



# **DISASTER RELIEF LEGAL ASSISTANCE MANUAL**

Manhattan Legal Services is providing direct legal services on many of these Hurricane Sandy-related issues in addition to our principal focus areas (housing and eviction defense, family law, immigration, disability benefits and unemployment insurance, consumer law, employment, discrimination, and assistance for veterans and those living with HIV/AIDS). Anyone interested in our services may call our organization at 646-442-3100.

This manual was created on November 5, 2012. The information is compiled from numerous sources and much of the information will likely change as time goes on.

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## TRANSLATION

*You have the right to be provided with an interpreter when you apply for help at a government agency. If you are denied an interpreter and cannot get the services you need, please call Amy Taylor at 646.442.3664 for assistance.*

*Usted tiene derecho a un intérprete cuando solicite ayuda a una agencia estatal. Si no se le brinda un intérprete y no puede obtener los servicios que necesita, comuníquese con Amy Taylor en el 646.442.3664 para recibir ayuda.*

여러분은 정부기관에 도움을 요청할 때 통역사의 통역서비스를 제공받을 권리를 갖고 있습니다. 만약에 귀하에게 필요한 통역서비스를 제공받지 못하거나 통역사의 도움이 거절된 경우엔 (646) 442-3664번으로 전화하여 에미 타일러 (Amy Taylor)에게 도움을 청하십시오.

您在政府机构申请援助时，有权获得口译服务。如果您未能获得口译服务，且不能得到所需要的服务，请给艾米·泰勒（Amy Taylor）打电话，号码是646.442.3664，以获得帮助。

وكالة من مساعدة على الحصول بطلب تقدم عندما شفهى مترجم على الحصول في الحق لديك تحتاج التي الخدمات على الحصول تسد تطبيع ولا لك شفهى مترجم توفير رفض واذا حكومية على الحصول (٦٤٦) ٣٦٦٤-٤٤٢ الهاتف رقم على تاي لور بايمي هلتا فياالاتصال رجاء اليها، مساعدة.

Вы имеете право на то, чтобы вам предоставили переводчика, когда вы обращаетесь за помощью в правительственное агентство. Если вам не предоставляют переводчика и вы не можете получить услуги, которые вам нужны, пожалуйста, обратитесь за помощью к Эми Тейлор по тел. 646.442.3664.

Ou gen dwa pou yo ba w yon entèpretè lè w ap pou èd nan yon ajans gouvènmanal. Si yo denye w yon entèpretè epi ou pa kapab resevwa sèvis ou bezwen yo, tanpri rele Amy Taylor nan 646.442.3664 pou asistans.

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## DISASTER RECOVERY CENTERS

Some of the services may include:

- Guidance regarding disaster recovery
- Clarification of any written correspondence received
- Housing Assistance and Rental Resource information
- Answers to questions, resolution to problems and referrals to agencies that may provide further assistance
- Status of applications being processed by FEMA
- SBA program information if there is a SBA Representative at the Disaster Recovery Center site

NOTE: You can register for assistance at a Disaster Recovery Center or you can register online or by calling 1 (800) 621-FEMA (3362). The TTY number is 1 (800) 462-7585 for those who are speech- or hearing-impaired.

### Disaster Recovery Centers in NYC

Location	Borough	Time
MCU Park parking lot at 1904 Surf Avenue in Coney Island	Brooklyn	Open 8 AM – 5 PM
Edgewater Firehouse Parking Lot, 1 Adeo Place between 9th Avenue and Edge Street	Bronx	Open 10 AM – 5 PM
Fort Tilden Park at Beach Channel Boulevard - <b>Western-most Parking Lot</b>	Queens	Open 10 AM – 5 PM
Waldbaum’s 112-15 Beach Channel Drive between <b>Beach 65th and Beach 66th Streets</b>	Queens	Open 10 AM – 5 PM
Mount Loretto at 6581 Hylan Blvd. at <b>Sharrotts Road</b>	Staten Island	Open 10 AM – 5 PM
Miller Field at 600 New Dorp. Lane at <b>Weed Avenue</b>	Staten Island	Open 10 AM – 5 PM

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# FOOD STAMPS

## REPLACEMENT BENEFITS FOR CURRENT RECIPIENTS

Current Supplemental Nutrition Assistance Program (SNAP, formerly Food Stamps) recipient households that have lost food purchased with SNAP benefits due to the Hurricane Sandy disaster are entitled to a replacement issuance of benefits provided that the loss is reported within 30 days of the event, by November 28, 2012, and the household returns a signed and completed form LDSS-2291, "Request for Replacement of Food Purchased with Food Stamp Benefits," by the close of business on Monday, December 10, 2012.

