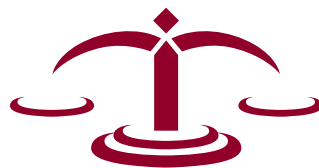




THE ILLINOIS STATE BAR ASSOCIATION

# Disaster Legal Services Manual

*A Resource for Illinoisans and Illinois Lawyers*



**ILLINOIS STATE  
BAR ASSOCIATION**

Springfield • Chicago • 800-252-8908  
[www.isba.org](http://www.isba.org)

*Need help finding a lawyer?*  
[www.illinoislawyerfinder.com](http://www.illinoislawyerfinder.com) or 800-922-8757

**A special thanks to the following individuals and organizations that drafted this manual.**

Joel Chupack, Heinrich & Kramer, PC, Chicago IL

Michael Gilmartin, Chuhak & Tecson, PC, Chicago, IL

Honorable Julie Keehner Katz, Associate Circuit Judge, St. Clair County

Michael Lied, Howard and Howard, Peoria, IL

Angela Peters, Buffalo Grove Law Offices, Arlington Heights, IL

Susan Simone, Land of Lincoln Legal Assistance Foundation, East St. Louis

Emily Vivian, Ehrmann, Gehlbach, Badger & Lee, Dixon, IL

Lois Wood, Land of Lincoln Legal Assistance Foundation, East St. Louis

An additional special thanks to the Iowa State Bar Association for allowing the Illinois State Bar Association to model this handbook off of a similar Iowa publication, "The Iowa State Bar Association Disaster Legal Services Manual."

**June , 2011**

***\*\*Readers should check back periodically as this information may be updated\*\****

## **TABLE OF CONTENTS**

I.	Public Benefits in Illinois .....	1
II.	Housing Issues .....	2
III.	Consumer Protection Issues .....	12
IV.	Replacing Lost Documents .....	24
V.	Employer/Employee Issues .....	30
VI.	Wills and Estates .....	37
VII.	Disaster Preparedness Checklist.....	43

## **APPENDIX**

VIII.	Farm Disaster Assistance .....	A1
-------	--------------------------------	----

## **I. PUBLIC BENEFITS IN ILLINOIS**

- a) Disaster Food Stamps/SNAP: The federal Food and Nutrition Services may approve Disaster Food Stamps/SNAP for a federally declared disaster area. The Disaster SNAP program has special application, timeframe, eligibility and verification requirements. The time frame may be as short as 10 days from the date of the disaster declaration. Application for Disaster Food Stamps/SNAP is made through the Illinois Department of Human Services. Disaster Food Stamps/SNAP may be available for victims of disasters who may not otherwise be eligible for Food Stamps/SNAP.
- b) Food bought with Food Stamps/SNAP benefits may be replaced if destroyed in a disaster that was beyond the household's control (i.e., fire, flood, tornado). A written request for replacement must be made within ten (10) calendar days of the disaster and the disaster must be proven. Food may also be replaced if lost due to a power outage of at least 4 hours, if the outage was not due to nonpayment of utility service or mechanical problems (i.e., refrigerator broke down).
- c) The unreimbursed costs of repairing a damaged or destroyed home due to natural disaster can be factored into the calculation of the amount of Food Stamp/SNAP benefits available to a household.
- d) Crisis Assistance may be available for families that are current recipients or eligible applicants of Temporary Assistance for Needy Families (TANF) through the Illinois Department of Human Services. Crisis Assistance payments may be provided when: i) a family is homeless due to fire, flood or a natural disaster; or ii) a family lacks food, necessary furniture, clothing and/or household supplies due to fire, flood or a natural disaster.

## **FEDERAL TAXES**

The National Disaster Relief Act provides a broad package of tax benefits that may be used by anyone who is affected by a federally-declared disaster. More information is available at: <http://www.irs.gov/irs/article/0,,id=203056,00.html>

## II. HOUSING ISSUES

### Landlord/Tenant

#### ***Question #1: May I terminate my lease because of the disaster?***

It depends. In Illinois, the common law rule is that absent any agreement between the parties, when land and buildings are destroyed, the tenant is not excused from the covenant to pay rent if anything remains to which the lease may attach. See Lewis v. The Real Estate Corp., 6 Ill.App.2d 240, 244, 127 N.E.2d 272, 276 (1<sup>st</sup> Dist. 1955). However, if the “destruction was total, so that there was nothing upon which the lease could operate, and its ground is that the destruction of the entire subject matter of the contract extinguishes the estate for years, and, the interest of the lessee being entirely destroyed, the agreement to pay rent is extinguished.” Humiston, Keeling & Co. v. Wheeler, 175 Ill. 514, 51 N.E. 893 (1898). For example, if a room or apartment or building is destroyed, then the lease may be terminated. However, the room or apartment or building leased must be destroyed before the lease can be terminated. In other words, mere damage or injury is not sufficient to terminate a lease.

