



LEGAL AID
OF NORTH CAROLINA



Disaster Relief Handbook

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Legal Aid of North Carolina's Disaster Relief Project provides legal assistance and education to survivors of natural disasters in North Carolina and supports community economic development and equitable long-term recovery and resiliency in disaster-impacted communities.

This handbook is intended to provide information that may be helpful during recovery following a natural disaster. It is not intended to be legal advice.

For those who would like assistance, call the Legal Aid NC helpline at 866-219-5262. For more information, visit www.legalaidnc.org/disaster.

Post-disaster resources

Disaster Supplemental Nutrition Assistance Program

If you are already receiving Supplemental Nutrition Assistance Program (SNAP) benefits, you can apply for additional benefits if you receive less than the monthly maximum for your household size and you have losses due to the disaster.

If you do not ordinarily receive SNAP benefits, you may qualify for D-SNAP if you have at least one of the following types of disaster-related expenses:

- Home or business repair expenses
- Temporary shelter expenses
- Evacuation or relocation expenses
- Home or business protection expenses
- Disaster-related personal injury expenses, including funeral expenses
- Lost income due to the disaster, including delayed income
- Lost food due to the disaster

Children who are homeless or displaced due to the disaster may be eligible for free meals at school, regardless of income.

If you qualify, your benefits will be issued on an EBT card that you can use to buy food.

You can apply for food assistance by calling 211 or contacting your county's Department of Social Services (DSS) office.

Disaster Unemployment Assistance

The Disaster Unemployment Assistance (DUA) program provides additional unemployment payments to people who are unable to work due to a federally declared disaster. DUA benefits can provide extra support after regular unemployment benefits have run out and to people who do not qualify for regular unemployment benefits.

If there is a federally declared disaster, you may be eligible for DUA if one of the following applies to you as a result of that disaster:

- You no longer have a job
- You are not able to reach your workplace
- Your workplace is closed
- You have just become head of household and are seeking work because the former head of household died in the disaster
- You are injured and unable to work

You must apply within 30 days of the announcement that DUA is available in the state. You can apply through the Department of Employment Security.

Utility Services

If your home has lost water, gas, electricity, or cable due to a recent storm, you should report the loss of service directly to the utility company.

If your home is unlivable and you expect to be out of your home for a significant amount of time, you can ask your utility providers to suspend your services to save you money. You can also request a waiver of any reconnection fees.

If you cannot afford to pay the existing utility bills from your damaged home due to a loss of income, you may be able to receive financial assistance by contacting your local Department of Social Services office, American Red Cross, Salvation Army, or United Way.

If you are having problems with your utility company, you may be able to get assistance through the Public Staff of the North Carolina Utility Commission:

- Toll-free number: 866-380-9816 or 919-733-9277
- Website: <https://publicstaff.nc.gov>

Replacing benefits and documents

SNAP/EBT card: If you have lost your SNAP/EBT card, you must report it immediately by calling 888-622-7328.

Medicare card: You can request a replacement Medicare card by calling 800-633-4227. For a lost Medicaid card, you should contact your DSS caseworker.

VHIC (Veterans Health Identification Card): If you have lost your VHIC you should first contact the VA medical center where your photo was taken to request a replacement. If you no longer visit that location, you can contact the new location where you seek care or call 877-222-8387.

NC driver's license: You can order a duplicate driver's license or a state-issued ID card online at www.NCDOT.gov. You can also replace it by visiting a DMV office.

Birth certificate: You can order a copy of your birth certificate through the Register of Deeds office in the NC county in which you were born. If you were born in another state, contact that state's Vital Records Division.

After a disaster, it is important to keep good records of the damage to your home and also any repairs that you make or cleaning services you pay for. Try to take pictures of damage soon after the storm, and also get a folder where you can keep all receipts from disaster-recovery services that you pay for. These materials are often requested by repair programs, so it is good to keep them in a safe place and have them on hand.

Avoiding scams and frauds

Scammers and fraudsters often target people after natural disasters. Real contractors or handymen may also accept your money and then fail to do the work. These tips can help you avoid losing money after a disaster.

