



Hurricane Katrina

Disaster Legal Assistance Reference Manual

prepared by
The Mississippi Bar
Young Lawyers' Division

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I. INTRODUCTION TO FEMA AND DISASTER LEGAL SERVICES

A. Disaster Declarations and Volunteer Legal Assistance

Whenever the President declares a "major disaster" in any part of the country, Federal assistance is made available to supplement the efforts and resources of state and local governments and voluntary relief organizations. Federal assistance including legal assistance is coordinated by the Federal Emergency Agency Management (FEMA).

On December 15, 1972, the Young Lawyers Division of the American Bar Association signed an agreement with Federal Emergency Management Agency (FEMA) to mobilize local attorneys to render volunteer legal assistance to disaster victims when requested. The responsibility for performance of the ABA/YLD obligations is vested in the various state young lawyer organizations. In Mississippi the Disaster Legal Assistance Committee of the Young Lawyers Division of the Mississippi State Bar coordinates the disaster legal assistance efforts through county chairs and the Mississippi State Bar headquarters.

Once a major disaster is declared, a federal coordinating officer (FCO) is appointed to coordinate the administration of relief activities. All relief efforts for declared major disasters, including those authorized by separate statutes provided by other federal agencies, and relief efforts of volunteer organizations (such as the Young Layers Division) are coordinated by the FCO. This is done to provide as unified and comprehensive a service as possible to reduce response time and to eliminate duplication of efforts.

To make it easier for individuals to obtain information and help from the various relief agencies, FEMA, in conjunction with the State of Mississippi usually establishes one or more Disaster Recovery Center (DRCs) in the county where the disaster occurred. Representatives of federal agencies, state and local governments, private relief agencies and other organizations which can provide assistance or counseling are available to advise the disaster victims. These "one-stop" centers are kept in operation as long as is required by the situation.

The Disaster Recovery Center (DRCs) is where lawyer volunteers participate by providing legal assistance. Lawyer volunteers are generally required to spend several hours at a Disaster Recovery Center (DRC) providing legal guidance to individual victims or if the population of a county is not sufficient to warrant "in-person" manning of the DRC by volunteer lawyers then lawyer volunteers may be requested to provide telephone counseling. Typical legal assistance which may be requested includes: assistance with insurance claims; replacement of wills and other important legal documents, assistance with home repair contractors and counseling on landlord/tenant problems.

B. Sequence of Assistance Delivery and Duplication of Benefits

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

FEMA's duplication of benefits policy includes the concept of a sequence of delivery, which establishes the order in which the major forms of assistance should be provided. The agency that has primary responsibility for delivering a certain type of assistance should provide that assistance first, and may do so without regard to other agencies with similar assistance that are lower in the sequence. Agencies are not prohibited from disrupting the sequence of delivery when it serves to expedite the recovery of an applicant. However, the agency that disrupts the sequence of delivery must take corrective action. The sequence of delivery is:

1. Voluntary Organizations

Voluntary organizations provide emergency assistance in the form of food, clothing, shelter, medical and transportation needs.

2. Private Insurance Benefits

Insured applicants **must** file a claim with their insurance company before receiving federal assistance. They may be eligible to receive disaster assistance if they have insufficient coverage or have items not covered by their insurance policy.

3. Temporary Housing Assistance

FEMA funds and administers the Temporary Housing program. The Temporary Housing program is designed to help alleviate the suffering imposed by the effects of a disaster by providing disaster applicants with a grant for their housing needs. There are five forms of Temporary Housing: Lodging Expense Reimbursement, Disaster Housing, Rental Assistance, Manufactured Homes and Mortgage and Rental Assistance.

a. Lodging Expense Reimbursement

An eligible applicant may receive a check for the cost of short-term lodging, such as hotel rooms, incurred due to damage or inaccessibility to the residence or an officially imposed prohibition against returning to the residence. Expenditures for food, transportation, telephone, separately billed utilities, and other services are n eligible for reimbursement.

b. Minimal Repairs Assistance

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

c. Rental Assistance

An eligible applicant will receive financial assistance (based on the fair market rental value in the disaster area) to rent a dwelling for the pre-disaster household to live for a limited time. If the applicant has difficulty finding a place to live, FEMA may provide a

listing of available rental properties in the area. Rental assistance is available for up to 18 months based on need, which, in turn, is reviewed and evaluated quarterly.

d. Manufactured Housing

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

e. Mortgage and Rental Assistance (MRA)

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

4. Small Business Administration (SBA)

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

5. Individual and Family Grant (IFG) Program

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

6. Voluntary Organizations

Voluntary Organizations, include community-based groups, provide assistance during recovery. They also establish an unmet needs committee to provide additional assistance benefits when a need is still there after going through the programs listed above.

7. Cora C. Brown Fund

In 1979, Cora Brown died and bequeathed part of her estate to the federal government to be used as a special fund solely for the relief of human suffering caused by natural disasters. The Cora Brown Fund is used for disaster victims who have exhausted all avenues of assistance, but who still have unmet needs. FEMA uses these funds under the authority of 42 USC 5201(b) of the Stafford Act and 44 CFR 206.181.

C. Other Individual Assistance Programs

1. Disaster Unemployment Assistance (DUA)

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

2. Crisis Counseling (CCP)

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

- 1) **Immediate Services** are intended to enable the state or local agency to respond to the immediate mental health needs of victims of a disaster. This funding is provided for up to 60 days after the date of the disaster declaration.
- 2) **Regular Services** are designed to provide up to 9 months of services to victims of a disaster.

Other national, state and local voluntary agencies have similar programs and coordinate with the Center for Mental Health Services to reduce or eliminate duplication of efforts.

D. CITIZENSHIP VERIFICATION

Title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, 8 USC 1601 *et seq.*, (the Act), requires that federal public benefits be provided only to United States Citizens, Non-Citizen Nationals and Qualified Aliens. Such benefits include, but are not limited to, grants and loans provided by the U.S. Government, and those provided by the

state government, but funded, whole or in part, by the federal government. FEMA programs considered federal public benefits include Temporary Housing and the Individual and Family Grant program. The Act also applies to SBA loans and Disaster Unemployment Assistance.

FEMA fulfills its requirements under the Act by auditing a sampling of individuals receiving assistance. At the time of the inspection, applicants self-certify their legal status on the Declaration of Applicant form, also known as FEMA Form 90-69D. If, at the time of the audit, FEMA discovers an individual received a grant, and is not a United States Citizen, Non-Citizen National or a Qualified Alien, FEMA will recover the grant funds.

II. THE ROLE OF THE VOLUNTEER LAYERS

A. Type of Legal Services Rendered

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

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

B. Process of Providing Legal Services to the Disaster Victims

The ABA/YLD in collaboration with the Mississippi Young Lawyers Association has set up the following process the Disaster Legal Services for Hurricane Katrina.

1. The Mississippi Bar has set up a toll-free number **1-866-255-4495** for victims of Hurricane Katrina to call if they need legal services. This number has been given to FEMA which has publicized the service and the phone number in each of its Disaster Recovery Centers. The availability of free legal services to disaster victims is also publicized, via television, radio and/or local newspapers. This publicity has been coordinated between FEMA and the Mississippi Bar.
2. When a victim calls into the toll-free number, the staff at the Mississippi Bar will take down some initial information from the victim on the Intake Form which is included in this packet. The staff will then immediately e-mail or fax the intake form to the volunteer attorneys.
3. When the volunteer attorneys receives the Intake Form from the staff at the Mississippi Bar, the volunteer attorney should call the victim within 48 hours of the time after the initial call by the victim to the Mississippi Bar

and determine if the person is eligible for help.

4. The volunteer attorney should assess whether the legal services requested is a fee-generating matter and if so, refer the victim to the local bar attorney referral service or the referral service offered by the Mississippi Bar.
5. The volunteer should then help the victim with their legal needs. Once you have helped the victim with their legal needs, please fill out the Case Closure Form and return it to the Mississippi Bar.

C. Guideline Information for Providing Disaster Legal Assistance

1. Cases not related to the Hurricane Katrina disaster in the federally declared Mississippi counties are not covered (for example: damage to home in DeSoto County) nor are problems not caused by the disaster (for example: basement floods after toilet overflows). Additionally, cases that are potentially fee-generating are not covered, nor can volunteer lawyers counsel disaster victims regarding suing the Federal or State government or any State or Federal agency, which include appealing a FEMA decision.
2. Whether the caller lives on an Indian reservation does not affect the caller's eligibility for disaster legal assistance, but may affect jurisdictional and housing issues and, therefore, is crucial information for the volunteer attorney who will take the case.
3. The volunteer lawyer should keep careful notes regarding the intake, recommendations, and disposition in each case for her/his own benefit and for the benefit of any lawyer who may subsequently handle the case. The Intake Form and Case Closure Form are included in this packet for your reference.
4. We have provided some general information that may be helpful for you to use in providing the legal services. Keep in mind that many of the victims of this disaster cannot otherwise afford legal representation so you are their lawyer and the person who will guide them through this difficult time.
5. Although you are providing these services on a pro bono basis, the Mississippi Rules of Professional Conduct still apply to your representation of the victims. Remember conflicts are conflicts, even in disasters. Professionals cannot ignore them. For example, the mortgage that the disaster victim wants assistance with may be owned or serviced by one of your firm's bank clients; the landlord with whom he may have a dispute may be one of your firm's real estate clients; or the insurance policy he wants assistance with may be issued by one of your firm's insurance clients. Please ask questions early on to determine the parties.

And in the event of a conflict of interest, or if you are otherwise unable to handle the assigned matter, immediately refer the matter back to the Mississippi Bar by calling 866-255-4495 for reassignment to another volunteer lawyer. Callers should NOT be directed to FEMA, the Office of General Counsel for The Mississippi Bar, or the Consumer Assistance Program for The Mississippi Bar in the event of a conflict of interest.

6. The disaster victim may be subject to great personal trauma. The volunteer lawyer should, therefore, be sensitive to the feelings and behavior of the victim, as well as responsive to each victim's legal needs.
7. Lawyers are strongly cautioned against engaging in solicitation of hurricane victims. Solicitation, whether by the lawyer personally or by someone else on behalf of the lawyer, is prohibited by Rules 7.2(i) and 7.3 of the Mississippi Rules of Professional Conduct. Solicitation includes in-person contact or live telephone contact with prospective clients with whom the lawyer has no family, close personal, or prior professional relationship when a significant motive of the lawyer's doing so is the lawyer's pecuniary gain. Solicitation by written or recorded communication is prohibited if the prospective client has made known to the lawyer the desire not to be solicited by the lawyer or the solicitation involves coercion, duress, or harassment. A written or recorded communication from a lawyer soliciting professional employment from the prospective client known to be in need of legal services in a particular matter with whom the lawyer has no family, close personal, or prior professional relationship shall include the words "solicitation material" on the outside envelope or at the beginning and ending of the communication. Anyone with information that a lawyer is engaging in prohibited solicitation should report the lawyer in writing to the Office of General Counsel of the Mississippi Bar in accordance with the duty outlined in Rule 8.3, MRCP. Volunteer lawyers who are offering their services to disaster victims at no charge do not violate the anti-solicitation rules.

II. D: LEGAL ASSISTANCE MATERIALS

Insurance Checklist

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September 7, 2005

Property claims

- Property claims
 - homeowners claims for loss or damaged homes and property,
 - business owner claims for loss of property
 - renters claims
 - auto claims, claims that vehicle was destroy in Hurricane (insurance company will want to know whether car was destroyed or stolen by looters
 - business interruption claims (for business that had business interruption insurance)
 - medical insurance claims

What Commissioner Dale said in press conference

21,600 Mississippi's had flood policies
All others will have to prove that their
loss was caused by wind

He implied that the Department of
Insurance was not going to protect insurance
companies, nor homeowners. What it was
going to do was make sure that the insurance
companies complied with the policy they
signed.

Loss clearly caused by wind and water —
Do not worry about whether the
existence of an uncovered cause will. Best
to leave arguing cause issues to lawyers.

Important

- (1) IDENTIFY COVERAGES. Do you
have a flood policy, or just a
homeowner's policy?
- (2) IDENTIFY INSURERS — Who
provides your coverage? Call your
agent if possible

(3) NOTIFY. Let the insurance company know that you have suffered a loss. If you call, write down the name of the person you spoke to (telephone number), AND write down the claim number. BEST TO FOLLOW UP THE CALL IN WRITING.

(4) PROTECT. if the loss is partial to a home, is the insured in a position to protect the dwelling from further loss. Ask insurer if you will be reimbursed for boarding up property. Keep all receipts for what you expend in protecting the property from further loss.

(5) CAUSATION. Do not describe the loss as being caused by water (if you don't have flood insurance); describe the loss as being caused by the Hurricane

(6) CLAIM FORMS. Ask the insurance company to deliver to you personally claim forms if any

(7) CANDOR. Be absolutely honest in reporting your claim – do not make claims for property you did not own.

(8) INVENTORY. Do a complete household inventory of lost or damaged or (looted) property

a. Even if property in the inventory is not covered by insurance, FEMA may allow a reimbursement for that property.

b. May be able to claim casualty loss as tax deduction.

(9) Damage inventory should be for

a. dwelling and surrounding buildings, including garages and out buildings within the property,

b. landscaping features (trees and shrubs),

c. personal property (clothes, furniture, household items)

- i. some property, such as guns insured only to \$2500
 - ii. some business property in home subject to special limit; so too for jewelry, bonds, and the like
 - d. property assessment (homeowners association and condo assessments)
 - e. property owned by others destroyed on the premises
 - f. property owned by insured, destroyed elsewhere
 - g. rental value for property, if a portion of the property was rented
 - h. debris removal (limit on liability)
 - i. cost of storage for personal property
 - j. unauthorized use of credit card expenses
 - k. if family has pictures, use pictures to identify property; gifts
- (10) BIGGEST PROBLEM WITH THESE CLAIMS IS HOMEOWNER

FORGETS WHAT HE/SHE OWNED
OR CAN'T PROVE THAT SHE
OWNED IT. The insurance company
will be skeptical and should be.

- (11) LIVING EXPENSES. Living
expenses – homeowner should make a
claim for temporary living expenses.
Payment is for shortest time to
repair/replace insured premises.
- (12) My neighbor's tree issue
- (13) When to claim – flood insurance
claiming is governed by federal law.
The federal government is not subject
to claims of waiver and estoppel, and
so, flood claims should be filed with
the time provided in the policy.

RENTER'S ISSUES

Settlement issues

Be cautious about accepting quick single
lump sum payments for all claims.

Mortgage issues – keep in mind if the bank owns the house (or more of it than the homeowner does), the check for the loss will include the bank

Auto

Collision – accident coverage

Comprehensive coverage –

- Vandalism

- Fire

- Theft

- Missiles

- Falling objects

- Larceny

- Explosion

- Earthquake

- Windstorm

- Hail

- Water

- Flood

- Malicious mischief

Riot

Contact w/ bird or animal

Same as above in terms of claiming.