However, Illinois law also recognizes the concept of “constructive eviction.” Constructive eviction is “something of a serious and substantial character done by the landlord with the intention of depriving the tenant of the beneficial enjoyment of the premises in accordance with the terms of the lease.” Dell’Armi Builders, Inc. v. Johnston, 172 Ill.App.3d 144, 148, 526 N.E.2d 409, 411 (1<sup>st</sup> Dist. 1988). That is, if a landlord breaches his covenant to repair and the leased premises become unfit for the purposes for which they were leased, and, as a result of the landlord’s breach, the tenant abandons the premises, the tenant is discharged of his or her liability to pay rent and otherwise comply with the terms of his or her lease. *Id.* However, the tenant must provide the landlord with a reasonable opportunity to remedy the problem before abandoning the premises. *Id.* at 149, 526 N.E.2d 412. Also, whether a constructive eviction has occurred depends on the specific facts of the case.

NOTE: Most leases have specific provisions that apply if the space is totally destroyed, and these provisions dictate the rights of the tenant and landlord.

#### ***Question #2: If the premises are totally uninhabitable because of the disaster, do I have to permanently move out even though I want to stay?***

You must move out if the dwelling is totally destroyed, and it is unlawful to remain in the home. However, the landlord may agree to keep the lease in force while the dwelling is being repaired.

Most landlords should be willing to keep the lease in force and suspend all rent payments if the tenant does not stay in the dwelling while the landlord is trying to repair

or restore the damage from the disaster. In major repair situations, the landlord usually wants the premises empty for efficient repair and avoidance of personal injury liability. If you would like to keep the lease in force and suspend all rent payments until the dwelling is repaired, you should discuss this with your landlord.

**Questions #3: *If the dwelling is partially uninhabitable because of the disaster and if I don't want to permanently move out, can my rent be partially abated (temporarily reduced)?***

Absent an agreement with the landlord, probably not. In Illinois, only if the "destruction was total, so that there was nothing upon which the lease could operate" is the agreement to pay rent extinguished. See Humiston, Keeling & Co. v. Wheeler, 175 Ill. 514, 51 N.E. 893 (1898). Therefore, if the entire subject matter of the lease is not destroyed, the exception does not apply and the Illinois common law rule applies, that is, absent any agreement between the parties, when land and buildings are destroyed, the tenant is not excused from the covenant to pay rent. See Lewis v. The Real Estate Corp., 6 Ill.App.2d 240, 244, 127 N.E.2d 272, 276 (1<sup>st</sup> Dist. 1955).

NOTE: Most leases have specific provisions that apply if the dwelling is totally or partially destroyed, and these provisions dictate the rights of the tenant and landlord. In addition, whether the dwelling is totally or partially destroyed is a question of fact that must be decided on a case-by-case basis.

**Question #4: *May I withhold payment of rent because of the disaster or because the landlord failed to timely repair the dwelling after the disaster?***

In general, no. Illinois law, specifically the Residential Tenants' Right to Repair Act, provides a tenant with options to get certain repairs made. If, after the disaster, the lease has not been terminated, the tenant has the right to repair and deduct the amount of the repair (limited by the lesser of \$500 or one-half of the monthly rent) from the payment of rent if the landlord does not timely repair. 765 ILCS 742/5. The tenant must have notified the landlord of the intention to make the repairs at the landlord's expense. Only if the landlord fails to make the repair within 14 days after being notified (or more promptly as conditions require in the case of an emergency) may the tenant have the repair made at the landlord's expense. 765 ILCS 742/5. The repair must be one which is part of the landlord's responsibility under a residential lease agreement or required under a law, administrative rule, or local ordinance or regulation. 765 ILCS 742/5. In addition, the tenant may only deduct the repair from his or her rent (not to exceed the limits specified above) after the tenant has submitted to the landlord a paid bill from an appropriate tradesman or supplier unrelated to the tenant. 765 ILCS 742/5.

