  
Phone: 985-652-5311  
Fax: 985-652-8746  
Bruno Burrell, Jr. - Chief Deputy

**St. Mary**

Sherel A. Martin, Jr. - Assessor  
P.O. Box 264  
Franklin, LA 70538  
Phone: 337-828-4100 (X250)  
Fax: 337-828-2122  
Patrick Bertrand - Chief Deputy

**St. Martin**

Lawrence L. Patin - Assessor  
Courthouse Building  
St. Martinville, LA 70582  
Phone: 337-394-2208  
Fax: 337-394-2209  
Email: stmassr@bellsouth.net  
Richard Dugas - Chief Deputy

**St. Tammany**

Patricia Core - Assessor  
701 N. Columbia Street  
Covington, LA 70433  
Phone: 985-809-8180  
Fax: 985-809-8190  
Website: <http://stassessor.org>  
George Klumpp - Chief Deputy  
Sandy Campbell - Office Manager

**Tangipahoa**

Joaquin "JR." Matheu - Assessor  
P.O. Box 336  
Amite, LA 70422  
Phone: 985-748-7181  
Fax: 985-748-3995  
Email: tpao@i-55.com  
Website: <http://www.tangiassessor.org>  
Stephen P. Ourso - Chief Deputy

**Terrebonne**

Gene P. Bonvillain - Assessor  
P.O. Box 5094  
Houma, LA 70361  
Phone: 985-876-6620  
Fax: 985-876-6631  
Website: <http://www.tpcg.org>  
Rae Jean Arabie - Office Manager

**Vermilion**

Michael Langlinais - Assessor  
100 N. State Street, Suite 110  
Abbeville, LA 70510  
Phone: 337-893-2837  
Fax: 337-893-1221  
Kathryn S. Broussard - Chief Deputy

**Washington**

M. Randall Seal - Assessor  
908 Washington Street  
Franklinton, LA 70438  
Phone: 985-839-7815  
Fax: 985-839-7818  
Email: mrseal@i-55.com  
Billy W. Rester - Chief Deputy  
Faye Murrell - Office Manager

**West Baton Rouge**

Barney "Frog" Altazan - Assessor  
P.O. Box 76  
Port Allen, LA 70767  
Phone: 225-344-6777  
Fax: 225-344-6779  
Email: frog.altazan@wbrassessor.org  
Website: <http://www.wbrassessor.org>

Naomi G. Fair - Chief Deputy  
Email: naomi.fair@wbrassessor.org

Lisa H. Tate - Secretary  
Email: lisa.tate@wbrassessor.org

**West Feliciana**

Randolph G. Ritchie - Assessor  
P.O. Box 279  
St. Francisville, LA 70775  
Phone: 225-635-3350  
Fax: 225-635-9581  
Email: felici\_p@bellsouth.net  
Website: <http://www.wfassessor.com>

## **MISSISSIPPI GOVERNMENT**

Mississippi Attorney General's Office .....	1-601-359-3680
Mississippi Contractors State License Board (Disaster Hotline).....	1-800-880-6161
Mississippi Dept. of Corporations (Lender Licensing) .....	1-800-256-3494 or 1-601-359-1633
Mississippi Dept. of Insurance.....	1-866-856-1982
Licensing Issues .....	1-601-359-3582
Mississippi Dept. of Human Services .....	1-800-345-6347
Mississippi Dept. of Environmental Quality .....	1-601-961-5002
Mississippi Dept. of Employment Security .....	1-888-844-3577
Mississippi Development Authority Employment training/dislocated workers.....	1-800-762-2781
(TTY line) .....	1-601-576-2527
Mississippi Tax Commission .....	1-601-923-7000
Mississippi Emergency Management Agency (Disaster Assistance Division) .....	1-800-222-6362
State Bar of Mississippi Attorney Contact Information .....	1-601-948-4471
Lawyer Referral Service.....	1-866-255-4495
Vital Records.....	1-877-295-4229
Mississippi State Dept. of Health.....	1-601-576-7400
Mississippi Dept. of Mental Health .....	1-601-359-1288
Veterans' Affairs Board .....	1-601-354-7377

## Mississippi County Information (Assessor's Offices)

Please note that many of these offices may be currently closed. We hope that the phone and email information will help you locate the appropriate resources once forwarding information is provided.