It is best to...

- Ask for an official ID from anyone claiming to be from the government, power company or insurance company.
- Contact your insurance company first if your property has been damaged by a disaster. Some insurance companies require the adjuster's approval before work can be done.
- Shop around and compare estimates for any major repairs. Legitimate contractors will also provide written estimates for home repairs.
- Avoid sharing personal information, such as social security numbers or bank account numbers, with anyone who contacts you first. If someone contacts you claiming to be from a government agency or organization, look up the number for that organization online and call to verify that the person is really an employee.
- Remember that you should not be asked to pay to file any disaster assistance applications.



When hiring a contractor...

- Beware of contractors who knock on your door offering services because they noticed your home is damaged or are already working in your area. This is a common tactic of scam artists.
- FEMA does not approve, endorse, certify, or recommend any contractors, individuals, or firms.
- Do not hire a contractor who does not have a physical address or refuses to show ID.
- Use a contractor who is backed by reliable references. The most reputable contractors have liability insurance, workers' compensation and are bonded.
- Perform a quick Google search before hiring any contractor. Do they have a website? Have they scammed previous clients? Read any reviews.
- Get a copy of your contract in writing from the contractor that includes the work to be done and, ideally, a completion date.
- Check credentials with the North Carolina Licensing Board for General Contractors. Any contractor taking jobs costing \$30,000 is required to be licensed in North Carolina.
- You may wish to request a copy of your contractor's Certificate of Insurance before they begin work, to ensure that the contractor is legitimate and that you will be covered if the contractor causes any damage to your home.

When making a payment...

- Be cautious about paying contractors before they begin work. If possible, wait until the work is finished and you are satisfied before paying. Reputable contractors generally do not expect customers to pay the entire price upfront.
- Pay contractors by credit card if you can, so that you can request a chargeback from your credit card company if they fail to do the work or if the work is unsatisfactory.
- If you cannot pay by credit card, pay by check or get a written receipt from the contractor – anything to keep a paper trail proving your payments.

If you have been affected by a scam or fraud, you should contact the North Carolina Attorney General's Office at 1-877-566-7226.

Under many circumstances, scams and frauds are a crime. You may wish to contact local law enforcement.

You can also contact an attorney to assist you. Call Legal Aid NC to learn if you qualify for free help.

Tenants' rights: evictions & repairs

If your rental home is destroyed or so badly damaged by a natural disaster that it is not sanitary or safe for you to live in, North Carolina law gives you the right to cancel your lease within 10 days of the date of the damage. You must give the owner or manager written notice of your intent to cancel the lease. You will be required to pay any rent currently due.

Your landlord may also end your lease if the damage is too severe for the landlord to repair. If this happens, your landlord must give you notice as required by your lease. If your lease does not state how much notice is required to end the lease, the amount of time is set by law. For example, on a month-to-month lease, the landlord must provide at least one week's notice before the end of your lease.

If you continue to live in the home, the landlord is required to make repairs to make the home safe, decent and sanitary. The landlord must do this within a reasonable time. However, the repairs are only legally required if the landlord is aware of the damage. Make sure you inform the landlord about needed repairs right away, and that you keep a record of the date and your conversation. It is best to make your repair requests in writing, which may include handwritten, email, text message, or social media message.

If you have to move out while repairs are being made, you are not required to pay rent for the time that you are not living in the home. You will typically be responsible for your living expenses, including rent elsewhere, while repairs are being made. FEMA may be able to assist you with rental costs while you are displaced.

Your landlord can evict you for failing to pay rent that is due, even if you have been affected by a disaster. If you are unable to stay in the home or unable to pay your rent, you should stay in contact with your landlord to explain your situation and try to reach an agreement.

In general, your landlord is not responsible for damage to your belongings caused by the natural disaster. If you have renter's insurance for your property, you should file a claim. You should also take pictures of all damaged property.

If you want to move due to damage to your home, or if your landlord continues to charge you rent without completing repairs, we recommend that you contact an attorney to ensure that your rights are protected. You can call the Legal Aid NC helpline to learn if you can get free assistance.