Note: There are several exceptions to the Residential Tenants' Right to Repair Act. Specifically, the Residential Tenants' Right to Repair Act does not apply to: (a) public housing as defined in Section 3(b) of the United States Housing Act of 1937, as amended from time to time, and any successor Act; (b) condominiums; (c) not-for-profit corporations organized for the purpose of residential cooperative housing; (d) tenancies

other than residential tenancies; (e) owner-occupied rental property containing six or fewer dwelling units; and (f) any dwelling unit that is subject to the Mobile Home Landlord and Tenant Rights Act. 765 ILCS 742/10.

***Question #5: Do I have to keep paying rent to my landlord while I am not living at my house/apartment?***

It depends. If it has been determined that the destruction to the dwelling was total so that there is nothing upon which your lease can operate, the agreement to pay rent is extinguished. Humiston, Keeling & Co. v. Wheeler, 175 Ill. 514, 51 N.E. 893 (1898). However, if the destruction of the dwelling was not total and there is still something on which your lease can operate, you must continue paying rent to your landlord, even if you are not living there.

In addition, local ordinances may apply (e.g., the Chicago Residential Landlord Tenant Ordinance or the Evanston Residential Landlord & Tenant Ordinance).

***Question #6: What can happen and what should I do if I cannot pay the rent on my dwelling because of job or salary interruptions following the disaster? Will FEMA make payments until I can return to work?***

No. FEMA is not authorized to make such payments. If you lost work because of the disaster, you may qualify for Disaster Unemployment Assistance (DUA). Contact the local office of your State's Employment Commission for information about DUA. The DUA program covers most people affected by a disaster, including many who do not normally qualify for regular unemployment aid. Also, be sure to speak to your lender or landlord and explain your circumstances. Special arrangements can often be made.

***Question #7: How could I pay rent if I wanted to?***

For residential leases, the landlord is probably local, and, therefore, probably had to evacuate just like the tenant. Clients should be advised not to mail payments until the USPS procedures for forwarding mail to evacuees are clarified, or at least until clients can verify that the landlord is receiving mail at the old address. A copy of the payment tendered should be kept for the tenant's records.

***Question #8: How do I contact my landlord?***

There is no easy answer to this question. Presumably phone service will be restored quickly so that phone calls can be completed. The United States Postal Service will probably attempt to coordinate mail delivery by establishing central repositories for mail directed to evacuated zip codes.

***Question #9: Can my landlord rent my home/apartment to someone else while I am gone?***

The landlord must surrender peaceable possession of the leased premises to the tenant for the term of the lease. 735 ILCS 5/9-101. The landlord cannot impair peaceful possession unless there has been a default by the tenant and the lease has been terminated.

***Question #10: My landlord told me to move out the next day because he wants the dwelling for his daughter who lost her house in the flood. He told me if I don't move out, he'd change the locks. Do I have to move out?***

No. The landlord must honor the lease unless the dwelling is totally destroyed or the lease contains an express provision allowing the landlord to terminate in event of a fire, flood or similar casualty. If the landlord wants you out in order to move someone else in, then the premises are obviously not "totally destroyed" and the landlord cannot terminate the lease.

If the landlord unlawfully locks you out, you should contact a lawyer. If you are low-income and live in the northern half of the state, you can call 1-800-531-7057 for information or possible representation by Prairie State Legal Services, and if you are low-income and live in the southern half of the state, you can call 1-877-342-7891 for information or possible representation by Land of Lincoln Legal Assistance Foundation.

***Question #11: What should I do if I am served with an eviction lawsuit?***

If you are served with an eviction lawsuit, you should carefully read the papers and determine the deadline for filing an answer or appearing in court. You should call a lawyer for representation or contact a legal services program for information.

***Question #12: How can I recover my personal property from the leased premises?***

FEMA and federal security officials are going to be in control of when and how evacuees are allowed to return to their homes.

In the meantime, the best advice to give an evacuee is to try to contact the landlord and determine whether the landlord (i) knows anything about the condition of the property, and (ii) has been able to do anything to secure the property.

***Question #13: May I recover damages against my landlord for injuries or property damage I suffered as a result of the disaster?***

When the injury or property damage results from a natural disaster and not from the landlord's negligence, the landlord is not liable for such injuries or property damage. However, the law does not prevent suits against the landlord for injuries or property damage resulting from the landlord's negligence. The landlord can therefore be sued if the landlord's negligence caused or contributed to the tenant's injuries or damage from the disaster.