### **Amite County**

Jennifer Lindsey, Assessor  
P.O. Box 680  
County Courthouse  
Liberty, MS 39645-0680  
601-657-8022

### **Forrest County**

Mary Ann Palmer, Tax Assessor  
P.O. Box 1310  
County Courthouse  
Hattiesburg, MS 39403-1310  
601-545-6000

### **George County**

Wilburn Bolen, Assessor  
355 Cox Street, Suite D  
County Courthouse  
Lucedale, MS 39452-7506  
601-947-7506

### **Greene County**

Debra Helton, Assessor  
P.O. Box 460  
County Courthouse  
Leakesville, MS 39451-0460  
601-394-4650

### **Hancock County**

Jimmie Ladner Jr, Assessor  
P.O. Box 429  
County Courthouse  
Bay Saint Louis, MS 39520-0008  
228-467-0172

### **Harrison County**

P.O. Box CC  
County Courthouse  
Gulfport, MS 39502-0860  
Phone: 228-865-4001  
Fax: 228-865-4206

### **Jackson County**

Luther Goff, Assessor  
P.O. Box 998  
County Courthouse  
Pascagoula, MS 39568-0998  
Phone: 228-769-3100  
Fax: 228-769-3348

### **Lamar County**

James Patterson, Assessor  
P.O. Bo 1240  
County Courthouse  
Purvis, MS 39475-1240  
Phone: 601-794-8504  
Fax: 601-794-1049

### **Marion County**

Jimmy Byrd, Assessor  
215 Broad Street, Suite 2  
County Courthouse  
Columbia, MS 39429-2904  
Phone: 601-444-0202  
Fax: 601-736-1232

### **Pearl River County**

Gary Beech, Assessor  
P.O. Box 569  
County Courthouse  
Poplarville, MS 39470-0569  
Phone: 601-795-2237  
Fax: 601-795-3024

### **Perry County**

Linda Carroll, Assessor  
P.O. Box 198  
County Courthouse  
New Augusta, MS 39462-0198  
Phone: 601-964-8398  
Fax: 601-964-8265

**Pike County**

Joe Young, Assessor  
218 East Bay Street  
PO Box 431  
County Courthouse  
Magnolia, MS 39652-2814  
Phone: 601-783-5289

**Stone County**

Charles Williams, Assessor  
P.O. Drawer 7  
County Courthouse  
Wiggins, MS 39577-0007  
Phone: 601-928-5266

**Walthall County**

Louie Fortenberry, Assessor  
P.O. Box 351  
County Courthouse  
Tylertown, MS 39667-0351  
Phone: 602-876-3553

**Wilkinson County**

Wevlyn James, Assessor  
P.O. Box 1284  
County Courthouse  
Woodville, MS 39669-1284  
Phone: 601-888-4381  
Fax: 601-888-6776

## ALABAMA GOVERNMENT

Alabama Attorney General's Office .....	1-334-242-7300
Victim Assistance .....	1-800-626-7676
Alabama Contractors State License Board (Disaster Hotline) .....	1-334-272-5030
Alabama Dept. of Corporations (Lender Licensing) .....	1-334-242-5324
Alabama Dept. of Insurance .....	1-334-269-3550 or 1-334-241-4141
Licensing Issues .....	1-334-241-4126
Alabama Dept. of Human Resources (Social Services) .....	1-334-242-1310
Alabama Dept. of Environmental Management .....	1-334-271-7700
Alabama Dept. of Labor .....	1-334-242-3460
Alabama Dept. of Public Health .....	1-334-206-5300
Alabama Dept. of Mental Health .....	1-800-367-0955
Dept. of Health Vital Records .....	1-334-206-5418
Alabama Dept. of Senior Services .....	1-877-425-2243
Alabama Dept. of Revenue .....	1-334-242-1170
Alabama Emergency Management Agency (Disaster Assistance Division) .....	1-205-280-2200
State Bar of Alabama	
Attorney Contact Information .....	1-334-269-1515
Lawyer Referral Service .....	1-800-254-6154

Please note that one or more of these offices may be currently closed. We hope that the phone and email information will help you locate the appropriate resources once forwarding information is provided.