Notes on Post-Disaster Mortgage/Deed of Trust Issues

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Topic:

- ☐ General
 - ☐ mortgage v. DOT
 - ☐ all deeds of trust are also mortgages
 - ☐ all you're going to see in MS are deeds of trust
 - ☐ conditional conveyance to a trustee to secure payment of a promissory note
 - ☐ if the note is paid, the DOT is void
 - ☐ if the note is not paid, the trustee sells the property and applies the proceeds of sale to pay the note
- ☐ Destruction of mortgaged property does not affect enforceability of note secured by deed of trust
 - ☐ ignore internet chatter about forgiveness of debt, esp. in LA
 - ☐ there are such things as nonrecourse notes
 - ☐ these are sometimes used with commercial properties that generate income
 - ☐ never used in residential loans
 - ☐ what's supposed to happen is that if collateral is destroyed, insurance pays off the loan
 - ☐ big problem coming: lots of properties destroyed by water
 - ☐ lenders are required to get casualty insurance for home loans
 - ☐ typical casualty policy does not insure against damage from flood
 - ☐ if the home is in a flood plain, then lender requires homeowner to get flood insurance
 - ☐ most people don't buy flood insurance unless their lender requires them to do so
 - ☐ problem: most flood zones were created based on the water level during Hurricane Camille
 - ☐ water levels from Katrina were much higher
 - ☐ so lots of people had their homes destroyed or damaged by water but don't have flood insurance
 - ☐ they still owe the full amount of their promissory notes to the lender
 - ☐ but they can't live in their homes
 - ☐ and don't have the cash or credit to buy another or borrow the money they need to fix it up
 - ☐ most people can't afford a second home mortgage
 - ☐ what's going to happen?
 - ☐ lots of lawsuits about whether damage was caused by wind or water
 - ☐ how do you prove this?
 - ☐ my father left when they told him to leave, came back when they said it was OK, house was gone
 - ☐ videotaping neighbor story-exception
 - ☐ there may be some legislation about this
 - ☐ some people will abandon their properties and let the bank foreclose
 - ☐ problem-black mark on credit report
 - ☐ What you need to do
 - ☐ tell them to contact their mortgage company, tell them what's happening
 - ☐ lender may give grace period to pay, may waive late charges
 - ☐ give new address
 - ☐ one problem: how do you locate mortgagee?
 - ☐ lender who originally made loan almost certainly sold it in the secondary market as soon as it made the loan
 - ☐ note is owned by an entity that owns hundreds of thousands of home loans
 - ☐ sitting in a vault in NYC or Washington
 - ☐ find out who the servicer is
 - ☐ if you're lucky, the bank that made the loan retained the servicing rights
 - ☐ if not, find out where mortgage payments have been made-any kind of receipt

Topic

- ☐ problem-what happens if all records were destroyed? part of the larger problem of lost records
 - ☐ if paid by check, get copy of checks from bank
- ☐ There may be some government programs available to help, like from SBA
- ☐ If there's no insurance for the water damage, some people will have to take bankruptcy
- ☐ Relief from foreclosure
 - ☐ 99% of foreclosures in MS are non-judicial foreclosures
 - ☐ judicial foreclosure
 - ☐ action on note
 - ☐ HUD has
 - ☐ instructed lenders to forbear from foreclosing for 90 days
 - ☐ No one is likely to rush into this anyway
 - ☐ encouraged lender to waive late fees, work with borrowers on refinancing
 - ☐ interest is still accruing
 - ☐ Section 89-1-301 of Mississippi Code provides temporary relief from foreclosures
 - ☐ enacted in 1980 after the 1979 Easter floods
 - ☐ no cases construing this
 - ☐ mortgagee institutes a nonjudicial or judicial foreclosure
 - ☐ borrower can obtain a preliminary injunction by filing a petition in chancery court stating that
 - ☐ neither borrower nor anyone else with an interest in the property can pay the amount in arrears
 - ☐ neither borrower nor anyone else with an interest in the property can refinance despite diligent effort
 - ☐ the value of the property has declined by 15% or more because of a natural disaster
 - ☐ Lender can file a motion to dissolve which will be heard in 30 days
 - ☐ Borrower has burden of proving allegations in his petition
 - ☐ If court decides that borrower has not proved his allegations, then injunction is dissolved and lender proceeds with foreclosure
 - ☐ If court decides that borrower has proved allegations, then court will try to determine a fair rental value of the property. Borrower will have to pay this as a "carrying charge" to be applied to taxes, insurance and interest for two years in lieu of payments otherwise due.
 - ☐ At the end of the two-year period, final order for judicial sale may be made
 - ☐ Comments
 - ☐ this is not forgiveness, only a two-year moratorium on foreclosure
 - ☐ it does not prohibit an action on a note against the individual
 - ☐ this may make more sense to lender if property has little or no value
 - ☐ property may need repairs to be marketable
 - ☐ possible environmental problems
 - ☐ rental value may not be enough to cover taxes and insurance (negative amortization)
 - ☐ This statute does not prohibit a nonjudicial foreclosure. If the borrower does not object to the nonjudicial foreclosure, the foreclosure is valid
 - ☐ Problem: lender is not required to give actual notice of a nonjudicial foreclosure
 - ☐ Statute does not require lender to give notice of its rights under this statute
 - ☐ I probably would do this if I was giving notice
 - ☐ Lender may not be able to give actual notice if it wanted to
 - ☐ Many people are relocating
 - ☐ My father's mail is being returned
 - ☐ this is another reason to maintain contact with lender

Topic

- ☐ This statute only applies after the governor issues a declaration declaring a natural disaster and designating the counties in which it applies. Current draft applies to all counties b/c someone on the Coast could own land in another county that has been damaged. A check on using it for purposes other than for what it's intended is that the price must have declined as a result of the natural disaster.
- ☐ If someone receives a notice of foreclosure, they need to consult a lawyer.
- ☐ There are going to be lots of title issues on the Coast for years to come. Most important thing now is for people to try to contact their mortgagors as well as other creditors.

REFERENCE MATERIALS

Disaster Legal Assistance Volunteers will be responsible for counseling victims in regard to areas of the law in which the volunteer may have limited experience. The following materials have been prepared by The Mississippi Bar Young Lawyers Division Disaster Legal Assistance Committee and the University of Mississippi School of Law Civil Legal Clinic to assist lawyer volunteers in such cases.

1. Consumer Finance
2. Insurance
3. Landlord/Tenant
4. Property
5. Banking
6. Transportation
7. Health Benefits/COBRA
8. Education and Employment
9. Immigration
10. Environmental
11. Bankruptcy

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CONSUMER FINANCE

I. General

Sections 89-1-301 to 89-1-329 of The Miss. Code of 1972, as amended, should be referred to when answering specific questions dealing with mortgages or deeds of trust on real property which affect persons or property directly damaged in a disaster. The provisions of these sections apply to any such mortgage or deed of trust executed prior to the date of a disaster declaration by the President of the United States and to any such instruments executed after the date of the declaration by the governor, which renewed or extended any mortgage or deed of trust executed prior to the date of the disaster declaration.

A. Relief for Foreclosure of Real Property

A mortgagee, holder, owner, trustee or other person attempting to foreclose must follow the law as provided in Section 89-1-301 to 89-1-329 of the Miss. Code of 1972, as amended. Any attempt to foreclose except as provided for therein may be enjoined by the mortgagor by petition in Chancery Court as provided by Section 89-1-301 of the Miss. Code. In effect, the mortgagor has a two (2) year period after the declaration of disaster within which to redeem property subject to foreclosure.

The provisions of Section 89-1-301 to 89-1-329, however, do not apply to mortgages or deeds of trust held by the United States Government or agency thereof, i. e. Farmers Home Administration, Veterans Home Purchasing Board.

The mortgagor may be required to pay carrying charges (i.e. taxes, insurance and interest) on the mortgage indebtedness under court order for a period not to exceed two (2) years from the date of the declaration of disaster. During this time the injunction to halt the foreclosure will

continue.

If during this two (2) year period the mortgagor defaults in payment of the carrying charges or commits any waste to the property, then the mortgagee has a right to conclude the foreclosure proceedings within thirty (30) days after any such default. If an individual debtor is unable to make regular payments on personal loans, revolving charge accounts or other loans secured by property other than residence or business, etc., he or she should contact the creditor and explain the situation. However, the creditor has a right to possession of the security or collateral or payment of the note for which the security was given. Whether or not the creditor must advise you of any action it takes prior to filing suit would be contained in the "security agreement" signed by the debtor at the time the credit was given. If the secured property of any description was damaged or destroyed as a result of the disaster, contact the creditor and your insurance company.

B. Debt Collection

A debt collector is governed by the Fair Debt Collection Practices Act 15 USCS §1692 *et seq.*, which sets forth the procedures for the manner in which a debt may be collected. Under 15 USCS §1692d(5), a debt collector is prohibited from engaging a person in telephone conversation repeatedly or continuously. Debt collectors may only contact debtors between the hours of 8:00 a.m. and 9:00 p.m., and must cease communication with the debtor if the debtor requests that communication be stopped. Under this Act, creditors and their officers and employees are not defined as debt collectors.

A debt collector may not use any false or misleading statements in attempting to fake any legal action that cannot be taken legally or that is not intended to be taken. 15 USCS §1692e.

INSURANCE

I. General

The terms and provisions of a disaster victim's contract of insurance must be given primary consideration when answering specific questions relative to payment of claims for personal or business property damaged or destroyed in a disaster scenario. One should keep in mind, however, that an insurance company can not sell policies of insurance in Mississippi which contain exclusions of coverage that violate Mississippi law. Following is a summary of some of the important legal rights of insureds in Mississippi, as set forth by the Mississippi Code of 1972 (through the 1999 Regular Legislative Session):

A. Rates ("Percentage" Deductibles)

1. The issue of "percentage deductibles" came to the public light in Mississippi in the aftermath of Hurricane *Georges*. Mississippi lawmakers responded with an amendment to M.C.A. § 83-2-3. Effective January 1, 2000, the 1999 amendment addresses the issue of "percentage deductibles" for the peril of windstorm from a named storm. The amendment provides that any insurance company filing a homeowner's insurance policy offering a "percentage deductible" for the peril of windstorm from a named storm shall offer a "buy-back provision" for that deductible. This means that insurance companies utilizing a "percentage deductible" for this type of coverage (most major carriers now do) must offer insureds an opportunity to "buy back" their stated deductible coverage for a higher premium. However, note that the Commissioner of Insurance has the discretion

to grant a waiver of the mandatory buy back provision to any such insurance company, upon said company's application and request.

2. Note that the Mississippi Insurance Department responded to this legislation. First, in *Bulletin 99-4*, the Commissioner put insurance companies writing homeowner's windstorm insurance in Mississippi on notice that the Mississippi Insurance Department requests companies provide a minimum buyback deductible of \$500.00 for named windstorms. Additionally, the Commissioner advised such companies that they shall provide their policyholders an opportunity to request changes to the windstorm deductible from **January 1, 2000** until **June 1, 2000**, and at renewal thereafter. Finally, the Commissioner instructed insurance companies to send a notice to policyholders prior to **January 1, 2000**, with an explanation of the separate percentage windstorm deductible and the availability of optional deductibles as low as \$500.00, for an additional premium.
3. Note that is the untested opinion of the Mississippi Department of Insurance that the "mandatory buy back provision" referenced above does not apply to policies of insurance of manufactured homes. In *Bulletin 99-7*, the Commissioner advised all property and casualty companies writing Mobile Home Insurance in Mississippi to issue a special notice to policyholders informing them about the existence and function of the mandatory "Wind and Hail" percentage deductible contained in most manufactured home policies. The required notice

includes a detailed explanation, with examples, of exactly how the "percentage deductible" works. The bulletin requires companies to provide this informational notice on all new business as of March 1, 2000, and that it be sent to policyholders at the time of renewal of existing business.

II. Statutes of Limitation

- A. M.C.A. § 83-5-3: Insurance companies doing business in Mississippi are required to execute an agreement to be bound by the statute laws of the State of Mississippi pertaining to periods of limitation.

III. Notice of Cancellation, Reduction or Nonrenewal

- A. M.C.A. § 83-5-28: Any cancellation, reduction in coverage or nonrenewal of liability insurance coverage, fire insurance coverage or single premium multiperil insurance coverage is NOT EFFECTIVE as to any coverage issued or renewed after June 30, 1989, UNLESS notice is mailed or delivered to the insured by the insurer not less than thirty (30) days prior to the effective date thereof. This requirement shall be included in any such policy issued or renewed after June 30, 1989, and shall be deemed incorporated if not expressly stated in the policy. This notice requirement does not apply to nonpayment of premium.

IV. Accident/Health Insurance

- A. (Grace Period) M.C.A. § 83-9-5: A grace period of seven (7) days for weekly premium policies; ten (10) days for monthly premium policies; and thirty-one (31) days for all other policies will be granted for the payment of

each premium falling due after the first premium, during which grace period the policy will continue under force.

- B. (Claim Forms/Proof of Loss) M.C.A. § 83-9-5: An insurer, upon receipt of notice of claim, must furnish the claimant appropriate claims forms. If no forms are provided within fifteen (15) days after the giving of such notice, a claimant shall be deemed to have complied with the requirements of the policy, as to proof of loss, upon submitting, in the time fixed in the policy for providing proof of loss, written proof covering the occurrence, the character and the extent of loss for which the claim is made. Note that written Notice of the claim ordinarily must be submitted within thirty (30) days of loss. Always refer to the policy for applicable time periods for filing notice of claim and proof of loss.

V. Automobiles

- A. M.C.A. § 83-11-501: No insurer can require its insured to have repairs to a damaged vehicle, including glass repairs or replacements, made at a particular repair shop, as a condition of payment. However, the most an insurance company is required to pay for such repairs is the lowest amount that such vehicle or glass could properly and fairly be repaired or replaced by a contractor or repair shop within a reasonable geographical or trade area of the insured. M.C.A. § 83-11-501 Update: A case has been decided concerning the statutory holding. In *Christmon v. Allstate Ins. Co.*, 82 F. Supp. 2d 612 (S.D. Miss. 2000), a "priority repair option" program, in which the insurer pre-approved certain automobile body repair shops to perform repairs, was

found to not be in violation of § 83-11-501. The Court ruled that the insured did not present any evidence that the insurer required the insured to have repairs performed at particular body shops.

VI. Fire Loss

- A. **M.C.A. § 83-13-5 (Total Loss):** When buildings or structures in Mississippi are totally destroyed by fire, the company providing insurance thereon is required to pay full value of the amount for which said buildings or structures were insured, and may not deny that the buildings and structures insured were worth the full value upon which the insurance was calculated at the time the policy was issued. "Three Quarter" value clauses are not permitted for insurance of this kind, and any fire insurance company or agent who sells a policy containing such a clause is guilty of a misdemeanor. The Mississippi Supreme Court holds that, in order for there to be only a "partial loss", wherein an insured may only recover the value of his/her actual loss, within the meaning of this statute, there must be a substantial, usable remnant of the building surviving, and such surviving part must be susceptible to reasonable repairs and reconstruction. Home Ins. Co. v. Greene, 229 So.2d 576 (Miss. 1969).
- B. **M.C.A. § 83-13-7 (Mortgage Protection):** Each insurance policy on buildings taken out or renewed on or after July 1, 1989 by a mortgagor or grantor in a deed of trust shall have a clause specifically designating a mortgagee or trustee as the payee of any insurance proceeds payable thereon. M.C.A. § 83-13-7 dictates that insurance companies owing such proceeds

shall, after satisfactory proof of the rights and title of the parties, pay all mortgages protected by such policy in the order of the priority of their claims, but not beyond the amount for which the insurance company is liable.

LANDLORD-TENANT QUESTIONS

1. Lease termination issues

1-a. Must a tenant pay rent for a home that has been destroyed?

No. A tenant will not be required to pay rent for a building after it has been destroyed, or to pay for the cost of rebuilding, unless the tenant expressly agreed to do so or was responsible for the destruction. *See* Miss. Code Ann. § 89-7-3 (2005).

1-b. If a tenant's home is currently uninhabitable because of damage, may the tenant cancel the lease?