Insurance claims and appeals

If you have homeowner's or renter's insurance and your property has been damaged, you should file a claim with your insurance company as soon as possible after the disaster. Your policy will have a deadline to file your claims after the property is damaged. If you are uninsured or your insurance does not cover your losses, you can apply for assistance from FEMA. Organizations providing assistance will typically require you to apply to your insurance first.

Step 1: Document the damage

Your insurance adjuster will come to your home to view the damage, but you should also keep documentation of the damage for your own records.

- Take photographs of all of the damaged property, including discarded objects, structural damage, and standing floodwater levels.
- Make a list of damaged or lost items, including as much information as you have about their age, value and condition.

Step 2: Notify your insurer to start the claims process

Contact your agent or insurance company to file a claim. An adjuster should contact you within a few days of filing your claim and will schedule a time to come to your home and inspect the damage. If you do not hear from an adjuster, contact your insurance agent or company again.

Step 3: Complete a proof of loss to support your claim

Your adjuster will assist you in preparing a Proof of Loss, which is your sworn statement of the amount you are claiming, including supporting documentation. If you do not agree with the Proof of Loss provided by your insurance company, you can submit your own.

You'll receive your claim payment after you and the insurer agree on the amount of damages and the insurer has your complete, accurate, and signed Proof of Loss.

Step 4: If needed, dispute the insurance company's decision

If your insurance company denies your claim or the amount offered is too small, but you believe your claim should be covered by your policy, you have several options:

- Gather additional evidence of your damage and submit it to your adjuster
- Contact the adjuster's supervisor or the insurance company's claims department
- File a complaint with the North Carolina Department of Insurance at 855-408-1212
- Contact Legal Aid NC or another attorney for assistance

FEMA

FEMA Applications

If you have been affected by a federally declared disaster, you may qualify for disaster assistance through FEMA's Individuals and Households Program. You should apply to FEMA as soon after the disaster as possible, and generally, you must apply within 60 days of the disaster.

FEMA can provide money for home repairs; temporary rental assistance; medical, dental and funeral expenses; vehicle repair or replacement; repair or replacement of essential household items; and other essential expenses related to the disaster.

To apply for FEMA assistance, you can:

- Go to www.DisasterAssistance.gov
- Call 1-800-621-3362 or TTY 1-800-462-7585
- Apply in person at a FEMA Disaster Recovery Center

FEMA will send you a letter either approving or denying your request. If you are approved, FEMA will send you a letter explaining the purpose of the money. It is important that you only use FEMA money for its intended purpose. For instance, if FEMA's letter explains that funding is intended for home repair, you should not spend it on rent or food. FEMA may provide you with money for more than one purpose at the same time.

You should save receipts showing how you spent the money for at least three years after you receive it. FEMA may ask you for proof that the money was spent as intended. If you receive money for home repair, but it is not enough to complete all repairs on your home, you should keep your receipts until all repairs are completed so that you can show proof of how you spent the FEMA money to any other organizations assisting you.

If you are unable to use the funding for the intended purpose, you should return it to FEMA. If you spend the money for another purpose, you may be required to repay FEMA in the future.

If FEMA approves you for rental assistance, you will receive two months' rent upfront, which you may also use to pay a security deposit and your first month's rent. If you need continuing rental assistance after that, you will need to turn in additional documentation to FEMA, including a copy of your lease and information about your income and expenses.

FEMA Home Repair Assistance

If your home was damaged by a major disaster, you may be eligible for repair assistance from FEMA. FEMA repair assistance is only intended to help you with basic repairs to make it safe to return to your home. FEMA is not intended to assist with all repairs or result in your home returning to its pre-disaster condition.

FEMA also expects that you will soon return to your home and take steps to prevent further damage. For instance, if you have a hole in your roof, FEMA expects that you will place a tarp over it to prevent interior damage to your home.