Baldwin County Assessor's Office .....	1-251-937-0245
Mobile County Assessor's Office .....	1-251-574-8736
Washington County Assessor's Office .....	1-251-847-2780

## RELIEF ORGANIZATIONS

Several non-governmental organizations are collecting money to help individuals and families affected by the hurricane. Many organizations are not yet ready to distribute the money they have collected, and most will not distribute money directly to individuals. The American Red Cross and the Salvation Army will likely provide the majority of private aid to individual hurricane victims made possible by donations from individuals, corporations and philanthropic organizations.

Red Cross .....	1-225-295-01014 or 1-225-243-1889
Family Links Registry .....	1-877-568-3317
Toll-free Hotline for Hurricane Victims .....	1-800-975-7585
Catholic Charities .....	1-800-919-9338
Salvation Army .....	1-800-SAL-ARMY
	1-800-725-2769
United Methodist Committee on Relief .....	1-800-554-8583

### American Red Cross Local Chapters

#### LOUISIANA

##### Southwest Louisiana Chapter

3512 Kirkman Street  
Lake Charles, LA 70607-1836

Phone (337) 478-5122  
Fax (337) 478-1173

Parishes served: Allen, Beauregard,  
Calcasieu, Cameron, Jefferson Davis.

##### Central Louisiana Chapter

1808 Jackson Street  
Alexandria, LA 71301

Phone (318) 442-6621  
Fax (318) 487-8936

Parishes served: Avoyelles, Rapides,  
Catahoula, Concordia, Grant, Vernon,  
Winn, LaSalle, and the northern half of  
Allen Parish.

##### Northeast Louisiana Chapter

414 Breard Street  
Monroe, LA 71201

Phone (318) 323-5141  
Toll free (888) 323-5141  
Fax (318) 323-5191

Parishes served: Caldwell, East Carroll,  
Franklin, Jackson, Madison, Morehouse,  
Ouchita, Richland, Tensas, Union and  
West Carroll.

##### Louisiana Capital Area Chapter

10201 Mayfair Drive  
Baton Rouge, LA 70809

Phone (225) 291-4533  
Fax (225) 292-4692

Southeast Louisiana Chapter

P.O. Box 4900  
Covington, LA 70434

Phone (985) 892-4317

Parishes served: Assumption, Jefferson, Lafourche, Orleans, Plaquemines, St. Charles, St. John, St. Mary, Tammany, Tangipahoa, Terrebonne, and Washington.

Northwest Louisiana Chapter

4221 Linwood Avenue  
Shreveport, LA 71108

Phone (318) 865-9545

Fax (318) 868-4111

Parishes served: Caddo, Bossier, Bienville, Lincoln, Natchitoches, DeSoto, Red River, Sabine, Webster, and Claiborne.

Acadiana Chapter

P.O. Box 62419  
Lafayette, La 70596

Phone (337) 234-7371

Toll free (800) 960-2356

Fax (337) 234-7694

Parishes served: Acadia, Evangeline, Iberia, St. Martin, St. Landry, Lafayette, and Vermilion.

**ALABAMA**

Selma Chapter

812 Selma Ave  
PO Box 652  
Selma, AL 36702

Phone (334) 874-4641

Serving Dallas, Perry, Marengo, Choctaw and Wilcox Counties

West Alabama Chapter

1100 Veterans Memorial Parkway  
Tuscaloosa, AL 35404

Phone (205) 758-3608

Fax (205) 758-4869

Toll free (800) 516-3387

Serving Lamar, Fayette, Pickens, Tuscaloosa, Greene, Sumter and Hale Counties

Lee County Red Cross

206 26<sup>th</sup> St.  
Opelika, AL 36801

Phone (334) 749-9981

Fax (334) 749-8299

Etowah County Chapter

405 South 1<sup>st</sup> St.  
Gadsden, AL 35901

Phone (256) 547-8667

Fax (256) 547-0450

Madison/Marshall Chapter

1101 Washington Street NW  
Huntsville, AL 35801

Phone (256) 536-0084

Serving Madison, Marshall and Jackson Counties

Alabama Gulf Coast Chapter

853 Dauphin Street

P.O. Box 1764  
Mobile, AL 36601

Phone (251) 438-2571

Serving Baldwin, Clarke, and Mobile Counties

American Red Cross of Central  
Alabama  
5015 Woods Crossing  
Montgomery, AL 36106  
Phone (334) 260-3980  
Fax (334) 260-4070  
Serving Autauga, Butler, Chilton,  
Elmore, Lowndes, Montgomery and  
Pike Counties