**Recipients who live in the following areas will automatically receive 50% of the monthly benefit delivered via their Electronic Benefit Transfer (EBT) account:**

Nassau, Orange, Putnam, Rockland, Suffolk, Sullivan and Westchester Counties. Recipients living in the following zip codes in New York City, including all of Staten Island, will also automatically receive partial replacement SNAP benefits (additional zip codes in New York City that experienced extended power loss may be added as more details about the number of households affected becomes available):

10001 10302 11220	10012 10314 11238	10039 11096 11691
10002 10303 11222	10013 10451 11239	10048 11101 11692
10003 10304 11223	10014 10453 11244	10069 11109 11693
10004 10305 11224	10016 10454 11249	10119 11201 11694
10005 10306 11229	10018 10461 11251	10128 11205 11695
10006 10307 11231	10019 10464 11371	10280 11211 11697
10007 10308 11232	10023 10465 11378	10282 11214
10009 10309 11234	10029 10473 11413	10301 11215
10010 10310 11235	10036 10474 11414	
10011 10312 11237	10038 10475 11422	

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Recipients in the above-listed areas may now use SNAP benefits to purchase hot and prepared foods if purchased at authorized retailers, such as grocery stores that accept EBT.

Note: HRA has a special fax line for replacement FS/SNAP requests, for SNAP recipients who lost food due to Hurricane Sandy: 917-639-1111. HRA has asked that requesters include their address, SSN and contact phone number on the form.

Form LDSS-2291 is available at:  
<http://otda.ny.gov/programs/applications/2291.pdf> and at local Department of Social Services offices.

You can find the location of your local Department of Social Services by calling the toll-free New York State Temporary Assistance Hotline at 1-800-342-3009.

## **TO APPLY FOR NEW BENEFITS**

For people who are not currently receiving benefits, you can check eligibility by applying online at [mybenefits.ny.gov](http://mybenefits.ny.gov).

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## **MEDICAID**

Because of Hurricane Sandy, Fee for Service Medicaid is implementing the following processes until the State of Emergency has ended:

- During the State of Emergency, Fee for Service Medicaid will relax prior authorization requirements for the provision of urgent services.
- Providers will not be required to request authorization to treat enrolled beneficiaries for the provision of urgent services and will be reimbursed accordingly.
- In the event that telecommunication failures prevent access to the Medicaid Eligibility Verification System, the Medicaid ID card will suffice as eligibility verification. If access to the eMedNY system prevents real time claim adjudication, pharmacies should dispense emergency supplies as necessary.

Questions should be referred to the CSC Call Center at 800-343-9000.

# DISASTER UNEMPLOYMENT ASSISTANCE (DUA)

DUA is a Federal program that provides payments to people in federally declared disaster areas who have lost work or income as a direct result of the disaster.<sup>1</sup> President Obama declared New York a disaster area on October 30, 2012.

**Individuals who live in the following counties may be eligible for DUA:**

Connecticut	Fairfield County, Mashantucket Pequot Indian Reservation, Middlesex County, New Haven County and New London County
New Jersey	Atlantic County, Cape May County, Essex County, Hudson County, Middlesex County, Monmouth County, Ocean County and Union County
New York	Bronx County, Kings County, Nassau County, New York County, Queens County, Richmond County and Suffolk County

## ELIGIBILITY

**There are two major requirements for an individual to qualify for DUA: 1) the individual must be out of work as a "direct result" of a major disaster; and 2) the individual does not qualify for regular unemployment insurance (UI) from any state.**

Anyone unemployed due to Hurricane Sandy is immediately eligible and can submit a claim to the Department of Labor. DUA is available to any worker or self-employed individual who lived, worked, or was scheduled to work in the disaster area at the time of the disaster; and due to the disaster:

- no longer has a job or a place to work; or
- cannot reach the place of work; or
- cannot work due to damage to the place of work; or
- cannot work because of an injury caused by the disaster.

Examples include, but are not limited to, the following:

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<sup>1</sup> The Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1974, as amended; 20 CFR Ch. V (4-1-12 Edition).