Landlords are required to maintain and provide a habitable dwelling. If a landlord does not (or cannot) maintain the leased premises in a habitable condition, the tenant may deliver a written notice to the landlord (1) specifying the conditions which make the home uninhabitable and (2) stating that the lease will terminate if the landlord does not restore the home to a habitable condition within thirty days. If the landlord does not make the leased premises habitable within thirty days of receiving the notice, then the rental agreement will terminate. On the other hand, if the landlord does make the repairs necessary, the lease will not terminate. *See* Miss. Code § 89-8-23 (2005) and Miss. Code § 89-8-13 (2005).

1-c. May a landlord cancel a tenant's lease to allow someone else (such as a family member) to live in the rental property?

The answer depends upon whether the lease is for a fixed term or is a month-to-month lease. The grounds for terminating a fixed term residential lease are set out in the Mississippi Residential Landlord and Tenant Act, which provides that a landlord may terminate a lease if there is a "material noncompliance" by the tenant with respect to the rental agreement or the obligations imposed on the tenant by Section 89-8-25 of the Act. *See* Miss. Code Ann. § 89-8-25 (2005).

However, either the landlord or the tenant may terminate a week-to-week tenancy simply by giving the other party written notice at least seven days before the termination date. Similarly, the landlord or the tenant may generally terminate a month-to-month tenancy simply by giving the other party written notice at least thirty days before the termination date. *See* Miss. Code § 89-8-19 (2005).

1-d. What happens if a tenant's home is currently uninhabitable because of storm damage, the tenant wants to move back in when the damage is repaired, but the landlord cannot afford to make repairs—may the landlord cancel the lease even though the tenant wants to return?

Technically, the landlord probably does not have the right to terminate the lease (see question 1-c. above). Practically though, if the landlord cannot afford to make the repairs necessary to make the leased premises habitable, it might be best for the tenant to terminate the lease (see question 1-b. above).

If the storm-damage is minor, however, the tenant should refer to Section 89-8-15 of the Mississippi Code, which allows tenants to repair minor damages and deduct the cost from their rent. *See* Miss. Code § 89-8-15 (2005).

2. Payment of rent

2-a. If a tenant's home is currently uninhabitable because of storm damage, and the tenant wants to return when the damage is repaired, must the tenant pay rent while the property is not habitable?

The Landlord and Tenant Act does not expressly authorize a tenant to withhold rent while the premises are uninhabitable. However, one tenant remedy for uninhabitability is damages equal to the amount by which the value of the housing is reduced. Section 89-8-13(2) of the Mississippi Code provides in part: "If there is a material noncompliance by the landlord with...the obligations imposed by Section 89-8-23, the tenant may...resort to any other remedy at law or in equity..." Thus, a tenant's rental obligation may be effectively offset by the right to damages, if the housing is so damaged that it is worth almost nothing.

2-b. If a tenant's home was not destroyed, but the tenant is unable to return to the rental property because of a mandatory evacuation, must the tenant pay rent while he or she is barred from returning?

There do not appear to be any Mississippi statutes or cases which address this issue. However, if government officials have determined that an area is so unsafe that it must remain evacuated, it seems probable that homes within the evacuated area would be considered "uninhabitable" for the purposes of the Landlord and Tenant Act. If this is the case, then the tenant's rental obligation should be offset by the amount of damages as discussed above. *See* Miss. Code Ann. § 89-8-13 and Miss. Code Ann. § 89-8-23 (2005).

3. Security deposits

3-a. Can a tenant whose lease has been cancelled as a result of the storm get his or her security deposit back?

Probably. A tenant is generally entitled to the return of a security deposit when the lease terminates. However, Section 89-8-21(3) of the Mississippi Code provides that:

The landlord, by written notice delivered to the tenant, may claim of such

payment or deposit only such amounts as are reasonably necessary to remedy the tenant's defaults in the payment of rent, to repair damages to the premises caused by the tenant, exclusive of ordinary wear and tear, to clean such premises upon termination of the tenancy, or for other reasonable and necessary expenses incurred as the result of the tenant's default, if the payment or deposit is made for any or all of those specific purposes. The written notice by which the landlord claims all or any portion of such payment or deposit shall itemize the amounts claimed by such landlord. Any remaining portion of such payment or deposit shall be returned to the tenant no later than forty-five (45) days after the termination of his tenancy, the delivery of possession and demand by the tenant. Miss. Code § 89-8-21(3) (2005).

3-b. What should a tenant do if his or her landlord refuses to return the security deposit?

The remedy for a tenant whose landlord wrongfully refuses to return that tenant's security deposit is provided for by Section 89-8-21(4) of the Mississippi Code, which states that:

The retention by a landlord or transferee of a payment or deposit or any portion thereof, in violation of this Section and with absence of good faith, may subject the landlord or his transferee to damages not to exceed Two Hundred Dollars (\$ 200.00) in addition to any actual damages. Miss. Code § 89-8-21(4) (2005).

4. Personal belongings

4-a. Is a landlord responsible for damage caused by a storm to the tenant's belongings inside the rental home?

The Landlord and Tenant Act does not appear to impose a duty of this nature on the landlord. Accordingly, unless the lease, or some other agreement, specifies that the landlord will be liable for damage to the tenant's personal property, the landlord will probably not be responsible for this type of damage.

4-b. If the tenant's lease has been cancelled, but the tenant cannot return to retrieve his or her belongings for several weeks, is the landlord required to store the tenant's property?

The Landlord and Tenant Act does not appear to require a landlord to store a tenant's property once the lease terminates; thus, the landlord is probably not under any obligation to do so. Tenants should make every effort to contact a landlord to notify him or her of the intention to return for personal items and to make arrangements with the landlord for storage.

PROPERTY-RELATED QUESTIONS AND ANSWERS

USE OF FORCE TO PROTECT PROPERTY

Q: May I use force to protect my property?

A: You may use reasonable and necessary force to protect property if the danger is real and imminent.

Factors in determining whether a danger is real and imminent include the defender's age and size compared to the aggressor's, the inaction of law enforcement, and whether the defender is outnumbered. The use of guns is almost never justifiable, even if used simply to threaten an individual. *Tate v. State*, 784 So. 2d 208 (Miss. 2001); *Woodard v. Turnipseed*, 784 So. 2d 239 (Miss. Ct. App. 2001).

Q: May I use force to remove trespassers?

A: The property owner has a right to use force to evict a trespasser. First, trespassers must know that they are unwelcome. Then a property owner may use reasonable force to evict the trespasser, but in almost all instances a defender cannot use force that causes serious injury or death. *Woodard v. Turnipseed*, 784 So. 2d 239 (Miss. Ct. App. 2001).

Q: Does the law provide a criminal defense for individuals who may need to use the property of another?

A: There is a criminal necessity defense in Mississippi. The defense requires that individuals: (1) must have sought to prevent a significant evil; (2) had no adequate alternative; and (3) the harm caused must not have been disproportionate to the harm avoided. The criminal activity may be justified if these three elements are shown. *McMillan v. City of Jackson*, 701 So. 2d 1105 (Miss. 1997).

Q: When does the defense of necessity cease?

A: The defense of necessity ceases if other alternatives (such as shelters) become available to the person. *McMillan v. City of Jackson*, 701 So. 2d 1105 (Miss. 1997).

ABANDONED, MISLAID, OR LOST PROPERTY

Q: What is financial personal property?

A: Examples of financial property are bonds, checks, deposits, interest, dividends, income, credit balances, gift certificates, security deposits, refunds, credit memos, unpaid wages, amounts due and amounts payable under the terms of insurance policies, unused airline tickets, monies deposited to redeem stocks, bonds, coupons, and other securities.

Q: Can I lose ownership rights to my financial personal property if I fail to claim it?

A: Probably not. You will not lose your rights to these items unless you wait 5 years to notify the current holder of the item.

Owners of these types of personal property have 5 years to make written contact and claim ownership with the holder of the property. This applies to businesses,

governmental agencies, or individuals who possess your property and/or owe you a debt obligation. If you, the owner, fail to do this, then you can lose your ownership rights to that personal property.

To avoid losing ownership in your personal property, the owner must:

- **Contact, in writing (preferably certified mail), the holder of your personal property; and**
- **Assert ownership of the property.**

Mississippi's "Uniform Disposition of Unclaimed Property Act" governs issues involving intangible personal property. Miss. Code Ann. § 89-12-1 (2005).

Q: Can I lose ownership rights to tangible personal property that has been recovered by state or municipal authorities?

A: You can lose property if you fail to claim your tangible personal property within 120 days of authorities posting notice of receipt. Miss. Code Ann. § 21-39-21 (2005).

When the governing authority of a municipality receives property that has been lost, stolen, abandoned, or misplaced, it is required by law to post notice of the receipt in 3 public places within the municipality. The notice must contain a detailed description of the property. Governing authorities must post notice by mail directly to that owner in addition to the public notices.

The state may auction the property if you do not claim your property within 120 days, (Or 90 days for a motor vehicle or bicycle). Notices of the auction must be posted for 10 days in 3 public places within the municipality.

If you discover your property has been sold at auction within 90 days of the sale, you can receive proceeds from the sale provided you have proof of ownership.

Obviously, a state of emergency may impact the procedures outlined by each of these statutes. Miss. Code Ann. § 33-15-17(b) (2005).

ACCRETION AND AVULSION

Q: What happens if some of my water-edged land has been washed away because of water movement? What happens if I have gained additional land as a result of water movement?

A: Avulsion is the *sudden* change in land caused by water movement. Events such as hurricanes will likely be categorized as avulsive. You do not lose title to a part of a water-edged property that has been washed away *suddenly*. You do not gain title to the additional portion.

Accretion is a *slow and imperceptible* process by which soil (called alluvion) is deposited somewhere new. You lose title to the part of your land that has been washed away slowly. You gain title to additional land that has slowly accrued on your property.

Evidence such as survey, maps, charts, expert testimony, and lay witness testimony has been used to determine whether the process was avulsion or accretion. States vary dramatically in what constitutes accretion and avulsion and Mississippi is no exception.

Both doctrines are recognized in Mississippi, as well as in federal common law. *See generally, Sharp v. Learned*, 14 So. 2d 218 (Miss. 1943).

RESPONSIBILITY FOR REMOVAL

Q: As a property owner, do you have a right to sue other property owners if their property, debris or fallen trees are transported on to your land as a result of a natural disaster?

A: Probably not. Although adjacent property owners generally have a duty to exercise reasonable care and remove dangerous conditions from their property, an unprecedented storm will deny liability for the damage. *City of Hattiesburg v. Hillman*, 76 So. 368 (Miss. 1954). No one is liable for an injury proximately caused by an act of God, which is defined as an injury due directly and exclusively to natural causes without human intervention, which could not have been prevented by the exercise of reasonable care and foresight. *Id.* at 370. *Hillman* prevents any recovery for injuries caused by extreme weather conditions, or extraordinary and unprecedented winds. *Id.*

Visibly dead or decaying trees are the exception to the rule. A city or property owner that has actual knowledge (i.e., visible signs of defects or a dangerous state) will be held liable for damages if they failed to exercise ordinary due care before the storm. *Warren v. City of Tupelo*, 194 So. 293 (Miss. 1946).

On the subject of removal, states that in the event of a natural disaster, the governing authorities of any county or municipality adversely affected by such disaster may venture onto private property to aid in removing debris and to prevent further damage to such property at the request of the property owners. Miss. Code Ann. § 33-15-49 (2005).

PROPERTY WITHIN THE CONTEXT OF EMERGENCY DAMAGE

Q: Can the state be held liable for property damage as a result of their emergency management activities?

A: Neither the state, nor any of its political subdivisions, nor other agencies, or their respective agents, employees or representatives can be held liable for property damage, except in cases of willful misconduct, if they are complying with the Emergency Management Law. Miss. Code Ann. § 33-15-21 (2005).

Q: If I voluntarily open my property as a shelter during a natural disaster, am I liable to others for any resulting personal injury or property damage?

A: No. Any person owning or controlling real estate or other premises who voluntarily and without compensation grants a license or privilege, or otherwise permits the designation or use of the whole or any part or parts of such real estate or premises for the purpose of sheltering persons or providing assistance to persons during or in recovery

from an actual natural disaster, cannot be held liable for causing the death or injury of another person. Miss. Code Ann. § 33-15-21 (2005).

Q: Who is responsible for removing the debris from property in disaster areas?

A: Under the Emergency Management Law, the governing authorities of any county or municipality adversely affected by a natural disaster occurring in the state or within any portion of it may venture onto private property to aid in the removal of debris. Miss. Code Ann. § 33-15-49 (2005). In order for this statute to be in effect, a proclamation must be issued by the governing authorities of the county, the governing authorities of the municipality, the office of the Governor of the state, or the President of the United States declaring the areas to be disaster areas.

The governing authorities may use county or municipally owned equipment and such public employees as necessary to aid in removing debris from private property and to prevent further damage to such property at the request of the property owners. The governing authorities may also use that equipment to venture onto private property to remove debris and to perform any other necessary and needed services to prevent the spread of disease or any other health hazard to the community at large. Governing authorities may request aid from other counties and municipalities not adversely affected by the natural disaster, but are willing to provide the needed services.

If the Governor determines that the governing authorities of such adversely affected counties still lack sufficient equipment and personnel, any state agency or instrumentality, when directed by the Governor, is authorized to enter upon publicly or privately owned land or water and to use state-owned equipment and state employees as necessary to clear or remove debris and wreckage. These employees are authorized to enter upon private or public land or water and perform any tasks necessary to the removal or clearance operation.

Q: Are government authorities involved in the clearance and removal operation liable for personal injury or property damage incurred as a result of their actions?

A: Under the Emergency Management Law, except in cases of willful misconduct, gross negligence, or bad faith, any state employee or agent performing duties related to the removal operation will not be liable for property damage. Miss. Code Ann. § 33-15-49 (2005).

BANKING

1. What do I need to do if my bank was destroyed?

-The Board of Governors of the Federal Reserve System, the Federal Deposit Insurance Corporation, the National Credit Union Administration, the Office of the Comptroller, the Office of Thrift Supervision, and the Conference of State Bank Supervisors are reminding the public that deposit insurance is in full force and that money in FDIC or NCUA insured banks are protected.

-Try calling your bank phone number as many banks have provided information via telephone.

-You may also contact FEMA or Red Cross for assistance if you are not able to reach your bank.

2. How should I go about banking at a place of relocation?

If you are trying to bank in an area of relocation, it will be concerned as to whether you have sufficient funds in your account. It will need to contact your bank to verify funds. Also, you may have your bank wire funds to the relocation bank and establish an account there.

3. What if I have lost my identification and/or banking information?

-The U.S Department of the Treasury has encouraged banks to ease identification normally needed to make banking transactions.

-Banks are encouraged to call the Social Security Administration's hotline (1-800-772-1213) with the customer's information to verify identification.

-Please see other relevant portions of this manual such as *Document Replacement* and the Banking Appendix containing bank contact information

-Banks will be granted flexibility should a check forgery reclamation action arise.

4. Will my deposits and/or drafts still be functioning normally? What if I am not able to pay them?

-Regulators are encouraging banks to work with customers that were heavily affected by Hurricane Katrina.

-The FDIC has asked banks to allow some loan payments to be skipped without affecting credit history, extend the term of loans, and to restructure loans.

-Do **NOT** skip a payment without trying to contact your bank first. Please see the Banking Appendix containing bank contact information.

5. What happens if I had property in a safety deposit box at my bank? Will insurance cover it?

-Deposit insurance does not cover contents in your safety deposit box. Contact your bank to determine whether contents are salvageable.

-Many banks' safety deposit boxes are within vaults and are well protected from water and fire damages.