You may be eligible for home repair assistance if:

- You or a household member is a U.S. citizen, non-citizen national, or qualified alien
- Your home is in a declared disaster area
- You own your home
- Your home is uninhabitable or inaccessible due to the disaster
- Your home is not covered by insurance, or your insurance does not cover your damage
- You were occupying your home as your primary residence at the time of the disaster

You may NOT be eligible if:

- You have other, adequate, rent-free housing available
- You refused assistance from your insurance
- You were required to maintain flood insurance after a previous disaster, but did not do so

Common issues that can cause FEMA to deny a homeowner's claim include proving ownership and proving that the disaster has caused so much damage to the home that it is not currently habitable.

If FEMA denies your application for assistance or does not grant you enough money for your needs, you have 60 days to appeal. You can appeal on your own, or Legal Aid NC or another attorney can help you with your appeal.

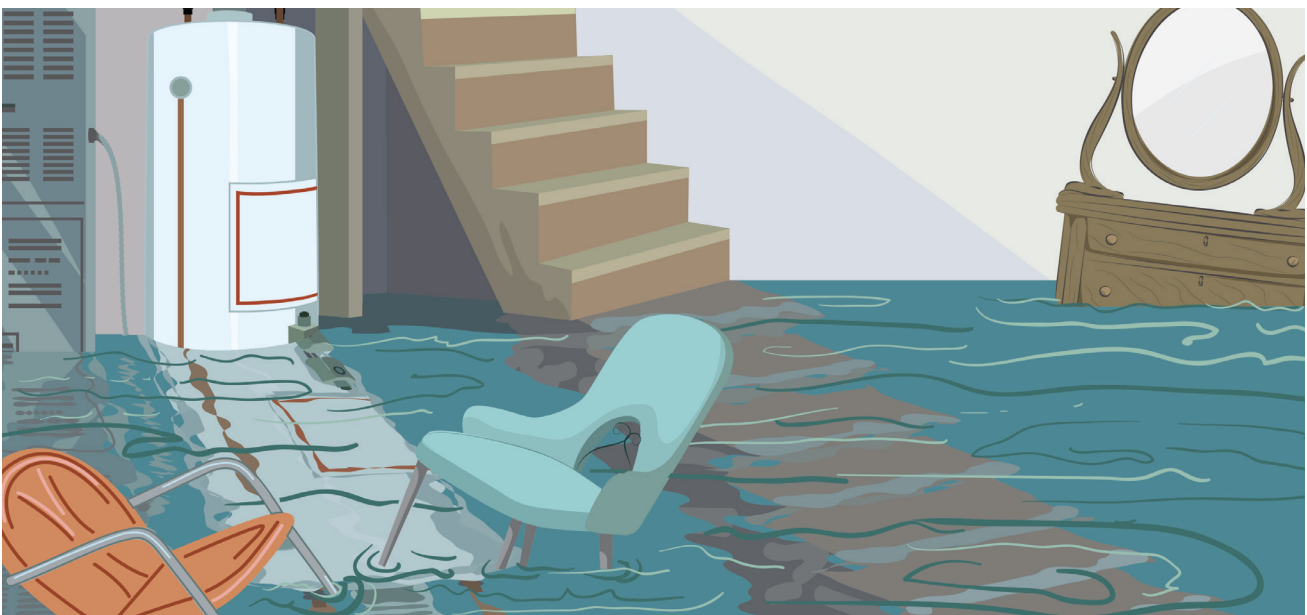
FEMA and Flood Insurance

If any owner of a property receives FEMA assistance for a home that is located in a floodplain, FEMA will inform the homeowner that in the future, all owners of the home are required to keep flood insurance on the home. This requirement lasts as long as the home is still in a floodplain, and it applies to future owners as well. If the owner does not keep flood insurance on the home, and the home is damaged in another disaster, FEMA will deny assistance. This is true even if the current owner does not know about the flood insurance requirement.

FEMA and Duplication of Benefits

FEMA and other federally-funded programs are barred by law from providing money or assistance to people who have already been helped, unless the assistance they have received so far is not enough. For example, if your HVAC system is damaged in a flood and will cost \$6000 to replace and your insurance company provides you with \$6000 for the work, FEMA cannot give you any additional money for your HVAC. However, if your insurance company pays you \$3000, then you may get additional assistance from FEMA.