American Red Cross of Northwest  
Alabama  
318 S. Court St.  
P.O. Box 218  
Florence, AL 35631  
Phone (256) 764-2911  
Fax (256) 760-9507  
Serving Colbert, Lauderdale and  
Franklin Counties  
Birmingham Area Chapter  
950 22nd Street North, Suite 750  
Birmingham, AL 35203  
Phone (205) 458-8282  
Fax (205) 458-8284

## MISSISSIPPI

Key Chapter  
1820 23<sup>rd</sup> Ave.  
Meridian, MS 39305  
Phone (601) 485-5151  
Fax (601) 485-1084  
Northeast Mississippi Chapter  
4127 Westside Drive  
Tupelo, MS  
Phone (662) 842-6101  
Fax (662) 680-5244  
Serving Lee, Prentiss, Pontotoc and  
Itawamba Counties

875 Riverside Drive  
Jackson, MS 39202  
Phone (601) 353-5442  
Fax (601) 353-5466  
Serving Hinds, Madison, Rankin,  
Simpson Copiah and Leflore Counties

Oktibbeha County Chapter  
501 Hwy 12 W Suite 160  
Starkville, MS 39759

Phone (662) 323-4621

Adams County Chapter  
211 N. Union Street  
Natchez, MS 39120-3366

Phone (601) 442-3656  
Fax (601) 442-3657

Central Mississippi Chapter

## **Salvation Army Local Chapters**

### **Alabaster, AL**

The Salvation Army  
8561 Highway 119 S.  
Alabaster, AL 35007

Mail Address  
The Salvation Army  
P.O. Box 130  
Alabaster, AL 35007

Phone (205) 663-7105  
Fax (205) 663-9190

### **Anniston, AL**

The Salvation Army  
15 West Fourth St.  
Anniston, AL 36202

Administrative and Social Services Office  
420 Noble Street  
Anniston, AL 36202

Mail Address  
The Salvation Army  
P.O. Box 218  
Anniston, AL 36202

Phone (256) 236-5643  
Fax (256) 236-4658

### **Bessemer, AL**

The Salvation Army  
525 13th St.  
Bessemer, AL 35020

Administrative and Social Services Office  
1309 Sixth Avenue  
Bessemer, AL 35020

Mail Address  
The Salvation Army  
P.O. Box 458, 35021

Phone (205) 425-4303  
Fax (205) 428-0481

**Birmingham Metropolitan  
Area Command**

The Salvation Army  
2100 11th Avenue North  
Birmingham, AL 35234

Mail Address  
The Salvation Army  
P.O. Box 11005  
Birmingham, AL 35202

Phone (205) 328-2420  
Fax (205) 328-9911

**Birmingham, AL (Citadel)**

The Salvation Army  
2410 8th Ave., N  
Birmingham, AL 35203-2422

Mail Address  
The Salvation Army  
P.O. Box 11001  
Birmingham, AL 35202-1001

Phone (205) 252-6616  
Fax (205) 252-6682

Adult Rehabilitation Center  
1401 F.L. Shuttlesworth Drive  
Birmingham, AL 35234

Pick Up Phone Number (205) 252-8151

Thrift Stores:

1401 F.L. Shuttlesworth Drive  
Birmingham, AL 35234  
Phone (205) 252-8151

2044 Springdale Lane (Hwy. 79)  
Tarrant, AL 35217  
Phone (205) 849-6161

76 Greensprings Hwy.  
Birmingham, AL 35209  
Phone (205) 942-8484

**Decatur, AL**

The Salvation Army

114 - 14th St., SW  
Decatur, AL 35601

Mail Address

The Salvation Army  
P.O. Box 807  
Decatur, AL 35602-0807

Phone (256) 353-2822

Fax (256) 353-1281

**Dothan, AL**

The Salvation Army

1001-1007 S. Bell St.  
Dothan, AL 36301

Mail Address

The Salvation Army  
P.O. Box 1346  
Dothan, AL 36302

Phone (334) 792-1911

Fax (334) 794-4208

**Florence, AL**

The Salvation Army

1601 Huntsville Road  
Florence, AL 35630

Mail Address:

The Salvation Army  
P.O. Box 728  
Florence, AL 35631

Phone (256) 764-4432 or 764-4439

Fax (256) 764-4538

**Gadsden, AL**

The Salvation Army

114 - 120 N. 11th St.  
Gadsden, AL 35901

Mail Address

The Salvation Army  
P.O. Box 1248  
Gadsden, AL 35902

Phone (256) 546-4673

Fax (256) 546-5717

**Huntsville, AL**

The Salvation Army  
2114 Oakwood Ave.  
Huntsville, AL 35810

Mail Address

P.O. Box 3799  
Huntsville, AL 35810

Phone (256) 536-5576

Fax (256) 536-5769

**Lee County, AL (Service Center)**

The Salvation Army  
915 S. Railroad Ave.  
Opelika, AL 36801

Mail Address

The Salvation Army  
P.O. Box 1743  
Opelika, AL 36803-1743

Phone (334) 745-6459

Fax (334) 745-9389

**Mobile, AL (Citadel)**

The Salvation Army  
3200 Pleasant Valley Rd.  
Mobile, AL 36606

Mail Address

The Salvation Army  
P.O. Box 161501  
Mobile, AL 36616-2501

Phone (334) 479-2389

Fax (334) 479-5713

**Mobile, AL (Northside)**

The Salvation Army  
31 Highway 43 South  
Saraland, AL 36571

Mail Address

The Salvation Army  
P.O. Box 220  
Saraland, AL 36571-0220

Phone (334) 675-1952

Fax (334) 675-1034

**Mobile/Baldwin County,  
AL Area Command**

The Salvation Army

1009 Dauphin St.  
Mobile, AL 36604

Mail Address

The Salvation Army  
P.O. Box 1025  
Mobile, AL 36633-1025

Phone (334) 438-1625  
Fax (334) 438-1378

**Montgomery, AL (Citadel)**

The Salvation Army

2840 Highland Ave.  
Montgomery, AL 36107

Administrative and Social Services Office  
900 Bell Street  
Montgomery, AL 36104

Mail Address:

The Salvation Army  
PO Box 4893  
Montgomery, AL 36103-4893

Phone (334) 269-2018  
Fax (334) 265-3092

**Selma, AL**

The Salvation Army

2104 Franklin St.  
Selma, AL 36701

Mail Address

The Salvation Army  
P.O. Box 1166  
Selma, AL 36702

Phone (334) 872-1646  
Fax (334) 872-5306

**Tuscaloosa, AL**

The Salvation Army

1035 29th St.

Tuscaloosa, AL 35401

Phone (205) 752-2245

Mail Address

The Salvation Army

P.O. Box 2470

Tuscaloosa, AL 35403

Administrative and Social Services Office

2902 Greensboro Ave.

Tuscaloosa, AL 35401

Thrift Stores:

2005 - 32nd Street

Northport, AL 35476

Phone (205) 333-0450

915 - 26th Avenue

Tuscaloosa, AL 35404

Phone (205) 462-1747

Pick Up Phone Number (205) 758-9108

**Alexandria, LA**

The Salvation Army

620 Beauregard St.

Alexandria, LA 71302

Mail Address

The Salvation Army

P.O. Box 829

Alexandria, LA 71309-0829

Phone (318) 442-0445

Fax (318) 443-2136

**Baton Rouge, LA**

The Salvation Army

4025 W. Brookstown Dr.  
Baton Rouge, LA 70805-5309

Mail Address

The Salvation Army  
P.O. Box 4148  
Baton Rouge, LA 70821

Phone (225) 357-3267

Fax (225) 355-7393

**Houma, LA**

The Salvation Army

706 Morningside  
Houma, LA 70361

Mail Address

The Salvation Army  
P.O. Box 1447  
Houma, LA 70361

Phone (504) 872-2436

Fax (504) 872-9768

**Lafayette, LA**

The Salvation Army

212 Sixth St.  
Lafayette, LA 70501

Mail Address

The Salvation Army  
P.O. Box 3504  
Lafayette, LA 70502

Phone (337) 235-2407

Fax (337) 237-8676

**Lake Charles, LA**

The Salvation Army

4200 Kirkman St.  
Lake Charles, LA 70605

Mail Address

The Salvation Army  
P.O. Box 5998  
Lake Charles, LA 70606-5998

Phone (337) 478-7120

Fax (337) 474-8611

**Monroe, LA**The Salvation Army

105 Hart St.  
Monroe, LA 71201

## Mail Address

The Salvation Army  
P.O. Box 1623  
Monroe, LA 71210-1623

Phone (318) 325-1755-6 or 325-3797

Fax (318) 387-7158

**New Orleans, LA**Metropolitan Area CommandThe Salvation Army

4526 S. Claiborne Ave.  
New Orleans, LA 70125

## Mail Address

The Salvation Army  
P.O. Box 13808  
New Orleans, LA 70185-3808

Phone (504) 899-4569

Fax (504) 891-1444

Email: [army@gnofn.org](mailto:army@gnofn.org)Adult Rehabilitation Center

200 Jefferson Highway  
New Orleans, LA 70121  
Phone (504) 835-1781  
Fax (504) 831-7522

Pick-up Service

New Orleans area:

Phone (504) 835-1781 or (800) 696-6561

Vehicle Donations

New Orleans area  
Phone (504) 835-1781  
New Orleans, LA (Citadel)

The Salvation Army  
4530 S. Claiborne Ave.  
New Orleans, LA 70125

Mail Address  
The Salvation Army  
P.O. Box 13808  
New Orleans, LA 70185-3808  
Phone (504) 897-9244

Thrift Stores in New Orleans Area

Arabi  
7209 St. Claude Avenue  
Arabi, LA

Phone (504) 276-9704

Jefferson  
100 Jefferson Highway  
Jefferson, LA 70121  
504-837-5914

New Orleans  
966 Chef Menteur Highway  
New Orleans, LA 70126  
Phone (504) 243-5000

Slidell  
3170 Pontchartrain Blvd.  
Slidell, LA  
Phone (504) 643-5516

Terrytown  
601 Terry Parkway  
Terrytown, LA 70056  
Phone (504) 368-3050

**Shreveport, LA**

The Salvation Army  
200 E. Stoner Ave.  
Shreveport, LA 71101

Mail Address  
P.O. Box 1158  
Shreveport, LA 71163  
Phone (318) 424-3200  
Fax (318) 429-7460

**Biloxi, MS**

The Salvation Army  
379 E. Howard Ave.  
Biloxi, MS 39530

Mail Address

The Salvation Army  
P.O. Box 9  
Biloxi, MS 39533

Phone (228) 374-8301

Fax (228) 435-1613

**Camp Hidden Lake**

The Salvation Army  
Camp Hidden Lake  
626 Oregon Rd.  
Lexington, MS 39095

Phone (662) 834-2149

Fax (662) 834-2245

**Columbus, MS**

The Salvation Army  
Corps & Social Services Office  
2219 Main Street  
Columbus, MS 39701

Mail Address:

The Salvation Army  
P.O. Box 8  
Columbus, MS 39703

Phone (662) 327-5137-8

Fax (662) 327-3949

**Thrift Stores:**

2210 3rd Avenue North  
Columbus, MS 39701  
Phone (662) 327-5137

110 S. Meridian Street  
Aberdeen, MS 39730  
Phone (662) 327-5137

134 Commerce  
West Point, MS 39773  
Phone (662) 494-9119

**Corinth, MS**

The Salvation Army  
(Office & Thrift Store)  
2200 Lackey Drive  
P.O. Box 965  
Corinth, MS 38834

Phone (662) 287-6979  
Fax (662) 287-2288  
Email: Michelle\_Flatt@uss.salvationarmy.org

**Greenville, MS**

The Salvation Army  
502 N. Broadway St.  
Greenville, MS 38701

Mail Address  
The Salvation Army  
P.O. Box 1144  
Greenville, MS 38702-1144  
Phone (662) 378-8070, 378-8086  
Fax (662) 378-8090

**Greenwood, MS**

The Salvation Army  
209 North Stone Ave  
Greenwood, MS 38935

Mail Address  
The Salvation Army  
P.O. Box 693  
Greenwood, MS 38935-0693  
Phone (662) 455-9679  
Fax (662) 455-4422

**Gulfport, MS**

The Salvation Army  
2019 22nd St.  
Gulfport, MS 39501

Mail Address  
The Salvation Army  
P.O. Box 728  
Gulfport, MS 39502-0728  
Phone (228) 868-1188  
Fax (228) 868-2673