Please contact the following for more information:

Federal Deposit Insurance Corporation (FDIC), www.fdic.gov, 1-800-ASK-FDIC

Federal Reserve, www.federalreserve.gov, 1-800-827-3340

Social Security Administration, www.socialsecurity.gov, 1-800-772-1213

Mississippi Department of Banking, www.dbcf.state.ms.us, 1-601-359-1031 or 1-800-844-2499

Louisiana Office of Financial Institutions, www.ofi.louisiana.gov, 1-225-925-4660 or 1-866-783-5530

State of Alabama Banking Department, www.bank.state.al.us, 1-334-242-3452

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Bank Appendix

Banks with Branches Potentially Affected in Mississippi

<u>Bank:</u>	<u>Customer Service Phone Number:</u>	<u>Web Site:</u>
Bank of Anguilla	662-873-4346	n/a
Bankcorp South Bank	888-797-7711	www.bancorpsouth.com
Bank of Yazoo City	662-751-1045	n/a
BankPlus	888-811-7587	www.bankplus.net
Century Bank	800-841-8353	n/a
Community Bank	228-896-7759	www.communitybank.net
The Peoples Bank	228-435-5511 800-873-6468	www.thepeoples.com
Citizens Bank	601-736-2601	www.citizensbk.com
The Citizens National Bank of Meridian	601-693-1313	www.ecitizensnationalbank.com
The Citizens Bank of Philadelphia	601-656-4692	www.thecitizensbankphila.com
First Bank & Trust of MS	662-283-2536	www.fbtmonline.com
First Federal Bank for Savings	601-731-6005	n/a
The First, A National Banking Association	601-268-8998	www.thefirstbank.com
Grand Bank for Savings	601-264-0179	n/a
Great Southern National Bank	800-473-2265	www.gsnb.com
Hancock Bank	800-448-8812	www.hancockbank.com
Merchants & Farmers Bank	662-289-5121	www.mfbank.com

Newton County Bank	601-683-3101	www.newtoncountybank.com
Pike County National Bank	601-684-7575	n/a
Regions Bank	800-REGIONS	www.regions.com
Richton Bank & Trust Co.	601-788-6301	n/a
State Bank & Trust Co.	662-453-6811	www.statebank1898.com
Trustmark National Bank	601-961-6000 800-243-2524	www.trustmark.com

TRANSPORTATION

Many of the affected airlines, cruise lines, bus lines, and rail line websites, toll free numbers, and specific Hurricane Katrina information are included at the end of this section. If you purchased your tickets through a travel agency, contact the travel agency directly.

1. Airline Issues

a. I have airline tickets on a flight from an airport which is currently closed due to Hurricane Katrina. Will I be able to reschedule or get a refund without penalty?

This depends on the airline. Most airlines are accommodating rescheduling and refunds without penalties, however this is subject to meeting certain conditions, and may be restricted. As accommodations are not federally regulated, each carrier has its own specific Hurricane Katrina travel policies. Therefore, it is imperative to check with the airline itself.

Also, since airlines are declaring Hurricane Katrina as force majeure (an unexpected event or condition beyond the airline's control such as, but not limited to, meteorological conditions, acts of God, etc.), each carrier's Hurricane Katrina policies are subject to change, and are extremely fluid. Therefore, it is important to check with the airline frequently.

b. I have airline tickets on a flight from an airport which is not closed. However as I was affected by Hurricane Katrina I cannot make that flight. Will I be able to reschedule or get a refund without penalty?

See answer to 1. a.

c. I bought an airline ticket through Expedia/Travelocity/Orbitz/etc. The flight has been affected by Hurricane Katrina. Will I be able to reschedule or get a refund without penalty?

As with airlines, each travel search engine has different Hurricane Katrina policies. Most, if not all of them, have waived their change and cancel fees, as long as certain conditions have been met. It is important to check with travel search engine directly. However, such travel search engines do not have the authority to waive airline imposed fees, but they will work with the airlines on your behalf.

2. Highway Issues

a. I will be moving personnel, supplies, or material in support of the relief efforts for the natural disaster. Can I move oversize or overweight commercial vehicles on the highways without getting the requisite permits? Are emergency permits available?

Permits are required for moving oversize or overweight commercial vehicles through the highways of disaster areas. Vehicles must follow states guidelines for transportation even during emergency situations.

In Mississippi, one may apply for an ExpressPass online at <https://www.expresspass.ms.gov/trucking/> or by phone at (888) 737-0061; (601) 359-1717. However, the state has also provided a document allowing the holder to transport overweight commercial vehicles through state routes for hurricane relief. This authorization is currently valid through September 20, 2005 and can be located at http://ops.fhwa.dot.gov/freight/sw/pdf/ms_katrina.pdf.

Louisiana has a similar policy available at <http://www.dotd.state.la.us/highways/maintenance/permits/home.asp> or by phone at (800) 654-1433. The Governor has also issued an executive order allowing for a permit waiver for the transport of hurricane relief materials. This authorization, which contains certain specifications, may be found at http://ops.fhwa.dot.gov/freight/sw/pdf/la_katrina.pdf and is valid until rescinded by the Governor.

All information obtained from: http://ops.fhwa.dot.gov/freight/sw/permit_report.htm#obt

b. I have bus tickets to or from an affected area. Will I be able to reschedule or get a refund without penalty?

Bus service to or from the affected areas has been severely limited due to Hurricane Katrina. Many bus lines are experiencing schedule delays and cancellations. As airlines, each has its own Hurricane Katrina policy in place. Therefore, it is important to check with the individual bus line for the most updated service information.

c. I have bus tickets to/from an area which has not been affected by Hurricane Katrina. However, as I was affected by the hurricane I cannot make that trip. Will I be able to reschedule or get a refund without penalty?

See answer to 2.b above.

3. Maritime Issues

a. I booked tickets on a cruise which was scheduled to depart, or arrive, in an affected port. Will I be able to reschedule or get a refund without penalty?

As with the airlines, Hurricane Katrina policy depends on the cruise line. Most of them will allow you to cancel and receive a full refund, or rebook. However, as the Port of New Orleans is closed indefinitely, all cruises originally scheduled to depart from there are now operating from other ports indefinitely. Additionally, some cruise lines have chartered their ships to the Military Sealift Command on behalf of the Federal Emergency Management Agency as part of Hurricane Katrina relief efforts. Therefore, departures on those ships have been cancelled. It is wise to contact the individual cruise line directly for specific information as certain restrictions and conditions may apply to any changes.

b. I have tickets on a cruise from a port which is not closed, however as I was affected by the natural disaster, I cannot make that cruise. Will I be able to reschedule or get a refund without penalty?

See answer to 3.a above.

4. Railway Issues

a. I booked rail tickets to or from an affected area. Will I be able to reschedule or get a refund without penalty?

Due to the infrastructure damage from Hurricane Katrina, passenger rail service has been affected to and from the Gulf Coast and New Orleans. Amtrak is offering full refunds and waiver of all penalties for passengers with reservations traveling to or from New Orleans or other areas served by the affected trains. Certain restrictions and conditions apply, and this may change as the situation changes, so it is wise to contact Amtrak directly for specific information.

b. If I am able to rebook, will alternate transportation be provided if the rail service books me to city different than originally booked to?

Amtrak has modified its service to and from the Gulf Coast and New Orleans until further notice. Railway points of origin or destinations in the Gulf Coast and New Orleans have been changed to other cities. It appears that alternate transportation to and from some of the new cities will not be provided, it is wise to contact Amtrak directly for specific information.

Airline	Web	Phone	Info re: Refunds / Rebookings due to Hurricane Katrina
Air Canada	www.aircanada.ca	1-888-247-2282	http://www.aircanada.com/en/news/travel_advisory2.htm
Air Tran Airways	www.airtran.com	1-800-247-8726	http://www.airtran.com/info/Weather_advisory.asp
American Airlines	www.aa.com	1-800-433-7300	http://www.aa.com/lapss/netSAAver/ViewPromotionsDetail.htm?sessionId=KVOJKS3YWFSBXEAJUM5U1DEQBFFTWMD?repositoryId=13701850&repositoryName=PromotionContentRepository&ItemDescriptor=PromotionContent&ItemDescriptor=PromotionContent
American Eagle Airlines	www.aa.com	1-800-433-7300	http://www.aa.com/lapss/netSAAver/ViewPromotionsDetail.htm?sessionId=KVOJKS3YWFSBXEAJUM5U1DEQBFFTWMD?repositoryId=13701850&repositoryName=PromotionContentRepository&ItemDescriptor=PromotionContent&ItemDescriptor=PromotionContent
America West	www.america-west.com	1-800-235-9282	http://www.america-west.com/lawelawContent/travelPlanning/Advisory/default.aspx
ATA	www.ata.com	1-800-435-9282	http://ata.custhelp.com/cgi-bin/ata/cgi/pmp/enduser/std_adp.php?p_faqid=878
Continental Airlines	www.continental.com	1-800-523-3273	http://www.continental.com/company/news/WeatherAdvisory.asp
Delta Airlines	www.delta.com	1-800-221-1212	http://www.delta.com/traveling_checkflight_status_updates/advisories/katrina/index.jsp
Frontier Airlines	www.frontierairlines.com	1-800-432-1359	http://www.frontierairlines.com/katrina.asp
Grupo Taca	www.taca.com	1-800-400-8222	http://www.taca.com/en/chi/cabo/oa/boket.asp
Jet Blue Airways	www.jetblue.com	1-800-538-2583	http://www.jetblue.com/travelinfo/katrina_update.asp
Midwest Airlines	www.midwestairlines.com	1-800-452-2022	http://midwestexpress.custhelp.com/cgi-bin/midwestexpress/cgi/pmp/enduser/std_adp.php?p_faqid=1505noCh&p_lva=&p_faqid=388&p_created=125282135&p_sp=0
Northwest Airlines	www.nwa.com	1-800-225-2525	http://www.nwa.com/features/Weather.shtml
Southwest Airlines	www.southwest.com	1-800-435-9792	http://www.southwest.com/travel_center/vwx_advisory.html
United Airlines	www.united.com	1-800-884-8331	http://www.united.com/page.cfm?c=0_672251351_00.htm
US Airways	www.usairways.com	1-800-428-4322	http://www.usairways.com/travel/fairroot/index.htm
Bus Line			
Greyhound	www.greyhound.com	1-800-231-2222	http://www.greyhound.com/scripts/TicketCenter/aervoice_alert.asp
Cruise Line			
Carnival Cruise Lines	http://www.carnival.com/	1-877-885-4856	http://www.carnival.com/CMS/static_templates/Conquest_Guest_Notice.aspx
Rail Line			
Amtrak	www.amtrak.com	1-800-872-7245	www.amtrak.com
Travel Search Engine			
Expedia	www.expedia.com	1-800-397-3342	http://www.expedia.com/daily/ed/taletre/August2005/August01-HurricaneUpdate.asp
Orbitz	www.orbitz.com	1-888-666-4546	https://faq.orbitz.com/cgi-bin/orbitz_faq.cgi/pmp/enduser/std_adp.php?p_faqid=08p_production=&p_faqid=790
Priceline	www.priceline.com	1-800-774-2354	http://www.priceline.com/customerservice/faq/showsolution.asp?FAQ=ex(Hurricane_Policy)
Travelocity	www.travelocity.com	1-888-872-8356	http://travelocity.custhelp.com/cgi-bin/travelocity/cgi/pmp/enduser/std_adp.php?p_faqid=678#katrina

Health Benefits/COBRA

1) What health coverage options are available to individuals who possessed health insurance through employer-provided plans, but whose employers were ultimately destroyed by Hurricane Katrina?

Answer:

Hurricane victims have several options for securing health insurance in the aftermath of Katrina. It should be emphasized, however, that all individuals should make a choice as soon as possible. Federal laws provide that once a person goes without health insurance for a period of sixty three (63) days, health providers may exclude coverage for preexisting conditions. See 29 U.S.C. § 1181. A brief overview of available options follows:

1. On September 1, 2005, Mississippi Insurance Commissioner George Dale issued a press release directing all insurance companies doing business in Mississippi to grant a 60-day grace period for the payment of premiums on all types of insurance policies. Therefore, depending on your policy language, if there is coverage "as long as premiums have been paid," there may not be a problem. It is, however, up to the insurance companies to comply. Individuals should contact their insurance companies directly with any questions regarding their specific policies. For contact information regarding a specific insurance company, visit <http://www.disasterinformation.org/findins.htm>.
2. COBRA – Consolidated Omnibus Budget Reconciliation Act – 29 U.S.C. §§ 1161-1169.
 - a. COBRA applies to employers with 20 or more employees and extends to employees who have been involuntarily terminated for reasons other than gross misconduct.
 - b. Where applicable, it is up to the employers to notify their employees of their COBRA rights, which guarantee individuals the right to purchase health coverage for up to 18 months at their employer's group rate. Once notified, employees have 60 days to accept coverage under COBRA but it should be emphasized that such coverage can be expensive. In fact, individuals under COBRA are responsible for paying up to 102% of the coverage premiums.
 - c. For more questions on your rights under the U.S. COBRA law, visit <http://www.dol.gov/ebsa/newsroom/fscobra.html>
3. Where an employer has discontinued all of its health care plans, COBRA rights are no longer available and employees will have to seek other coverage. If that employee was a member of an affiliated network of other employers who have not been destroyed by Hurricane Katrina, however, the health plans maintained by those other employers should extend to grant COBRA rights to hurricane victims. Individuals without COBRA rights are encouraged to do the following:

- 1) Convert their group plan to an individual plan. Again, however, individuals should be warned that this course of action is likely to result in higher premium payments and less coverage.
 - 2) Some individuals may also qualify for special enrollment in their spouses' health plans under the portability provisions of HIPAA.
 - 3) The Employment Benefits Securities Administration (EBSA) is continuing to make decisions with regards to health coverage questions in the aftermath of Hurricane Katrina. Individuals are encouraged to visit the EBSA's website for updates, at www.dol.gov/ebsa.
4. Families who reach certain poverty levels may qualify for TANF – temporary assistance for needy families. Those families who qualify will be able to obtain Medicaid benefits for themselves and their children. Families with children under eighteen (18), very few resources and low income are encouraged to apply. To see if you qualify for Medicaid, visit <http://www.dom.state.ms.us>.

EDUCATION AND EMPLOYMENT

1. Education

Q. Do I still have to send my child to public school?

A. Yes, if the schools are still open. Please check with the local school district for the status of your school. If the school is not open, please see the next question below.

Q. What requirements are there for children of hurricane victims to enroll in K-12 public schools in Mississippi which are not their local schools?

A. Very little to none. Most school districts in Mississippi have temporarily waived normal residency requirements. Additionally, parents have an indefinite period to supply the necessary immunization forms, although parents should check with the specific school district to see what individual requirements might be.

Q. What requirements apply to higher education students?

Most requirements have been waived for at least the fall semester. You should contact the school you wish to attend for further details. The Department of Education is also offering special treatments for student loans for hurricane victims.

2. Unemployment Compensation/Disaster Unemployment Compensation

1. What is Disaster Unemployment Assistance?

Disaster Unemployment Assistance (DUA), also referred to as Disaster Relief and Emergency Assistance, is a federal program that provides temporary financial assistance to individuals unemployed as result of a major disaster declared by the President.

As of September 2, 2005, a federal disaster was declared due to Hurricane Katrina in selected counties located in Alabama (declared August 28th), Mississippi (declared August 29th), Louisiana (declared August 29th), and Florida (declared August 28th). For a current list of the states and counties and the official dates when the disaster was declared, see FEMA's website (<http://www.fema.gov/news/disasters.fema>).