- You were injured in the disaster and are unable to work, whether you are an employee or self-employed.
- Your workplace or farm was damaged, destroyed, or you can't get there because of the disaster.
- Your transportation to work is not available because of the disaster.
- You must travel to your job through the affected area, and you cannot do that because of the disaster.
- You were about to begin work, but could not because of the disaster.
- You are now the breadwinner or major support for a household because the former head of household died in the disaster.
- You are out of work because the Federal government took over or closed the facility where you worked.
- Most of your income comes from areas affected by the disaster, whether you worked for yourself or for an employer, and your business or farm income is down as a direct result of the disaster.
- Businesses may qualify for DUA if the level of income is significantly diminished as a direct result of the disaster. For example, a manufacturer of goods that has a major part of their inventory destroyed may be eligible.
- Farmers who are involved in more than one aspect of farming (i.e. dairy and crops) may still be eligible for partial DUA payments.

There are different eligibility requirements for DUA than regular unemployment insurance. You may qualify even if you do not qualify for regular unemployment insurance. If you can collect regular unemployment insurance benefits, you cannot receive DUA payments.

## **FILING A CLAIM**

**APPLY AS SOON AS POSSIBLE.** The Application deadline is December 3, 2012.

Call the Telephone Claims Center at 1-888-209-8124 (press 1 for English, then press 2 to file a new claim). Answer the questions to indicate that you lost your job as a direct result of the effects of Hurricane Sandy. Translation services are available.

You may also apply online at  
<http://www.labor.ny.gov/unemploymentassistance.shtm>

**You should have the following information ready and available when you file:**

- Your social security number
- Your NYS driver license or Motor Vehicle ID card number (if you have one)
- Your mailing address and zip code
- A phone number where you can be reached for additional information

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- Your alien registration card number (if you have one) and
- For those impacted by Hurricane Sandy, the names and addresses of all employers you worked for within the 18 months prior to October 30, 2012, including any in another state.

### **Income Verification:**

The DUA application requires proof of employment and earnings. The proof of employment is due no later than 21 days after the application is filed with the state. For self-employed applicants, copies of tax returns are required as proof of income and self-employment. If verification of employment or other documents requested as part of the DUA application are not available, a sworn statement including other forms of verification can be submitted. Interim DUA payments can take place while the necessary documentation is gathered. However, the failure to submit the required documentation on time may result in a benefit overpayment which can later be recovered from the individual by the state.

If you lost any of these records in the storm, apply anyway and inform the DUA specialist.

You must continue to be unemployed as a direct result of the disaster to continue receiving DUA.

## **DEADLINES**

To qualify for DUA, individuals must normally apply no later than 30 days after the disaster was officially announced by the state (which may be just after the disaster was declared by the President). Late applications can be accepted, but only if "good cause" is shown for the late filing. However, under no circumstances can DUA applications be accepted after the disaster period ends (May 5, 2013).

## **BENEFITS**

DUA benefits are payable to individuals only for weeks of unemployment in the Disaster Assistance Period. **You can collect DUA benefits for a maximum of 27 weeks beginning October 29, 2012 through May 5, 2013.** You can collect only for periods when you are unemployed as a direct result of Hurricane Sandy.

- Example 1: If you were unable to get to work from the start of the storm until 3 weeks later, you could collect from the first week of the disaster until the time that you return to work.
- Example 2: If your work begins in November, but you are unable to work because your employer's place of business is damaged due to the storm, you can start to collect in November (when your work would normally start).

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Like UI benefits, DUA benefits are paid weekly, once an application is completed, filed and processed. DUA recipients receive the same weekly benefits that they would have been entitled to had they qualified for UI in the state where they were employed. However, at a minimum, DUA benefits cannot be less than one-half of the state's average weekly UI benefits (see the state maximum and minimum DUA benefit levels below).

The DUA benefits for part-time workers are pro-rated based on the hours they worked as a percent of a 40-hour work week. Note that DUA benefits are reduced by any other wage-loss compensation, including private insurance, Supplemental Unemployment Benefits, worker's compensation, and a pro-rated amount of a retirement pension or annuity.