**Hattiesburg, MS**

The Salvation Army  
Corps Administrative  
and Social Service Offices

5670 U. S. Hwy. 49  
P.O. Box 1750  
Hattiesburg, MS 39403

Fax (601) 543-0363  
Email: Dan\_Heard@uss.salvationarmy.org

Shelter of Hope

The Salvation Army  
5670 U. S. Hwy. 49  
P.O. Box 1750  
Hattiesburg, MS 39403

Phone (601) 544-3684  
Fax (601) 545-1312

The Salvation Army

5670 U. S. Hwy. 49  
P.O. Box 1750  
Hattiesburg, MS 39403

Phone (601) 544-3684  
Fax (601) 543-0363

The Salvation Army

Marion County Columbia Unit  
211 Arkansas St.  
Columbia, MS 39429

Phone (601) 444-4425  
Fax (601) 543-0363

The Salvation Army Boys & Girls Club

The Salvation Army  
Perry County Smart Center  
(located in the Richton Elementary School)  
701 Elm Ave.  
Richton, MS 39476

Phone (601) 788-6975  
(School phone number)

Collins Service Center

The Salvation Army  
Main ~ Collins, MS 39428

Phone (601)765-3132  
Fax (601) 543-0363

Columbia Service Center

The Salvation Army  
226 2nd St.  
Columbia, MS 39429

Phone (601) 784-3463

Fax (601) 543-0363

Family Thrift Store  
The Salvation Army  
5611 US 49  
Hattiesburg, MS 39401

Phone (601) 544-1449

Fax (601) 543-0363

Beaumont Senior Adult Center

The Salvation Army  
1502 Bolton Ave.  
Beaumont, MS 39423

Phone (601) 784-3463

Fax (601) 543-0363

Brooklyn Senior Adult Center

Carnes Road  
Brooklyn, MS

Phone (601) 582-0332

Fax (601) 543-0363

**Jackson, MS**

The Salvation Army (Corps)

110 Presto Lane  
Jackson, MS 39212

Mail Address

The Salvation Army  
P.O. Box 448  
Jackson, MS 39205-0448

Phone (601)-982-4881

Fax (601) 982-8116

## Thrift Stores

For Pick-up of Donations, call  
Phone (601) 948-0737 (Dispatcher)

110 Presto Lane  
Jackson, MS 39212  
Phone (601) 982-4590

Highway 51  
Madison, MS 39110  
Phone (601) 607-3200

715 Highway 49 South  
Richland, MS 39218  
Phone (601) 420-4370

### **Laurel, MS**

The Salvation Army  
205 N. 13th Ave.  
Laurel, MS 39440

Mail Address  
The Salvation Army  
P.O. Box 2548  
Laurel, MS 39442-2548

Phone (601) 428-4232  
Fax (601) 428-5485

### **McComb, MS**

The Salvation Army  
604A So. Magnolia St  
McComb, MS 39648

Mail Address  
The Salvation Army  
P.O. Box 488  
McComb, MS 39648

Phone (601) 684-9115  
Fax (601) 249-0131

### **Meridian, MS**

The Salvation Army  
117-6th Ave.  
Meridian, MS 39301

Administrative and Social Services Office  
120 Sixth Ave.  
Meridian, MS 39301

Mail Address  
P.O. Box 422  
Meridian, MS 39302-0422

Phone (601) 483-6156  
Fax (601) 693-7117

**Natchez, MS**

The Salvation Army  
509-11 N. Canal St.  
Natchez, MS 39120

Mail Address  
The Salvation Army  
P.O. Box 231  
Natchez, MS 39120

Phone (601) 442-0217  
Fax (601) 442-0218

**Pascagoula, MS**

The Salvation Army  
3217 Nathan Hale Ave.  
Pascagoula, MS 39581-4224

Mail Address  
The Salvation Army  
P.O. Box 630  
Pascagoula, MS 39568-0630

Phone (228) 762-7222  
Fax (228) 762-7227

**Tupelo, MS**

The Salvation Army  
527 Carnation St.  
Tupelo, MS 38801

Mail Address  
The Salvation Army  
P.O. Box 706  
Tupelo, MS 38802-0706

Phone (662) 842-9222  
Fax (662) 680-2756