2. What are the basic eligibility requirements for DUA?

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. 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 show 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.

3. How much are DUA benefit payments?

Like UI benefits, DUA benefits are paid in weekly checks, 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 (minimum state amounts listed 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.

Minimum Weekly DUA Benefits			
Alabama	Florida	Louisiana	Mississippi
\$90	\$113	\$97	\$85.50

4. How long will an individual's DUA benefits last?

The maximum duration of DUA benefits is 26 weeks. However, an individual's benefits cannot extend beyond the period when the disaster officially ends, which is about six months from the date the federal disaster was declared (that is, late February, in the case of the Hurricane Katrina disaster declared in Alabama, Mississippi, Louisiana and Florida). In addition, the DUA benefits cannot extend beyond when the recipient returns to work or self-employment or beyond the period when the individual's unemployment is no longer directly related to the disaster.

5. What are some major examples of individuals who can collect DUA?

Those who may be eligible for DUA (and typically could not get regular state UI benefits) include:

- Self-employed individuals who lost their businesses or suffered a substantial interruption of activities as a direct result of a major disaster;

- Unemployed individuals who have become the breadwinner or major supporter of their households due to the death of the head of their household directly related to the disaster;
- Individuals unemployed as a result of an injury caused as a direct result of a disaster;
- Individuals who cannot reach their employment as a result of the disaster;
- Individuals who were scheduled to start work but became unemployed because they no longer have a job as a direct result of a disaster.

6. Are workers who run out of regular unemployment insurance eligible to receive DUA?

No, not if the individual was laid off before the disaster, which means that their unemployment was not originally caused by the disaster according to the federal law. However, if the individual's unemployment was originally caused by the disaster and his or her regular state unemployment runs out before the disaster period ends, then the individual may qualify for DUA. This is especially important in several Hurricane Katrina states where regular UI benefits often end before the standard 26 weeks, depending on the individual's income and work history. For example, the minimum duration of regular state unemployment benefits in Alabama is 15 weeks, 13 weeks in Mississippi, and 21 weeks in Louisiana. Note that the individual's DUA benefits will always expire when the disaster period official ends.

7. Are workers who did not work in the disaster area also eligible for DUA if their unemployment was still directly caused by the disaster?

There are very limited situations where workers outside the disaster area can qualify for DUA if they were laid off due to their employer's loss of substantial revenue from contracts with businesses located in the disaster area. However, according to federal regulations adopted after the September 11th attacks, the employer or self-employed individual must have received at least a "majority of its revenue or income from an entity that was either damaged or destroyed in the disaster." In addition, the individual must continually establish that their unemployment remains directly related to the major disaster.

8. What steps should an individual take to apply for DUA?

To qualify for DUA, individuals must apply no later than 30 days after the disaster was officially declared (see above for the exact dates when Hurricane Katrina was declared a disaster in Alabama, Mississippi, Louisiana and Florida). 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.

Individuals who filed for DUA after exhausting their regular state UI will be considered to have "good cause" for filing beyond the 30-day deadline.

In addition, the DUA application requires proof of employment and earnings, as well as a Social Security Number. The proof of employment is due no more than 21 days after the filing of the application. 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 required documentation after the 21-day deadline may result in a benefit overpayment which can be recovered from the individual.

9. Where can an individual apply for DUA?

Each state may process DUA somewhat differently. Most states will process applications by telephone, as part of their automated telephone claims taking process for regular state UI benefits, and some state DUA applications may be processed via the Internet. If an individual is having problems filing for DUA directly by telephone or other means with the state where the disaster occurred, the individual can file an "interstate" claim in another state where he or she has relocated. These are claims that are processed by another state, but otherwise still involve most of the same rules that apply to workers applying for DUA in their home state.

For the latest information on how to file for DUA in states declared disaster areas as a result of Hurricane Katrina and in neighboring states where evacuees are relocating, we recommend that individuals and their advocates regularly check recent postings on the state's Labor Department's website (which can be accessed via <http://ows.doleta.gov/map.asp>) and the U.S. Department of Labor's website listing states services available in response to Hurricane Katrina (<http://www.doleta.gov/Katrina/FACTSHEET.cfm>).

Below is a listing of the DUA application contact numbers posted by several of the impacted states. We caution, however, that some of these contact numbers may not always provide all the necessary application information. Thus, we urge workers to regularly consult the state and federal websites referenced above for current information.

Alabama: 1-866-243-5382

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

Source: National Employment Law Project (last updated September 6, 2005).

9. Can I get Unemployment Compensation (UC) benefits?

- You must be unemployed and registered to work at a local Employment Services Office.
- You must be able to work and available for work.
- You must have covered wages in at least two calendar quarters.
- You must serve a one week waiting period.
- You can be partly disqualified if you lost your job due to simple misconduct without a warning.
- You can be totally disqualified if you:
 - Quit your job without good cause;
 - Lost your job for misconduct after warning;
 - Lost your job for failing a drug test;
 - Lost your job for doing something dishonest; or
 - Refused employment without good cause.
- If you are disqualified, you will not get benefits. You may lose the chance for future benefits.

10. What if the Department says I am not eligible for UC or DUA benefits?

- You have the right to appeal the decision within 15 days from the date on your notice.
- At the hearing, you will have an opportunity to explain to the appeals referee why you are entitled to UC or DUA. You should bring witnesses and documents with you to prove your case.

Source: Alabama Legal Services Manual

Employment-Related Immigration

1. If I lost my "green card" in the hurricane, how can I get a replacement?

- You need to fill out a **form I-90**.
- You can get the immigration form I-90 from INS by calling 1-800-375-5283 or by going to www.ins.usdoj.gov.
- Along with the I-90 you must submit two recent residency photographs (2"x2", color with a white background) and a cashier's check or money order for \$185.00. This monetary requirement might be waived.

2. If I lost my work permit in the hurricane, how can I get a replacement?

- You need to fill out immigration form I-765.
- You can get the immigration form I-765 from INS by calling 1-800-870-3676 or by going to www.ins.usdoj.gov.
- If you have a photocopy of your lost work permit, attach it to the I-765. Also include a photocopy of any papers that entitle you to a work permit, such as application of asylum, suspension of deportation or adjustment of status.
- You have to include a \$175.00 cashier's check or money order for a replacement work permit. This monetary requirement might be waived.

3. Do I need to let INS or the Immigration court know that I have moved as a result of the hurricane?

- If you have a pending case, you must inform the Immigration court of any change in address or telephone number within 5 days.
- Send Immigration form EOIR-33 to the appropriate court office.
- If you cannot obtain this form, mail a letter. In the letter include your name, alien registration number, and new address and telephone number.
- If you are in a shelter or tent site because your home was damaged, you should provide the address of a relative or friend who can receive your mail until you are able to obtain other housing.
- Be sure to include your alien registration number on all letters or forms to INS.
- Send all correspondence by certified mail and keep a copy.

Source: Alabama Legal Services

IMMIGRATION

Immigration related:

8 U.S.C 1611:

Q: I'm an alien. Can I still get some form of disaster assistance?

A: Most aliens are not eligible for federal public benefits. However, certain forms of non-cash assistance, including Medicaid for emergency medical needs and emergency disaster assistance, are available to all aliens regardless of status. Receiving those benefits will not impact immigration or residency status. You should check with an immigration attorney about your particular situation before applying for other types of benefits.

Visa information: www.workforcesecurity.doleta.gov/foreign/faqsanswers.asp

Q: I am an alien currently in the US on an H-1B visa for temporary work, and my employer has gone bankrupt or no longer exists. What should I do?

A: If your visa is an H-1B visa your status terminates immediately. You should speak with an immigration attorney immediately to review your options.

<http://uscis.gov/graphics/formsfee/forms/i-90.htm>

Q: My green card was lost or destroyed; how can I replace it?

A: You will need to fill out a Form I-90, which is available in the forms appendix, and mail the completed form along with fees (\$255) to U.S. Citizenship and Immigration Services. Full instructions are on the form.

<http://uscis.gov/graphics/formsfee/forms/ar-11.htm>

Q: I'm an alien who is not subject to Special Registration and I will need to change my address; how do I notify the government?

A: You will need to fill out a Form AR-11, which is available in the forms appendix. The completed form should be mailed via USPS to:

U.S. Department of Homeland Security
Bureau of Citizenship and Immigration
Change of Address
PO Box 7134
London, KY 40742-7134

<http://uscis.gov/graphics/formsfee/forms/n-565.htm>

Q: I need to get a replacement for my Declaration of Intent, Naturalization Certificate, Certificate of Citizenship, or Repatriation Certificate.

A: You'll need to file a N-565 form, which is available in the forms appendix. You will need to submit the form and fee (\$210) in person at the Jackson Field Office, located at:

100 West Capitol Street
Suite 727
Jackson, MS

FMLA:

29 CFR 825.302-12

Q: I, or a family member, was seriously injured and will have to take time off from work; what sorts of assistance can I expect?

A: Under the Family and Medical Leave Act (FMLA), an employee may be permitted to take up to 12 weeks unpaid leave when unable to work due to a serious medical condition, or to care for an immediate family member (spouse, parent, or child) with a serious medical condition. During those 12 weeks, the employee's group health benefits through the employer will still be in effect, though other benefits of the employment may not. The employee cannot be fired for going on unpaid leave under the FMLA.

However, not all individuals may be eligible under this federal law. The employee must have worked at a covered employer at least 1,250 hours in the past 12 months to be eligible. To be covered, an employer must employ at least fifty employees within 75 miles of the applying employee's worksite.

Q: Is there any way to get paid leave under the FMLA?

A: The FMLA provides an option for employees and employers to opt for using accrued paid leave in lieu of some or all of the unpaid leave. Check with your employer to determine their policies.

Q: How can I apply for leave under the FMLA?

A: Usually, an employee must provide his or her employer with at least 30 days notice before taking an FMLA leave. However, if the need was not foreseeable, then the employee must simply provide notice as soon as practicable; often this means some sort of verbal or written notification within at least one to two days of when the need for the leave becomes known.

The employer may ask the employee to provide medical certification to document the need for an FMLA leave; a copy of the medical certification form – WH-380 – is available in the forms section of this guide. If the employer was the individual injured, then the employer may also request a statement from a doctor that the employee is well enough to return to work.

Job searching, etc.

Q: Are there any sorts of job retraining or job search programs available through the government?

http://mdes.ms.gov/wps/PA_1_0_6A/docs/DisasterRecoveryJobApp.pdf:

A: Individuals in any county in Mississippi which has been declared a disaster area may benefit from a new program which will seek to employ 10,000 displaced workers for the recovery effort. Jobs will involve providing food, clothing, shelter, and humanitarian assistance for victims, as well as demolition, renovation and reconstruction of destroyed public structures, facilities, and lands. To apply for one of these jobs, fill out the application available in the forms appendix and either take it to your local WIN Job Center or mail it to:

Mississippi Department of Employment Security
ATTN: Temporary Recovery Jobs
Post Office 1699
Jackson, MS 39215-1699

Or fax it to: 601-321-6598

<http://www.doleta.gov/usworkforce/onestop>:

The US Department of Labor also runs the Job Career One-Stop Center, which is a federal job matching program. This is available to all workers – not just those in disaster-affected areas. Those interested may either go to <http://www.servicelocator.org> or call 1-877-US-2JOBS.

http://mississippi.gov/ms_sub_sub_template.jsp?Category_ID=7006:

Finally, the State of Mississippi encourages all those searching for employment in Mississippi to look for jobs online at <http://www.jobsearch.org/MS>. Job seekers may also attend a Governor's Job Fair; information and dates are available at <http://www.jobfairs.ms.gov/index.html>.

Environmental and Coastal Issues

1. Oil Spills

Q. I've noticed a leak of oil, chemicals, or other pollutants. Who do I call to report the spill?

A. Mississippi requires all spills of any pollutant, not just hazardous materials, that may affect state waters, land, air, or public health, to be report to the proper authorities. Spills should be reported to the 24-hour State Warning Point at the Mississippi Emergency Management Agency (601) 352-9100 or 1-800-222-6362.

Spills can also be reported to the National Response Center in Washington D.C. at (800) 424-8802 (toll free), (202) 267-2180 (direct), or (202) 267- 4477 (TTD). The NRC is the sole federal contact for reporting spills and is responsible for forwarding the information to the appropriate agency for action. When reporting a spill, provide the NRC with as much information as possible including:

- Your name, location, organization, and telephone number
- Name and address of the party responsible for the incident
- Date and time of the incident
- Location of the incident
- Source and cause of the release or spill
- Types of material(s) released or spilled
- Quantity of materials released or spilled
- Danger or threat posed by the release or spill
- Number and types of injuries (if any)
- Weather conditions at the incident location
- Any other information that may help emergency personnel respond to the incident

2. Fish Kills

Q. Where do I report a fish kill?

A. The Mississippi Department of Environmental Quality operates a fish kill hotline. To report a fish kill, please call (601) 961-5599.

BANKRUPTCY

In the wake of Hurricane Katrina, many Mississippians will find themselves jobless, with significantly less property than they had before the storm, and in debt. Fortunately, the bankruptcy process is available to provide relief to those who are unable to pay their debts. This information is intended to answer simple questions about bankruptcy. It is not intended to substitute for consultation with a qualified bankruptcy lawyer.

What is bankruptcy?

Generally speaking, bankruptcy is a process in which you (1) are relieved of most or all of your debts, and (2) arrange for repayment to creditors by reorganizing your finances or liquidating your assets. A debt that has been discharged in a bankruptcy proceeding does not have to be repaid.

When you file bankruptcy, you gain immediate protection from your creditors. This is an important benefit for people who experience sudden financial devastation, as happened to many of the victims of Hurricane Katrina.

The right to file bankruptcy is provided in Title 11 of the U.S. Code. You may have heard people refer to "Chapter 7" or "Chapter 13"; these are chapters of Title 11 and describe different forms of bankruptcy. If you have Internet access, you can view the bankruptcy laws at <http://caselaw.lp.findlaw.com/cascode/uscodes/11/toc.html>.

What type of bankruptcy should I file?

The most common types of personal bankruptcy filed by individuals are Chapter 7 and Chapter 13. Which type you file depends on your specific situation.

Chapter 7

Under Chapter 7 ("straight" bankruptcy or "liquidation") you file a petition to the court, in which you ask the court to discharge your debts. A trustee collects your property and sells (or "liquidates") the property that is not exempted by state law (see below), then distributes the proceeds to your creditors. When your debts are discharged, you are no longer legally obligated to repay them.

The advantage to Chapter 7 is the complete discharge of your debt; the disadvantage is the liquidation of your non-exempt property. You may choose to reaffirm some or all of your secured debts, in which case you can keep the property (car, house, furniture, etc.) that secures the debt. Payments must be up-to-date on any debt you choose to reaffirm.

Chapter 7 bankruptcy may be filed only once every six years. There is no minimum debt required.

Chapter 7 is typically utilized by people whose debt is largely unsecured (that is, for which there is no collateral) and who have little non-exempt property. People with valuable, non-exempt property, high income, and/or non-dischargeable debt may prefer Chapter 13.

Chapter 13

Under Chapter 13 (or "debt adjustment" or "reorganization") your creditors agree to allow you to pay off all or part of your debts over a period of three to five years, out of income you receive during that time. After that time your remaining debt is discharged.

You must have a regular source of income to file Chapter 13, because you will be making payments under your repayment plan.