Connecticut	\$165 Minimum Weekly Benefit/\$648 Maximum
New Jersey	\$197 Minimum Weekly Benefit/\$611 Maximum
New York	\$157 Minimum Weekly Benefit/\$405 Maximum

## **INFORMATION FOR AFTER YOU HAVE FILED A CLAIM**

Once found to be eligible for DUA, workers must actively look for work and accept suitable work offered them, not unlike UI recipients. In addition, the individual must certify that for every week he or she is collecting DUA, his or her unemployment continues to be the direct result of the disaster, not other factors.

Continue to certify weekly as long as you are not working. Do this every single week even if you have not started to receive your benefits yet.

You can certify online by going to [www.labor.ny.gov](http://www.labor.ny.gov). Click on the "File for Benefits" link located halfway down the page on the right side and follow the instructions to log in.

Of you can certify over the phone at 1-888-581-5812.

## **HOW ARE PAYMENTS MADE?**

You may choose between direct deposit into your personal checking account or a Direct Payment Card.

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Register for Direct Deposit at [www.labor.ny.gov](http://www.labor.ny.gov) by logging in to the "Unemployment Assistance" section of the website and clicking on the Direct Deposit link. You must have a check handy at that time to provide your bank routing number and checking account number. It will take approximately five business days between the date your account information is received and the date that your benefits can be electronically sent to your checking account.

If you do not register for direct deposit, you will receive the Direct Payment Card, a debit MasterCard. It allows you to withdraw your benefits via an ATM and make purchases wherever MasterCard is accepted. The Direct Payment Card will be mailed to you about one week after you are approved to receive benefits.

## **INFORMATION FOR FARMERS, BUSINESS OWNERS, AND THE SELF-EMPLOYED**

When you file for unemployment insurance benefits, you should have the following information ready and available:

- Your social security number
- Your NYS driver license or Motor Vehicle ID card number (if you have one)
- Your mailing address and zip code
- A phone number where you can be reached for additional information
- Your alien registration card number (if you have one)
- Your 2011 income tax return:
  - Self-employed workers:
    - Schedule C (line 31) net profit or loss
  - Farmers:
    - Schedule F (line 34) net farm profit or loss

A common issue is whether you may still run your business or farm and collect DUA. You may be able to earn an income and still collect DUA in some situations. Examples include, but are not limited to, the following:

- Restorative or clean-up work, which is necessary because of the disaster, will not disqualify an individual for DUA.
- Salvaging or other limited self-employment activity alone will not necessarily make someone ineligible for DUA as long as they work less than full time and their earnings do not exceed their maximum weekly benefit rate.
- If salvaging results in a brief period of earnings of more than \$405 a week, then DUA would stop during that period, but resume after salvaging operations end. For example, a farmer who was substantially impacted by the disaster may be able to harvest the residual crops that were not impacted by the disaster. During the period where salvaging occurred, the farmer may not be eligible for DUA, but could be eligible later on.

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NOTE that because DUA is Federally funded, an employer's unemployment insurance taxes will not be impacted if the employer has employees who qualify for DUA.

## **INFORMATION FOR CURRENT UI CLAIMANTS**

**Claimant Extension Date** Because of the loss of power and phone service in the storm impacted areas, many Unemployment Insurance claimants were unable to certify for their weekly benefits. The Department of Labor will extend the date of certification of unemployment benefits for individuals impacted by Hurricane Sandy from Nov. 3, 2012 to Nov. 10, 2012. These individuals will need to call **1-888-209-8124** and speak to an agent to receive benefits for the prior week. If you are unable to access a phone to obtain benefits, individuals can visit any of the agency's career centers.

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# FEMA AND BUSINESS PHYSICAL DISASTER LOANS

## WHAT IS DISASTER ASSISTANCE?

Disaster assistance is financial or direct assistance to individuals and families whose property has been damaged or destroyed as a result of Hurricane Sandy, and whose losses are not covered by insurance. It is meant to help you with critical expenses that cannot be covered in other ways, but is not intended to restore your damaged property to its condition before the disaster.

While some housing assistance funds are available through the Individuals and Households Program (formerly the Individual and Family Grant (IFG) program), most disaster assistance from the Federal government is in the form of loans administered by the Small Business Administration.

## FEMA'S INDIVIDUALS AND HOUSEHOLDS PROGRAM HOW DO I APPLY?

Renters and homeowners can borrow up to \$40,000 for repairs and to replace things like appliances, furniture, automobiles, and clothing. People who own homes can apply for as much as \$200,000 for repairs to their primary residences.