If any organization—insurance company, FEMA, local government, nonprofit, etc.—gives you money to help you with disaster recovery, you should use the money as stated by that organization and keep receipts to prove how you spent that money. You may need to prove that you spent it appropriately, either to the organization that originally provided the funds, or to other organizations if you need more assistance afterwards.



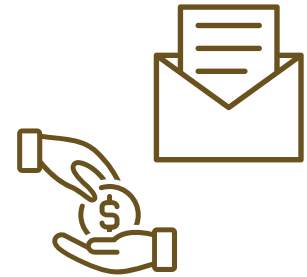
Recoupment



After a natural disaster, FEMA and other government agencies provide assistance to survivors as quickly as possible to try to meet immediate needs.



Later, cases are reviewed to confirm that individuals were provided the correct amount of assistance. Sometimes, it is discovered that a person received an incorrect amount of money or that they were not eligible to receive any money at all.



Recoupment is when an agency determines that the recipient was ineligible for the amount of money initially received and notifies the person that the money will need to be repaid.

Do not ignore being contacted about recoupment

It's important to take action and not ignore FEMA's Notice of Debt Letter or another agency's attempt to collect. Ignoring a Notice of Debt Letter could result in the garnishment of your wages (including Social Security), or FEMA turning it over to a debt collection service or the Department of the Treasury. If you have any questions, you can call FEMA's toll-free disaster survivor hotline at: 800-621-FEMA (3362), or you can contact Legal Aid NC or another attorney.

You have options for how to proceed

- If you receive a Notice of Debt Letter and disagree with the decision, you have the option to write an appeal. You must postmark and mail your appeal letter within 60 days of the date on your Notice of Debt letter. You do not need an attorney to write an appeal letter, but Legal Aid NC may be able to help if you would like assistance.
- FEMA may forgive the debt under certain circumstances through a debt waiver. There is information in the Notice of Debt letter about a debt waiver, and you can call Legal Aid NC if you have questions or would like assistance.
- If you owe FEMA money and cannot afford to pay FEMA back, you can ask FEMA to set up a payment plan that you can afford. Legal Aid NC may be able to help if you would like assistance.

Proving ownership and heir property

Many organizations that provide free home repair assistance after a disaster will require you to prove that you own your home before they can assist you. However, you are not required by law to prove that you own your home in order to authorize repairs. For instance, you can hire a contractor yourself without proving ownership to your contractor. Organizations providing assistance may set their own requirements, which often include proof of ownership.

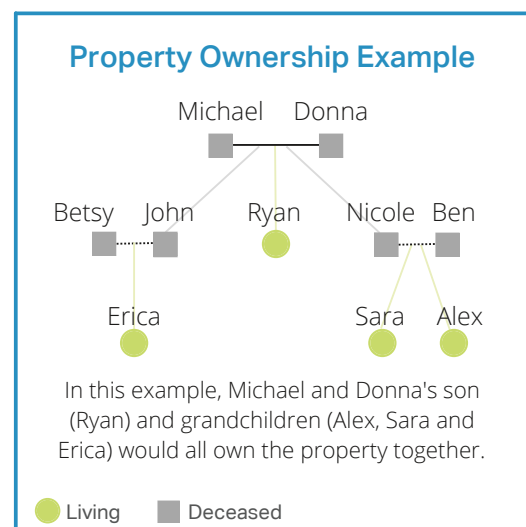
In some cases, proving ownership of your home is straightforward. For instance, you may be able to provide:

- A deed to the home with your name on it
- A title, if your home is a mobile home, with your name on it
- Proof that you have a mortgage on the home
- A will from the last person holding a deed to the home, showing that that person left the property to you, accompanied by proof that the will has been administered through the courts

Some people have inherited property without a will, and/or the property is shared by many relatives. Lawyers often call this "heir property." You may also know this as "family land."

People who inherited their property without a will are legal owners of the property.