Chapter 13 is typically utilized by people who have non-exempt property that they wish to keep. Such property may include a home or car in which your equity (the amount you have paid on the loan, if any) is greater than the amount exempted by statute. For example, in Mississippi tangible personal property (which includes motor vehicles, clothes, household goods, and other items) is exempt only up to a value of \$10,000. The homestead exemption is \$75,000. If the value of your tangible personal property or home exceeds these limits, Chapter 13 may be a better choice than Chapter 7.

Others

Other bankruptcy provisions include Chapters 11 and 12, but they are less commonly utilized than Chapters 7 and 13. Chapter 11 is more useful to businesses and individuals with very large debts, and Chapter 12 applies only to family farmers.

If I file bankruptcy, will I have to repay my debts?

Under Chapter 7, no. Your debts will be discharged, except for any secured debts that you have chosen to reaffirm. Under Chapter 13, you will repay your debt as specified in your repayment plan.

What debts cannot be discharged?

Although the right to declare bankruptcy is created by federal law, under state law there are some debts that cannot be discharged. In Mississippi, the following debts cannot be discharged in Chapter 7 or Chapter 13 bankruptcy:

- § Back child support, alimony obligations and other debts dedicated to family support.
- § Debts for personal injury or death caused by driving while intoxicated.
- § Student loans, unless it would be an undue hardship for you to repay.
- § Fines and penalties for violating the law, including traffic tickets and criminal restitution.
- § Recent income tax debts (within three years) and all other tax debts.

- § Debts you forget to list in your bankruptcy papers, unless the creditor learns of your bankruptcy case.

In addition, under Chapter 7 (but not Chapter 13) the court *may* declare the following debts non-dischargeable if the creditors challenge your petition:

- § Debts you incurred on the basis of fraud.
- § Credit purchases of \$1,150 or more for luxury goods or services made within 60 days of filing.
- § Loans or cash advances of \$1,150 or more taken within 60 days of filing.
- § Debts from willful or malicious injury to another person or another person's property.
- § Debts from embezzlement, larceny or breach of trust.
- § Debts you owe under a divorce decree or settlement unless after bankruptcy you would still not be able to afford to pay them or the benefit you'd receive by the discharge outweighs any detriment to your ex-spouse (who would have to pay them if you discharge them in bankruptcy).

Will I lose my property?

Under Chapter 7, you will lose property that is not protected by the exemptions, except for property that is security for a debt that you choose to reaffirm. Under Chapter 13, you may keep as much property as you can afford to under your repayment plan.

What property is exempt?

Federal and state law provide for exemptions of some property. Exempt property is protected from your creditors. This means that you may keep this property if you declare bankruptcy.

Property exempted by federal law includes:

- § Certain retirement benefits, including civil service employees, military service employees, veteran's benefits, and Social Security.
- § Certain death and disability benefits.
- § Certain survivor's benefits.
- § Miscellaneous exemptions, including military deposits in savings accounts while on permanent duty outside the continental U.S., military group life insurance, seaman's wages pursuant to a written contract, and 75% of earned but unpaid wages.

Property exempted by Mississippi law includes:

- § Occupied homestead up to \$75,000. The homestead need not be occupied if the owner is over 60 and married, a widow, or a widower.
- § Certain insurance benefits, including disability.
- § Certain pension benefits.

What does it cost to file?

It costs \$200 to file under Chapter 7. It costs \$185 to file under Chapter 13. The fee may be paid in installments.

Do I need a lawyer?

You are not required by law to hire a lawyer to file for bankruptcy. However, depending on the complexity of your situation it may be wise for you to consult a knowledgeable attorney. Chapter 13 bankruptcy is generally more complicated than Chapter 7 and is more likely to require legal assistance; for instance, in the preparation of your repayment plan.

How can I find a bankruptcy lawyer?

If you already have a relationship with an attorney, he or she may be able to do the work for you or recommend a bankruptcy attorney.

If you have Internet access, the Mississippi Bar website has a directory at <http://www.msbar.org/lawyerdirectory.php>. Unfortunately, the directory is not categorized by practice area.

You can consult your local Yellow Pages for bankruptcy attorneys in your area.

When should I file for bankruptcy?

Because of changes in federal bankruptcy law that take effect on October 17, 2005, it may be to your advantage to file before that date. The new law is not friendly to debtors.

What effects will the new bankruptcy law have?

The new law (commonly referred to in the media as "the bankruptcy bill") will restrict the availability of discharge under Chapter 7 and reduce the amount of relief available under Chapter 13. Among the specific changes:

- \$ People whose household incomes are above the median income for a household of their size may be forced to file Chapter 13 instead of Chapter 7.
- \$ The length of the automatic stay (during which time you are protected from your creditors) will probably decrease.
- \$ Debtors will be required to obtain approved credit counseling before filing. There is currently no such requirement.
- \$ Filing fees will increase. Because of the new law's complexity, it is anticipated that attorney fees will increase as well.
- \$ Car loan debt will be non-dischargeable if the car was purchased in the past two years and is now worth markedly less than the loan balance.
- \$ Certain debts arising from divorce will be non-dischargeable under Chapter 7.

III. Summary: Rendering Legal Assistance to Disaster Victims

Although each disaster is unique, the usual sequence of events is as follows:

- A. The President of the United States declares a major disaster.
- B. The declaration is forwarded immediately to the YLD Disaster Legal Services Committee Chairperson.
- C. The FEMA Regional Director requests that the YLD Committee Chair activate the appropriate local disaster legal services providers (State Chairperson and/or District Representative).
- D. The YLD local disaster services unit proceeds to hold volunteer training meetings immediately.
- E. If necessary, the YLD local disaster services provider asks volunteer attorneys to report to the local FEMA DRC to staff the legal services desks during the DRC's operation hours. The YLD, upon agreement with FEMA, will also provide a toll-free telephone number for victims to call for disaster legal assistance or referrals to other volunteer lawyers.
- F. The availability of free legal services to disaster victims is publicized, via television, radio and/or local newspapers. This publicity is coordinated between FEMA and the YLD State Chairperson or District Representative.
- G. At the legal services desk, the disaster victim completes a Legal Services Intake Form (Section IV.B.1.). If the disaster victim qualifies and has a non-fee-generating case, a volunteer lawyer at that desk may proceed to answer basic questions and provide preliminary legal advice and consultation if the problem is relatively simple. Administrative support is provided by FEMA at the DRC.
- H. If the problem is relatively complex or concerns an area of law with which the volunteer lawyer is unfamiliar, the lawyer may provide the disaster victim with the name and telephone number of another volunteer lawyer who may be contacted for further assistance.
- I. Some of the services available at the various desks established in the DRC (i.e., IRS, insurance, consumer and other representatives), might overlap those provided by the volunteer lawyers. Therefore, the volunteer lawyers are encouraged to consult with other service desks or refer victims to those desks as appropriate.
- J. If the disaster victim fails to qualify for free disaster legal services, due either to economic status or to the fee-generating nature of the case, the volunteer lawyer should refer the victim to the FEMA Regional Director for referral to a private lawyer via the local or state lawyer referral service.

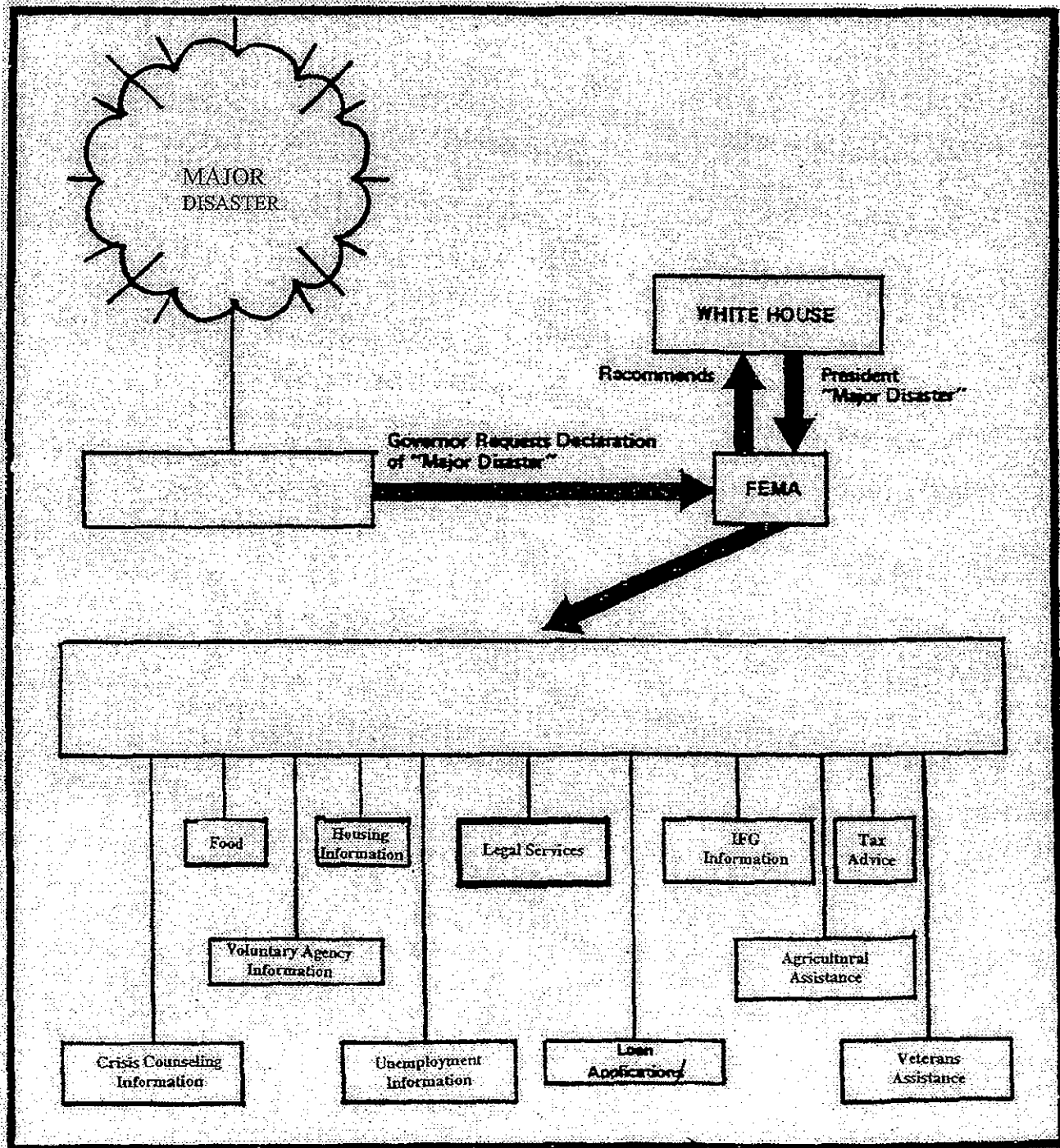
- K. Any dispute as to the non-fee-generating status of the victim's case should be resolved by the FEMA Regional Director (in consultation with the state or local bar associations, if necessary).
- L. The volunteer lawyer should keep careful notes regarding the intake, recommendations, and disposition in each case for her/his own benefit and the benefit of any lawyer who may subsequently handle the case. The volunteer lawyer will ultimately forward a copy of each Intake Form to the Mississippi Bar who will then forward it to another volunteer lawyer.
- M. For statistical and public information purposes, each lawyer should keep a record of total number of hours volunteered for forwarding to the Director of the YLD Local Disaster Unit.
- N. The State Chairperson and/or District Representative should provide an interim report (60 day) and final report (when all claims have been resolved) to the FEMA Regional Director or Federal Coordinating Officer on the number and types of cases resolved and the number and types referred. The Disaster Legal Services Assistance Summary may be useful in preparing these summaries, but narrative analyses of the services provided and unique challenges met should also be included.

THE DISASTER VICTIM MAY BE SUBJECT TO GREAT PERSONAL TRAUMA. THE VOLUNTEER LAWYER SHOULD, THEREFORE, BE SENSITIVE TO THE FEELINGS AND BEHAVIOR OF THE VICTIM, AS WELL AS RESPONSIVE TO EACH VICTIM'S LEGAL NEEDS.

DISASTER DECLARATION AND PARTICIPANTS

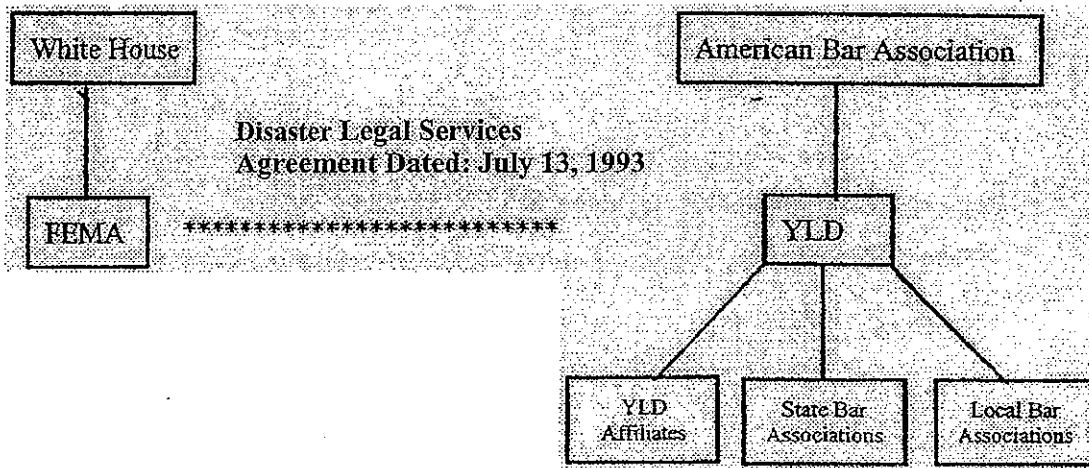
DECLARATION OF A MAJOR DISASTER

The following chart depicts the normal sequence of events which may result in the establishment of a Disaster Recovery Center (DRC), and the potential representation by other agencies active in disasters:



DISASTER DECLARATION AND PARTICIPANTS

**CHART: FEMA/YLD RELATIONSHIP
YLD/AFFILIATES, STATE and LOCAL BAR
ASSOCIATION RELATIONSHIP**



COPY

FAX

DUA *

IRS ST. TAX

*

SBA

HAZ MAT

HAZ MAT

HAZ MAT

SAMPLE DISASTER RECOVERY CENTER LAYOUT

ASSISTANCE

APPLICANT

REPS

FIELD

RECEPTION

EXIT INTERVIEW

SBA

PHONE

BANK

* OTHER AGENCIES

WAITING

IV. A: MISS. YLD DISASTER HOTLINE FLYER

If you need
Legal Assistance due to
Hurricane Katrina

please contact
The Mississippi Bar
Hurricane Katrina
Disaster Legal Assistance Hotline

1-866-255-4495

a program of

The Mississippi Bar
Young Lawyers Division
Disaster Legal Assistance Committee

DISASTER LEGAL SERVICES ASSISTANCE SUMMARY SHEET

Interviewing Attorney: _____

Please record below the requested information regarding your interview with the disaster victim. Please return this form to your ABA/YLD District Representative. Thank you for your services.