Apply Online at [DisasterAssistance.gov](http://DisasterAssistance.gov), via a smartphone at [m.fema.gov](http://m.fema.gov); or by phone by calling (800) 621-3362 or TTY (800) 462-7585.

When you apply, you should have a pen and paper and the following information ready:

- Your Social Security number (You will be asked to provide your social security number; if you do not have a social security number, your household may still be eligible to receive assistance if there is a minor child in the household who is a U.S. Citizen, Non-Citizen National, or Qualified Alien with a social security number.)
- Current and pre-disaster address
- A telephone number where you can be contacted
- Insurance information
- Total household annual income
- A routing and account number from your bank (only necessary if you want to have disaster assistance funds transferred directly into your bank account).
- A description of your losses that were caused by the disaster

After you've completed your application for assistance, you will receive a FEMA application number. Write down this number and keep it for future reference

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This program has two provisions of assistance for "Housing Needs" and "Other than Housing Needs," which are available to individuals and families whose property has been damaged or destroyed as a result of a federally-declared disaster, **and whose losses are not covered by insurance.**

## **HOUSING NEEDS**

- **Temporary Housing** (a place to live for a limited period of time): Financial assistance may be available to rent a different place to live, or a government provided housing unit when rental properties are not available.
- **Repair:** Financial assistance may be available to homeowners to repair damage from the disaster to their primary residence that is not covered by insurance. The goal is to make the damaged home safe, sanitary, and functional.
- **Replacement:** Financial assistance may be available to homeowners to replace their home destroyed in the disaster that is not covered by insurance. The goal is to help the homeowner with the cost of replacing their destroyed home.
- **Permanent or Semi-Permanent Housing Construction:** Direct assistance or money for the construction of a home. This type of help occurs only in insular areas or other locations specified by FEMA, where no other type of housing assistance is possible.

### **Do I Qualify for "Housing Needs" Assistance?**

To receive money or help under this category, all of the following must be true:

- You have losses in an area that has been declared a disaster by the President.
- You have filed for insurance benefits and the damage to your property is not covered by your insurance or your insurance settlement is insufficient to meet your losses.
- You or someone who lives with you is a citizen of the United States, a non-citizen national, or a qualified alien.
- You have a valid Social Security Number.
- The home in the disaster area is where you usually live and where you were living at the time of the disaster.
- You are not able to live in your home now, you cannot get to your home due to the disaster, or your home requires repairs because of damage from the disaster.

You may not be eligible for "Housing Needs" assistance if:

- You have other, adequate rent-free housing that you can use (for example, rental property that is not occupied).

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- Your home that was damaged is your secondary or vacation residence.
- Your expenses resulted only from leaving your home as a precaution and you were able to return to your home immediately after the incident.
- You have refused assistance from your insurance provider(s).
- Your only losses are business losses (including farm business other than the farmhouse and self-employment) or items not covered by this program.
- The damaged home where you live is located in a designated flood hazard area and your community is not participating in the National Flood Insurance Program. In this case, the flood damage to your home would not be covered, but you may qualify for rental assistance or items not covered by flood insurance.

## **OTHER THAN HOUSING NEEDS**

Money is available for necessary expenses and serious needs caused by the disaster. This includes:

- Disaster-related medical and dental expenses.
- Disaster-related funeral and burial expenses.
- Clothing; household items (room furnishings, appliances); tools (specialized or protective clothing and equipment) required for your job; necessary educational materials (computers, school books, supplies).
- Fuels for primary heat source (heating oil, gas).
- Clean-up items (wet/dry vacuum, dehumidifier).
- Disaster-related damage to a vehicle.
- Moving and storage expenses related to the disaster (moving and storing property to avoid additional disaster damage while disaster-related repairs are being made to the home).
- Other necessary expenses or serious needs as determined by FEMA.
- Other expenses that are authorized by law.

### **Do I Qualify for "Other Than Housing Needs" Assistance?**

To receive money or help under this category, all of the following must be true:

- You have losses in an area that has been declared a disaster area by the President.
- You have filed for insurance benefits and the damage to your property is not covered by your insurance or your insurance settlement is insufficient to meet your losses.
- You or someone who lives with you is a citizen of the United States, a non-citizen national, or a qualified alien.
- You have necessary expenses or serious needs because of the disaster.
- You have accepted assistance from all other sources for which you are eligible, such as insurance proceeds or Small Business Administration disaster loans.