However, proving your ownership may be challenging. You may need to prepare a family tree and verify whether other heirs who have died since inheriting the property had wills themselves. If you are in this situation, you should contact Legal Aid NC, or another attorney, to assist you in proving ownership of your property. Some organizations may only provide assistance if all owners of the property, including all heirs, agree to the repairs. An attorney can help you identify all owners of your property. Depending on your circumstances, a family tree can be more complex than the example provided on this page so it is a good idea to get assistance.



Resolving heir property

Lawyers use the term “heir property” to describe land or homes that people have inherited from others, often from a family member who passed away without leaving a will. Heir property typically involves many people who have inherited shares in the property from the original deceased owner.

People can leave their property in a will to anyone they choose. However, if a person dies without a will, then the law decides who inherits their property. These rules are the same for everyone and may not leave the property to the person you expect. If you have a relative who owned land and died without a will, you should contact an attorney to make sure you understand how the law applied to your relative and who owns the property now.

When multiple people own land together, each one has the right to use and occupy the land. This means that one heir generally cannot force another heir off the property. All owners also have the responsibility to make necessary payments on the property, for instance, for property taxes and repairs. If an owner does not contribute, then the owner who paid the bills can be reimbursed if the property is ever sold. However, paying all the bills yourself does not give you any more rights in the property than the other owners.

Generally, it is not ideal for a large number of people to own property together. This makes it more difficult to sell or mortgage the property or apply for property tax relief, and it creates a risk that one heir may sell their share to someone outside the family, who in turn forces a sale. If a natural disaster damages the property, having many owners can also make it more difficult to get assistance for repairs.

There are two ways to eliminate heir property:

- All heirs may agree to give ownership to one person. One heir may buy the others' shares, or the others may voluntarily give their share to a single family member. In some cases, the heirs may agree to form a corporation or other entity to hold and manage the property.
- Any owner of the property may file for partition. This is a court case in which the owner asks a judge to divide up the property. Typically, this results in the judge ordering the property sold at auction. Anyone, including investors from outside the family, may buy the property at a sale. The property will be sold to the highest bidder. The proceeds will be divided among the owners according to their ownership share.

Wills and estate planning

Estate planning and disaster recovery

Advance planning can help you avoid many common legal issues following a natural disaster. To avoid a situation where people inheriting your property have difficulty proving their ownership, it is a good idea to prepare a will stating who you want to inherit your property. After a relative who owns property has died, it is important for a family member to have the estate administered through the courts to ensure that all legal requirements are met. Additionally, preparing powers of attorney before you need them can ensure that someone you trust is available to handle financial matters or make medical decisions for you when you need it.

Essential documents such as wills and powers of attorney may be lost or damaged after a natural disaster. You should verify that your documents are intact, and if not, contact Legal Aid NC or another attorney to help you create new versions of your documents.

Legal Aid of North Carolina can assist in preparing several types of documents:

Last Will and Testament: In your will, you decide who will inherit your property after you die, including land, cars, bank accounts, jewelry and other items. If you do not have a will, then the law decides which of your closest relatives will inherit your property, without regard to your specific family situation.

Power of Attorney: A power of attorney allows another person to handle financial and business matters for you, including accessing bank accounts, paying bills, buying or selling property, hiring attorneys or accountants, etc. You can choose to allow someone else to begin handling these matters immediately, or only if you are medically unable to do so yourself. After signing a power of attorney, you still have the authority to handle your own business as well as allow the other person to handle it for you.

Health Care Power of Attorney: A health care power of attorney tells your doctors who you want to make medical decisions for you if you are unable to make them for yourself. This document can also put limits on the types of decisions the person is able to make for you.

Living Will: A living will states your end of life wishes about what should happen if you are unable to make medical decisions for yourself, for instance, if you are in a coma or suffering from dementia.

There are legal requirements these documents need to meet in order to be valid. An attorney can help you prepare these documents to ensure that your wishes are known and respected.

Your notes

Your notes

Legal Aid of North Carolina

Legal Aid of North Carolina is a statewide, nonprofit law firm that provides free legal services in civil matters to low-income people in order to ensure equal access to justice and to remove legal barriers to economic opportunity.

Call the Legal Aid NC Helpline

866-219-5262 (toll-free)

Learn more

www.legalaidnc.org

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