Disaster: _____

AREAS OF LAW INVOLVED:

(If an interview covered more than one area of the law, please record each)

- | | |
|--|-------|
| 1. Federal Disaster Assistance Rights | _____ |
| 2. Insurance | _____ |
| 3. Real Property | _____ |
| 4. Contract/Contractor Repair Problems | _____ |
| 5. Wills/Probate | _____ |
| 6. Landlord/Tenant | _____ |
| 7. Creditor/Debtor | _____ |
| 8. Eviction/Foreclosure | _____ |
| 9. Defense for Disaster Related Claims | _____ |
| 10. Domestic | _____ |
| 11. Employment | _____ |
| 12. Other | _____ |
| Total Number of Interviews | _____ |

Attorney _____
(signature)

Date _____

YOUNG LAWYERS DIVISION, AMERICAN BAR ASSOCIATION
DISASTER LEGAL SERVICES INTAKE FORM

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

DATE:

DISASTER NUMBER: FEMA-1604-DR (MS)

NAME OF APPLICANT:

**COUNTY OF RESIDENCE AT TIME OF
DISASTER:**

CURRENT TEL. NO.:

BEST TIME TO CALL:

CURRENT ADDRESS:

(Street, City, Zip)

PRE-DISASTER ADDRESS (if different):

(Street, City, Country, Zip)

LEGAL PROBLEMS (use reverse if needed)

MISCELLANEOUS

1. Has the caller registered for FEMA services? (not required but encouraged) Yes No
2. Does the caller otherwise have access to legal services? Yes No
3. Is the request related to the disaster? Yes No
4. Does the request involve a fee-generating case? Yes No
5. Will this call be referred to a volunteer lawyer? Yes No
6. Area(s) of law for referral _____

INTAKE VOLUNTEER NAME: (Print)

INTAKE VOLUNTEER SIGNATURE:

DISASTER LEGAL SERVICES

CASE CLOSURE FORM

DATE:

NAME AND ADDRESS OF APPLICANT:

**WHERE YOU ABLE TO MAKE
CONTACT: YES NO
IF NO, WHY NOT?**

AMOUNT OF TIME SPENT PROVIDING ASSISTANCE:

LEGAL ADVICE GIVEN/NOTES

PLEASE RETURN THIS FORM TO:

THANK YOU FOR VOLUNTEERING!

FEMA/SBA BENEFITS

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

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

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

If the caller is not entitled to monetary FEMA/SBA assistance as a result of being an undocumented alien, he or she may still qualify for other assistance such as the Red Cross

**IV. C: MISS. ATTORNEY GENERAL CONSUMER
FRAUD PROTECTION INFORMATION AND
FORM CONTRACTS**

Disaster Fraud

When disasters such as hurricanes, tornadoes, ice storms, floods, or other emergencies occur, the citizens who are in need the most are most vulnerable to fraud.

Tree Cutting and Home Improvement Fraud

Be aware that certain persons and so-called "contractors" follow disasters to victimize persons suffering losses. The Attorney General's Office of Consumer Protection offers the following advice to persons experiencing loss from a disaster:

1. Be aware of "fly-by-night" construction or cleanup crews. Do not allow yourself to be victimized by scam operators.
2. Insist upon positive identification and verify references of potential contractors. If a contractor is legitimate, he will not object to providing proper information.
3. When possible, hire local contractors who have been in business several years and are insured or bonded.
4. Insist on a written contract detailing all agreements for repair work. Insure that all charges, signatures and dates are included.
5. If possible, get two or three estimates for repairs. Then select the one that will best suit your needs. The lowest price does not always indicate the best job. Ask friends and neighbors for recommendations.

☛ SAMPLE HOME REPAIR CONTRACT

☛ FACT SHEET FOR PREVENTING HOME REPAIR FRAUD

☛ COMPLAINT FORM, Attorney General's Consumer Protection Division

Price Gouging

Merchandise and services should cost the same price after a disaster occurs as they did before the crisis. However, a merchant is allowed to recoup increased costs incurred due to the emergency. An example might be increased shipping costs to bring in items no longer available locally.

If prices of merchandise or services rise dramatically because of a disaster, price gouging may apply. For instance, a motel operator cannot double the price of rooms because they know emergency crews will be looking for accommodations. Additionally, a hardware store cannot raise the price of its current stock of plywood or electrical generators because a hurricane has been predicted to hit nearby.

Warning To Flood Victims

The U.S. Consumer Product Safety Commission (CPSC) is warning flood victims that all gas control valves, electric circuit breakers, ground fault circuit interrupters (GFCIs), and fuses that have been under water must be replaced to avoid explosions and fires. Even if these safety devices appear to

function after being submerged in a flood, they are unfit for continued use and cannot be repaired. They may eventually fail, causing explosions or fires. Other parts of gas and electric appliances that have been submerged such as fans, motors, electric circuits, and venting systems should be evaluated by a qualified technician for continued safe operation.

Silt and corrosion from flood water can damage internal components of gas control valves on furnaces, water heaters and other gas appliances. Electric circuit breakers and fuses can cause electrical shorting and prevent them from performing properly as safety devices. These items should be discarded and replaced. Smoke detectors which have been submerged should also be tested.

If you suspect home improvement scams or price gouging due to a disaster, contact your local law enforcement agency and the Consumer Protection Division of the Attorney General's Office at (601) 359-4230.

Mississippi Emergency Law

Weather Information

Mississippi Emergency Management Agency

Federal Emergency Management Agency

More Consumer Protection Information

Try these links to sites with additional consumer protection information:

Federal Trade Commission -- Consumer alerts, telemarketing and internet fraud, and more

Consumer Information Center -- Government brochures, pamphlets, and booklets

Consumer Product Safety Commission -- Product recalls, press releases, reporting of defective products

National Fraud Information Center -- Daily alerts on new scams including internet fraud, excellent links to other helpful sites

National Highway Traffic Safety Commission -- Recalls of automobiles, information on air bags, highway safety issues

HOME REPAIR CONTRACT

Company's Name _____

Street Address _____

Mailing Address _____

Telephone Number _____

Representative's Name _____

Buyer's Name _____

Address _____

Telephone Number _____

This model contract is distributed by the Consumer Protection Division of the Office of the Attorney General. The Consumer Protection Division does not endorse or recommend any company or individual who might use this form.

PROPOSAL

Starting Date: _____ Completion Date: _____

ITEMIZED COSTS

Materials: Type, Description, Quantity

Labor: Description

Total Cost: Material & Labor _____

Down payment _____ Balance Due: _____

(To be paid on satisfactory completion or schedule based on completed work. See Note)

ACCEPTANCE OF PROPOSAL

The above prices, specifications and conditions are satisfactory and I accept them as written. Any additional to this proposal will be in writing and initialed by both parties.

Buyer's
Signature _____

Date of Acceptance

WARRANTY/GUARANTEE

Signature of
Seller _____

Date _____

RECEIPT FOR CASH DOWN PAYMENT

(NOT TO EXCEED 25% OF TOTAL CONTRACT)

Received from _____ \$ _____

Signature of Seller _____

Date _____

HOME REPAIR CONTRACT

Company's Name _____

Street Address _____

Mailing Address _____

Telephone Number _____

Representative's Name _____

Buyer's Name _____

Address _____

Telephone Number _____

This model contract is distributed by the Consumer Protection Division of the Office of the Attorney General. The Consumer Protection Division does not endorse or recommend any company or individual who might use this form.

PROPOSAL

Starting Date: _____ Completion Date: _____

ITEMIZED COSTS

Materials: Type, Description, Quantity

Labor: Description

Total Cost: Material & Labor _____

Down payment _____ Balance Due: _____

(To be paid on satisfactory completion or schedule based on completed work. See Note)

ACCEPTANCE OF PROPOSAL

The above prices, specifications and conditions are satisfactory and I accept them as written. Any additional to this proposal will be in writing and initialed by both parties.

Buyer's
Signature _____

Date of Acceptance _____

WARRANTY/GUARANTEE

Signature of
Seller _____

Date _____

RECEIPT FOR CASH DOWN PAYMENT

(NOT TO EXCEED 25% OF TOTAL CONTRACT)

Received from _____ \$ _____

Signature of Seller _____

Date _____

10. Keep a signed readable copy of the contract in a safe place.

NOTE: Often on large projects payment is based on portions of completed work. Such as: 25% of total payment is due when 25% of the work has been satisfactorily completed.

For more information call

1-800-281-4418 (toll free in MS)

or 601-359-4230.

Sample Complaint Letter

(Your Address)
(Your City, State, ZIP Code)
(Date)

(Name of Contact Person, if available)
(Title, if available)
(Company Name)
(Consumer Complaint Division, if you
have no contact person)
(Street Address)
(City, State, ZIP Code)

Dear (Contact Person):

Re: (Account number, if applicable)

On (date), I bought, leased, rented, or
had repaired) a (name of the product with
serial or model number or service performed)
at (location, date and other important
details of the transaction).

Unfortunately, your product (or service)
has not performed well (or the service was
inadequate) because (state the problem). I
am disappointed because (explain the problem;
for example, the product does not work properly,
the service was not performed correctly, I was
billed the wrong amount, something was not
disclosed clearly or was misrepresented, etc).

To resolve the problem, I would appreciate
your (state the specific action you want--money
back, charge card credit, repair, exchange, etc.)
Enclosed are copies (do not send originals) of
my records (include receipts, guarantees,
warranties, canceled checks, contracts, model and
serial numbers, and any other documents).

I look forward to your reply and a resolution
to my problem, and will wait until (set a time
limit) before seeking help from a consumer
protection agency or the Better Business Bureau.
Please contact me at the above address or by
phone at (home and/or office numbers with area
codes).

Sincerely,

(your name)

Enclosure(s)

cc: (reference to whom you are sending a copy of
this letter, if anyone)

>describe
purchase

>name of
product,
serial
numbers

>ask for
specific
action

>enclose
copies of
documents

>include date and
place of purchase

>state problem

>give history

>allow time for action

>state how you can
be reached

KEEP COPIES OF YOUR LETTER AND
ALL RELATED DOCUMENTS.

Do you know of others with similar complaints against this company?

Phone

SUMMARY OF COMPLAINT (Briefly describe your complaint. Include specific dates. Please remember a copy of this form will be given to the business. Attach additional sheets if necessary.)

Attach COPIES of any relevant documents such as letters, bills of sale, contracts, warranties, advertisements, work orders, bills, etc. DO NOT SEND ORIGINALS TO THIS OFFICE.

CHECK ACTION DESIRED: Repair item Replace item Refund (amount \$)

[illegible]

AFFIDAVIT

By signing this complaint, I consent for my name to be used by the Attorney General's Office in any subsequent legal action that is deemed necessary.

I hereby swear or affirm that the above statements are true and correct to the best of my knowledge.

Date _____

[illegible]

OFFICE USE ONLY

Refer to:	Code:	Comments:
	Restitution:	

IV. D: AGREEMENT BETWEEN ABA/YLD AND FEMA

AGREEMENT BETWEEN THE AMERICAN BAR ASSOCIATION
ON BEHALF OF ITS YOUNG LAWYERS DIVISION
AND
OFFICE OF DISASTER ASSISTANCE PROGRAMS
FEDERAL EMERGENCY MANAGEMENT AGENCY
CONCERNING DISASTER LEGAL SERVICES

The Federal Emergency Management Agency (FEMA), and the Young Lawyers Division (YLD) of the American Bar Association enter into the following Agreement (the Agreement) concerning legal services which may be provided to disaster victims in the aftermath of a "major disaster" as defined in the Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1974, Public Law 93-288, as amended (the Act).

FIRST: The YLD, through the YLD Disaster Legal Assistance Committee (the Committee) agrees to assist FEMA in providing legal services to low income disaster victims, upon FEMA's request. The YLD agrees to perform the following basic management, planning, and mobilization tasks:

1. Maintain a roster of YLD District Representatives for all States and a roster of State Chairs for those States in which it is determined, in consultation with FEMA, that disasters occur with sufficient frequency to warrant standing State Chairs.
2. Provide initial and periodic training to the YLD District Representatives and State Chairs using training videotapes and printed developed in cooperation with FEMA, and such other methods and/or materials as may be appropriate.
3. Oversee the mobilization of State and local attorneys to provide free legal services to disaster victims.
4. Maintain direct communication with FEMA at the national, regional, and field office levels, and serve as a conduit in transmitting materials received from FEMA and other Federal agencies.
5. Provide such additional services as are agreed upon by the parties to the Agreement.

SECOND: When the President declares a major disaster under the Act, and when the Regional Director of FEMA determines that legal services must be provided to disaster victim pursuant to the Act, the FEMA Regional Director or his/her designee shall notify the YLD Committee Chair, and the YLD Staff Director prior to contact with any other State or local bar organization, affiliate or legal services organization. The purpose of such notification shall be to advise the YLD of the declaration and of the extent of legal services to be provided by the YLD, or other bar or legal services organizations, if any. FEMA in its discretion, may call upon the YLD to

assist in providing legal services to disaster victims pursuant to this Agreement. Should FEMA request the assistance of the YLD, the YLD shall, with the assistance and oversight of FEMA, have sole and complete responsibility for coordinating legal efforts with all other State and local bar organizations, affiliates and legal services organizations.

THIRD: Upon a request for assistance from FEMA, the YLD Committee Chair or his/her designee will contact the YLD State Chair for the State(s) in question. If there is no YLD State Chair, the YLD Committee Chair shall contact the State's YLD District or the Chair of the YLD State Affiliate who will appoint a State Chair. The YLD Committee Chair will provide YLD State Chair with specific details about the areas involved in the major disaster declaration. The YLD State Chair will activate State and local attorneys to provide free legal services to disaster victims; provide a list of participating attorneys, by county served, to the FEMA Regional Director or his/her designee; notify the FEMA Regional or his/her designee of all organizations cooperating in the provision of services; provide training videotapes and printed materials developed in cooperation with FEMA; and such other methods and/or materials as may be appropriate; and make arrangements for appropriate locations where disaster victims may call for legal assistance. The YLD shall perform these functions by seeking the cooperation of the State or local bar associations or other legal services organizations. All attorneys activated under this Agreement shall be under the general direction of FEMA. The YLD Committee, like all Federal disaster assistance programs, is subject to coordination by the Federal Coordinating Officer.

FOURTH: "Legal services," for the purpose of this Agreement, shall mean legal counseling and advice, referral to appropriate sources of disaster assistance, representation in non-fee-generating cases, and at the discretion of the Regional Director or his/her designee, referral of cases to other sources of legal aid, if appropriate.

"Low-income" disaster victims are those who have insufficient resources to secure adequate legal services, whether the insufficiency existed prior to or results from the major disaster.

"Fee-generating cases" (for the purpose of this Agreement, those cases which would not normally be rejected by local lawyers because of their potential remunerative value despite the low-income status of the client or because of the client's ability to pay) shall not be accepted by attorneys operating under this Agreement. Legal services are authorized only to assist disaster victims in securing benefits under the Act, and in resolving claims arising out of the disaster. While operating under this Agreement, participating attorneys may not initiate, or counsel a disaster victim to initiate litigation against the Federal, State, or local Governments, with respect to obtaining disaster assistance.

"Participating attorney" shall mean those lawyers from State and local bar organizations and legal services organizations, who volunteer under this Agreement to provide legal services to victims of a major disaster.

FIFTH: No compensation shall be paid to or accepted by participating attorneys, nor may participating attorneys accept any fee-generating cases. Participating attorneys should notify

the FEMA Regional Director, or his/her designee of any fee-generating cases. Such fee-generating cases shall be referred by the FEMA Regional Director, or his/her designee, to private attorneys through existing referral services. Where such referrals are impractical or impossible, the FEMA Regional Director, or his/her designee may provide a list of attorneys from which disaster victims may choose. The FEMA Regional Director, or his/her designee may compile such lists of attorneys with the cooperation and assistance of participating attorneys. Participating attorneys are encouraged to refer to local private attorneys, through the FEMA Regional Director, or his/her designee, any matters they are handling when it becomes apparent that substantial legal effort will be required to resolve the problems, and where referral can be done without jeopardizing the interests of the disaster victims.