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## **BUSINESS PHYSICAL DISASTER LOANS PHYSICAL DISASTER LOAN ELIGIBILITY**

**The Small Business Administration (SBA)** has comprehensive disaster recovery services, available in some cases for business owners and non-owners alike. If your business or private, nonprofit organization - large or small – is located in a declared disaster area and has suffered physical damage as a result of a disaster, you may be eligible for financial assistance from the U.S. Small Business Administration. SBA makes physical disaster loans of up to \$2 million to qualified businesses or private, nonprofit organizations.

SBA loans cover uninsured and under-insured physical damage. If you are required to apply insurance proceeds to an outstanding mortgage on the damaged property, you can include that amount in your disaster loan application.

SBA now offers you the option of filing your business disaster loan application electronically. Downloadable application forms are available at:

<http://www.sba.gov/content/disaster-loan-paper-applications>

For additional information, call 1-800-659-2955 (TTY: 1-800-877-8339) or e-mail [disastercustomerservice@sba.gov](mailto:disastercustomerservice@sba.gov)

### **PROPER USE OF PHYSICAL DISASTER LOAN PROCEEDS**

Physical Disaster Loan proceeds may be used for the repair or replacement of the following:

- Real property
- Machinery
- Equipment
- Fixtures
- Inventory
- Leasehold improvements

In addition, disaster loans to repair or property may be increased by as much as 20 percent of the total amount of disaster damage to property to pay for improvements to protect the damaged property against possible future disasters of the same type.

### **IS DISASTER HELP AVAILABLE IF I HAVE INSURANCE?**

Possibly. File a claim with your insurance agent as soon as possible. Failure to do so may affect your eligibility for assistance. After filing a claim, if any

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of the following situations occur FEMA may be able to provide some assistance:

- **Your insurance settlement is delayed.** Delayed means a decision on your insurance settlement has been delayed longer than 30-days from the time you filed the claim. If a decision on your insurance settlement has been delayed, you will need to write a letter to FEMA explaining the circumstance. You should include documentation from the insurance company proving that you filed the claim. If you filed your claim over the telephone, you should include the claim number, date when you applied, and the estimated time of how long it will take to receive your settlement. Any help awarded to you by FEMA would be considered an advance and must be repaid to FEMA once an insurance settlement is received.
- **Your insurance settlement is insufficient to meet your disaster-related needs.** If you have received the maximum settlement from your insurance and still have an unmet disaster-related need, you will need to write a letter to FEMA indicating the unmet disaster-related need. You will also need to send in documentation from your insurance company for review.
- **You have exhausted the Additional Living Expenses (ALE) provided by your insurance company.** If you have received the maximum settlement from your insurance for Additional Living Expenses (Loss of Use) and still need help with your disaster-related temporary housing need, write a letter to FEMA indicating why you continue to have a temporary housing need. You will also need to provide documentation to prove use of ALE from insurance, and a permanent housing plan.
- **You are unable to locate rental resources in your area.** The FEMA Helpline has a list of rental resources in the disaster area. If no resources are available in your county, then the Helpline agent can provide you with resources in an adjacent county.

You have up to twelve (12) months from the date you registered with FEMA to submit your insurance information for review. By law, FEMA cannot provide money to individuals or households for losses that are covered by insurance.

# **OTHER FEDERAL ASSISTANCE**

## **LEGAL SERVICES**

In Federally declared disaster zones, FEMA provides free legal assistance to disaster victims.

The assistance that participating lawyers provide typically includes:

- Assistance with insurance claims (life, medical, property, etc.)
- Counseling on landlord/tenant problems
- Assisting in consumer protection matters, remedies, and procedures
- Replacement of wills and other important legal documents destroyed in a major disaster

Disaster legal services are provided to low-income individuals who, prior to or because of the disaster, are unable to secure legal services adequate to meet their needs as a consequence of a major disaster.

NY Hurricane Sandy hotline number: 1-800-699-5636

## **SPECIAL TAX CONSIDERATIONS**

Taxpayers who have sustained a casualty loss from a declared disaster may deduct that loss on the federal income tax return for the year in which the casualty actually occurred, or elect to deduct the loss on the tax return for the preceding tax year. In order to deduct a casualty loss, the amount of the loss must exceed 10 percent of the adjusted gross income for the tax year by at least \$100. If the loss was sustained from a federally declared disaster, the taxpayer may choose which of those two tax years provides the better tax advantage.