SIXTH: Disaster legal services volunteers shall perform in accordance with Section 415 of the Act and the regulations pertaining to that Section. The participating attorneys will undertake to review the training materials provided by the YLD and FEMA. At its discretion, FEMA will also assist in the training of participating attorneys through payment of travel expenses to FEMA-sponsored training sessions, meetings with FEMA regional personnel, and any other means it considers useful.

SEVENTH: FEMA agrees to provide all attorneys and/or organizations coordinated by the YLD State Chair to provide services under this Agreement with administrative support or reimbursement for reasonable administrative expenses, including office space and supplies, secretarial services, and official phone expenses in connection with disaster relief services rendered at FEMA's request. FEMA also agrees to reimburse the YLD Committee, the YLD District Representatives, and the YLD State Chairs for reasonable administrative expenses incurred in conducting Committee work such as training, phone expenses, printing and distribution costs, and travel approved in advance by FEMA.

EIGHTH: FEMA considers the attorneys providing these free services to be "volunteer independent contractors," not employees or agents of the Federal Government. Under this Agreement, FEMA coordinates the use of participating attorneys, but exercises no control over the attorney/client relationship. No participating attorney shall be held liable by FEMA for malpractice associated with his/her performance under this Agreement. Nor shall FEMA or the United States be responsible for the negligence or misconduct of any participating attorneys who provide legal services pursuant to this Agreement.

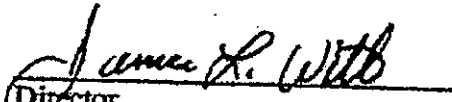
NINTH: In the event that FEMA, in its discretion, does not call upon the YLD to assist it in providing legal services, nothing in this Agreement, nor in the plans developed pursuant to this Agreement, precludes FEMA from providing legal services in any other manner it selects, including, without limitation, arrangements with Federal agencies or through implementation of agreements between FEMA and State or local bar associations, or in any other manner, provided that FEMA notifies the YLD Committee Chair and the YLD Staff Director, prior to taking such action. In all such cases, the YLD will be relieved of any obligations arising out of this Agreement.

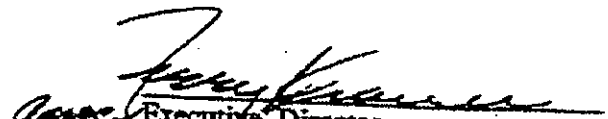
TENTH: As required by Section 308 of the Act, the disaster legal services program provided for

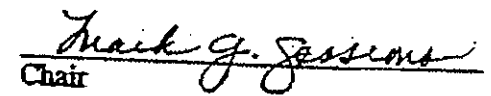
under this Agreement shall be accomplished in an equitable and impartial manner, without discrimination on the grounds of race, color, religion, nationality, sex, age, or economic status. FEMA has determined that the provision of legal services to low income individuals, as required by Section 415 of the Act, is not inconsistent with the Section 308 of the Act.

ELEVENTH: This Agreement may be terminated by either party by providing written notice of termination to the other. Termination will be effective 90 days after receipt of the other party's notice of intent to terminate.

IN WITNESS THEREOF, the parties named below have executed this Agreement on the Thirteenth day of July, 1993:


Director
Federal Emergency Management Agency


Executive Director
American Bar Association


Chair
Young Lawyers Division
American Bar Association

IV. E: INSURANCE COMPANY PHONE NUMBERS

HURRICANE INSURANCE INFORMATION C

FIND YOUR INSURANCE COMPANY

UPDATE

SETTLING CLAIMS

NEWS MEDIA

FACTS AND STATISTICS

LINKS/RESOURCES

FIND YOUR INSURANCE COMPANY

ABOUT HIG

CONTACT

MEDIA ADVISORY: Insurance Claim Contact Information

INSURANCE INFORMATION INSTITUTE

Contact: Press Offices

New York: 212-346-5500; media@iii.org

Wash. D.C.: 202-833-1580

Bill Bailey: 617-510-5243

NEW YORK, September 2, 2005 Policyholders with questions regarding their coverage for damage cause Katrina should contact their insurance agent or company representative. To assist consumers, special toll-free lines have been set up by insurance companies. This and other hurricane-related information can be found at <http://www.disasterinformation.org/>.

Here is a list of claim contact numbers from the Insurance Information Institute; please note that it is being updated on a daily basis:

A

AAA Insurance (Auto Club Family Insurance Company) 800-222-7623 ext. 5000
 ACE USA Clients receive individual 800 numbers or call 800 433-0385 (ACE USA/INAMAR Marine claims); (Disaster Mortgage Protection claims)
 Acuity 800-242-7666
 Alfa Insurance Group 888-964-2532
 Alabama Municipal Insurance Corporation 866-239-AMIC
 Allmerica 800-628-0250
 Allstate 800-54-STORM (800-547-8676)
 Allstate Floridian Insurance Company 800-54-STORM (800-547-8676)
 American Bankers Insurance Company 800-245-1505
 American Federation Insurance Company 800-527-3907
 American General Property Insurance Company of Florida 800-321-2452
 American International Group, Inc. (AIG) Call the toll-free number located on your policy; if you cannot access toll-free 877-AIG-0304
 American National Property & Casualty Company & Affiliates 800-333-2861
 American Reliable Insurance Company 800-245-1505
 American Skyline Insurance Company 888-298-5224
 American Strategic Insurance 866-ASI-LOSS (274-5677)
 American Superior Insurance 954-577-2202
 Arch Insurance 800-817-3252
 Argus Fire & Casualty 866-291-4609
 Armed Forces Insurance Exchange 800-828-7736
 Atlantic Mutual Insurance Company 800-945-7461
 Atlantic Preferred Insurance Company 800-673-4952
 Auto Club Family Insurance Company (ACFIC) 800-222-7623 ext. 5000
 Auto Owners Insurance Group (Palm City) 800-783-1269
 Auto Owners Insurance Group (Ft. Meyers) 800-437-2256
 AXA Re Property and Casualty 800-216-3711

B

Bankers Insurance Company 800-765-9700
 Bankers Security Insurance Company 800-765-9700
 Bituminous 800-475-4477
 Bristol West Insurance Group 800-BRISTOL

C

Capital Preferred 800-734-4749 or 888-388-2742
 Catawba Insurance 800-711-9386
 Century Surety Insurance Company 800-850-0422
 CHUBB Insurance Group 800-252-4670 (800-CLAIMS-0)
 Church Mutual Insurance 800-554-2642

Citizens Property Insurance Corp. 866-411-2742 (866-411-CPIC)
Cincinnati Insurance Company (call your local agent first and then 1-877-242-2544)
Clarendon National Insurance Company 800-216-3711
Clarendon Select Insurance Company 800-509-1592
CNA 877-262-2727
Colony Insurance Company 800-577-6614 ext. 1715
Companion Property & Casualty 800-649-2948
Cotton States Mutual Group 800-282-6536
CUNA Mutual 800-637-2676
Cypress 888-352-9773

E

EMC Insurance Companies 800-910-4988
Encompass Insurance Company 800-588-7400
Erie Insurance Group 800-367-3743

F

Farmers 800-435-7764
FCCI (first report of injury) 800-226-3224
Federal Mutual 888-333-4949
Federated National Insurance Company 800-420-7075
FEMA 800-621-3362 (800-621-FEMA)
Fidelity & Casualty Insurance Company 800-725-9472
Fidelity National Insurance Company 800-220-1351
Fidelity National Property and Casualty Insurance Company 800-725-9472
Fireman's Fund 888-347-3428 (888-FIREHAT)
First Floridian 800-252-4633 (800-CLAIM33) (personal); 800-238-6225 (business)
First Premium Insurance Group (Lloyd's Mobile Home) 800-432-3072
First Protective Insurance Company 877-744-5224
First Trenton 800-468-7341
Florida Family Insurance Company 888-486-4663 or 888-850-4663
Florida Farm Bureau Insurance Companies 800-330-3327
Florida Select 888-700-0101
Florida Preferred Property Insurance Company 800-673-4952
FM Global 877-639-5677 (877-NEWLOSS)
Foremost Insurance Company 800-527-3907

G

GE Employers Re 866-413-8978
GEICO 800-841-3000
General Star Indemnity Company 800-624-5237
General Star National Insurance Company 800-624-5237
Georgia Casualty & Surety 800-278-8279 (claim reporting); 866-458-7506 (claim dept.)
Georgia Farm Bureau 866-842-3276
GMAC Insurance (Auto Claims) 800-468-3466
Granada Insurance Company 800-392-9966
Great American 800-221-7274
Guide One 888-748-4326

H

Hanover Insurance (Allmerica) 800-628-0250
Harbor Insurance Company 800-216-3711
The Hartford 800-243-5860
Hartford Insurance Company of the Midwest 800-637-5410 or 800-243-5860
Hartford Steam 800-HSB-LOSS
Holyoke Mutual 800-225-2533

I

ICAT 866-789-4228
Industrial Risk Insurers 860-520-7347 (Business claims)
Interstate Fire & Casualty 800-456-8458, ext. 770

L

Liberty Mutual 800-2CLAIMS (800-225-2467)
Louisiana Citizens Property Insurance Corporation 800-931-9548
Louisiana Farm Bureau 866-275-7322

M

Main Street America Group 877-282-3844
Mercury Insurance Group 800-987-6000
MetLife Auto & Home 800-854-6011
Mississippi Farm Bureau 866-275-7322
Mississippi Residential Property Insurance Association 800-931-9548
Mississippi Windstorm Underwriting Association 800-931-9548

N

National Flood Insurance Program (NFIP) 800-621-3362
National Insurance Company 800-239-2121
Nationwide 800-421-3535
North Pointe Insurance Company 877-878-1991

O

Ohio Casualty and West American Insurance Company 888-701-8727
Old Dominion Insurance Company 877-425-2467 or 800-606-7992
Omaha Property & Casualty 800-638-2592 (Flood only)
Omega Insurance Company 800-216-3711
OneBeacon 877-248-4968

P - Q

Poe Financial Group 800-673-4952
Progressive Auto Insurance 800-PROGRESSIVE (766-4737)
QualSure Insurance Corp. 877-563-0150

R

Regency (Tower Hill) 800-216-3711
Republic Fire & Casualty (Homeowners, Dwelling Fire, Auto & Commercial) 800-451-0286
Republic Group (Republic Fire & Casualty, Republic Underwriters Southern Ins Co, Southern Underwriters
Republic Underwriters (Commercial) 800-451-0286
RLI Insurance Company 800-84-ROYAL (800-444-0406)
Royal & SunAlliance 800-847-6925

S

Safeco 800-332-3226
Scottsdale Insurance Company 800-423-7675
Security National Insurance Company 800-BRISTOL
Selective 866-455-9969
Service Insurance Company 800-780-8423
Shelter Insurance Group 800-SHELTER (800-743-5837)
Sompo Japan 800-444-6870
Southern Family Insurance Company 800-673-4952
Southern Fidelity 866-874-7342
Southern Insurance Company (Commercial) 800-451-0286
Southern Underwriters (Commercial) 800-451-0286
Southwest Business Corp. (Lloyd's Excess Flood) 800-527-0066 ext. 7389
St. Johns Insurance Company 800-748-2030
St. Paul Insurance Companies 800-CLAIM 33 (800-252-4633) -Auto and Home Claims; 800-STPAUL (800-Business Claims
St. Paul Travelers 800-CLAIM33 (800-252-4633) - Auto and Home Claims; 800-787-2851 - Business Claim:
Flood Claims; 800-772-4483 ? Boat/Yacht Claims
State Farm Insurance 800-SF-CLAIM (800-732-5246)
Sunshine State Insurance Company 877-329-8795

T

TAPCO 888-437-0373
Texas Farm Bureau 800-772-6535
Tower Hill Insurance Companies 800-216-3711 or 800-509-1592
Travelers 800-252-4633 (800-CLAIM 33) ? Personal Claims; 800-238-6225 - Business Claims; 800-356-661
Travelers Boat & Yacht 800-772-4482
Travelers WC (first report of injury) 800-238-6225

U

IV. F: BANK PHONE NUMBERS

Bank Appendix

Banks with Branches Potentially Affected in Mississippi

<u>Bank:</u>	<u>Customer Service Phone Number:</u>	<u>Web Site:</u>
Bank of Anguilla	662-873-4346	n/a
Bankcorp South Bank	888-797-7711	www.bancorpsouth.com
Bank of Yazoo City	662-751-1045	n/a
BankPlus	888-811-7587	www.bankplus.net
Century Bank	800-841-8353	n/a
Community Bank	228-896-7759	www.communitybank.net
The Peoples Bank	228-435-5511 800-873-6468	www.thepeoples.com
Citizens Bank	601-736-2601	www.citizensbk.com
The Citizens National Bank of Meridian	601-693-1313	www.ecitizensnationalbank.com
The Citizens Bank of Philadelphia	601-656-4692	www.thecitizensbankphila.com
First Bank & Trust of MS	662-283-2536	www.fbtmonline.com
First Federal Bank for Savings	601-731-6005	n/a
The First, A National Banking Association	601-268-8998	www.thefirstbank.com
Grand Bank for Savings	601-264-0179	n/a
Great Southern National Bank	800-473-2265	www.gsnb.com
Hancock Bank	800-448-8812	www.hancockbank.com
Merchants & Farmers Bank	662-289-5121	www.mfbank.com

Newton County Bank	601-683-3101	www.newtoncountybank.com
Pike County National Bank	601-684-7575	n/a
Regions Bank	800-REGIONS	www.regions.com
Richton Bank & Trust Co.	601-788-6301	n/a
State Bank & Trust Co.	662-453-6811	www.statebank1898.com
Trustmark National Bank	601-961-6000 800-243-2524	www.trustmark.com

IV. G: FREQUENTLY NEEDED PHONE NUMBERS

HURRICANE KATRINA

Resource Referral Listing

Updated by The MS Bar YLD 9/30/05

MS Bar YLD Disaster Legal Assistance	1-866-255-4495
Red Cross	1-866-Get-Info or 1-866-438-4636
Red Cross Expanded Services	1-800-975-7585
Red Cross Donations	1-800-Help-Now or 1-800-435-7663
Red Cross Family Links Hotline (for locating friends & family)	1-877-LOVED-1S or 1-877-568-3317
FEMA	1-800-621-FEMA or 1-800-621-3362
MEMA	601-352-9100
Salvation Army	1-800-735-2769
Alabama Disaster Legal Assistance Hotline	1-800-354-6154
Louisiana Disaster Legal Assistance Hotline	1-800-310-7029
Texas Disaster Legal Assistance Hotline	1-800-504-7030
MS Dept of Insurance	1-800-562-2957
MDOT Traffic Hotline	601-359-7017
Medical Crises	1-866-230-8674 or 601-360-0400
Attorney General	
General #	601-359-3680
Consumer Protection	1-800-281-4418 or 601-359-4230
MESC	
	1-866-368-7872
	1-888-844-3577
USDA	
Rural Development Program	1-800-548-0071
Food Stamps	1-800-948-3050
Replacement Card	1-866-449-9488
Social Security Information	1-800-772-1213
Medical Personnel:	
Doctors call	601-987-3079
EMTs call	601-576-8085
Nurses call	601-497-8022
INS (N.O. Office relocated)	1-800-375-5283
842 Virginia Run Cove	
Memphis, TN 38122	
Hours of Operation: Mon – Thurs: 7:00 a.m. – 2:00 p.m., Fri: 7:00 a.m. – 1:00 p.m. If no green card, can't get FEMA; INS determines what they get.	

Legal Services (for open cases) **1-800-959-6752 ext. 232**

To report missing persons, please access the following link to complete the Missing Person Form.
<http://www.familylinks.icrc.org/katrina/locate>