The Internal Revenue Service (IRS) can expedite refunds due to taxpayers in a federally declared disaster area. An expedited refund can be a relatively quick source of cash, does not need to be repaid, and does not need an Individual Assistance declaration. It is available to any taxpayer in a federally declared disaster area.

Manhattan Legal Services • 646-442-3100  
1 West 125<sup>th</sup> Street, Floor 2 • New York, NY 10027  
90 John Street, Suite 301 • New York, NY 10038

## **TO GET NEW YORK SPECIFIC ADVICE OVER THE PHONE**

If you need disaster assistance immediately, contact FEMA at 1-800-621-3362 or the NYS emergency assistance hotline that can help people and businesses hit hard by the storm start rebuilding. The number is 855-NYS-SAND(Y) or 855-697-7263. When you call the hotline you will be able to speak directly with an expert on the phone that you explain your situation to and then get advice on how to apply for eligible assistance.

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## SPECIAL CONSIDERATIONS FOR IMMIGRANTS AND THEIR FAMILIES

Note that receipt of disaster relief does not have public charge consequences.

<b>DISASTER ASSISTANCE FOR IMMIGRANTS (TABLE C/O NILC)</b>	
<b>Eligible Immigrants</b>	<b>Ineligible Immigrants</b>
<b>FEMA Assistance Programs, Individuals and Households Program, and Disaster Unemployment Assistance</b>	
<p><b>"Qualified"</b> immigrants and <b>victims of trafficking</b><sup>2</sup></p> <p>NOTE: To receive DUA, "qualified" immigrants and victims of trafficking must have employment authorization.</p>	<p><b>"Not qualified"</b> immigrants are ineligible, except for services that provide short-term, noncash, in-kind emergency disaster relief.</p>
<b>Short-Term, Noncash, In-Kind Emergency Disaster Relief</b>	
<p><b>All immigrants</b>, regardless of status.</p> <p>NOTE: Applies to programs that provide: search and rescue; emergency medical care; emergency mass care; emergency shelter; clearance of roads and construction of temporary bridges; warning of further risk or hazards; dissemination of public information and assistance regarding health and safety measures; provision of food, water, medicine, and other</p>	<p>None.</p>

<sup>2</sup> "Qualified" immigrants are: (1) lawful permanent residents (LPRs); (2) refugees, asylees, persons granted withholding of deportation/removal, condition entry (in effect prior to April 1, 1980), or paroled into the U.S. for at least one year; (3) Cuban/Haitian entrants; and (4) battered spouses and children with a pending or approved (a) self-petition for an immigrant visa, or (b) immigrant visa filed for a spouse or child by a U.S. citizen or LPR, or (c) application for cancellation of removal/ suspension of deportation, whose need for benefits has a substantial connection to the battery or cruelty. Parent/ child of such battered child/ spouse are also "qualified."

"Not qualified immigrant," as used here, refers to a person who is a non-U.S. citizen and is not a "qualified immigrant."

essential needs, including movement of supplies or persons; and reduction of immediate threats to life, property, and public health and safety.

**Emergency Food Stamps**

**Children** under 18 years old who were lawfully residing in the U.S. on Aug. 22, 1996, and who are now "qualified" immigrants.

**Seniors** who were born before August 22, 1931, were lawfully residing in the U.S. on Aug. 22, 1996, and who are now "qualified" immigrants.

**Persons receiving benefits for blindness or disability**, who were lawfully residing in the U.S. on Aug. 22, 1996. Disability-related benefits may include: Supplemental Security Income, Social Security disability, state disability or retirement pension, railroad retirement disability, veteran's disability, disability-based Medicaid, or possible General Assistance for certain persons with disabilities.

**Lawful permanent residents (LPRs)** credited with 40 quarters of work.

**Refugees/Asylees**

**Victims of trafficking.**

**Veterans** and active military personnel, their spouses, un-remarried surviving spouses, and children, who are "qualified" immigrants.

**Certain Hmong or Highland Laotian tribe members** who are lawfully present in the U.S. and were members of these tribes during the Vietnam era; spouses, un-remarried widows/widowers, and children of these tribe members also eligible.

**A member of a federally recognized Indian tribe, or an American Indian born in Canada.**

**"Qualified"** immigrants no listed as eligible.

**"Not qualified"** immigrants other than American Indians and Hmong or Laotian tribe members described as eligible.