***Question #14: I have suffered personal injuries or loss or damage to my personal belongings from the disaster. May I recover damages against my landlord or the previous homeowner if they knew about the possibility of flooding and failed to inform me?***

If the seller made an affirmative misrepresentation concerning the possibility of flooding, the buyer may be able to sue the seller for fraud for property damages or personal injuries or for a violation of the Residential Real Property Disclosure Act for actual damages and court costs (and possibly attorney's fees). 765 ILCS 77/1 *et seq.* The Illinois Residential Real Property Disclosure Act requires a "seller" of property to complete a statutory disclosure report regarding material defects in the property. With some exceptions, a "seller" is every person or entity who is an owner, beneficiary of a trust, contract purchaser or lessee of a ground lease, who has an interest in residential real property. 765 ILCS 77/5. However, the seller is not liable for any error, inaccuracy or omission of any information delivered pursuant to the Residential Real Property Disclosure Act if (i) the seller had no knowledge of the error, inaccuracy or omission; (ii) the error, inaccuracy or omission was based on a reasonable belief that a material defect or other matter not disclosed had been corrected; or (iii) the error, inaccuracy or omission was based on information provided by a public agency or by a licensed engineer, land surveyor, structural pest control operator, or by a contractor about matters within the scope of the contractor's occupation and the seller had no knowledge about the error, inaccuracy or omission. 765 ILCS 77/25(a). In addition, the seller is not obligated to make any specific investigations or inquiry in an effort to complete the required disclosure statement. 765 ILCS 77/25(c).

If the landlord misrepresented the possibility of flooding, the tenant may be able to sue the landlord for property damages or personal injuries. If you knew, however, that the property could flood or did not rely on the affirmative misrepresentation, then you will not be able to recover damages. If the landlord said nothing about the possibility of flooding, then you will probably not be able to recover any damages. Generally, the mere failure to disclose a fact known by the landlord is not fraud. However, failure to disclose the possibility of flooding may, under certain circumstances, support a lawsuit against a landlord who knew of past flooding or knew of the possibility of flooding. Active concealment of known past flooding (for example, painting over flood water marks on walls) may also be the basis for tenant recovery. See 37 Am. Jur. 2d, *Fraud and Deceit*, 144-146.

***Question #15: Can I recover damages against my landlord or the previous homeowner if they didn't know about the possibility of flooding?***

Probably not. As a general rule, the tenant or buyer cannot recover from the landlord or previous owner a loss or damage from flooding if the landlord or previous owner knew nothing about past flooding or the possibility of flooding, and did not tell the tenant or buyer that the property was not subject to flooding.

***Question #16: All my personal belongings were destroyed when the roof fell in on the place I rent. What help can I get from my insurance company?***

If you had renter's insurance or homeowner's contents insurance at the time of the flood, contact your insurance company. If your situation is desperate, make sure you describe your situation to the insurance company. If the insurance company agrees that there is coverage, you can ask for advance payment to cover a part of your loss.

***Question #17: What should I do if I do not have insurance on my personal belongings?***

If your losses are not covered by insurance, you may be able to get an Other than Housing Needs Grant from FEMA to replace necessary items of personal property. You may apply for these benefits by phone ((800) 621-3362 or TTY (800) 462-7585 for people with speech or hearing disabilities) or online at DisasterAssistance.gov. You may also wish to contact the Red Cross, which may be able to help you. If you are not in a federally designated disaster county but are in a state designated county, you can apply to the state for assistance.

***Question #18: If my personal belongings are lost or damaged as a result of the flood or other disaster, may I recover them from my landlord under the landlord's hazard insurance policy?***

No. The landlord has no "insurable interest" in the tenant's property, and, therefore, the landlord's hazard insurance cannot (and does not) insure the tenant's personal property.

However, if the damage or loss of the tenant's property is due in whole or in part to the landlord's negligence, the tenant may be able to sue the landlord and the loss may be covered by the landlord's liability insurance carrier.

***Question #19: Is flood damage to my home covered under my insurance policy?***

Your homeowner's insurance policy (sometimes called a "casualty insurance policy," "hazard insurance policy," or "fire and extended coverage policy") generally does not cover flood damage. The policy may cover water damage inside the home from direct or blowing rainfall, but it generally does not cover damage from surface water or rising water. Windstorm insurance normally will be limited to greater-than-normal wind conditions, such as from a hurricane. You should read your policy, talk to your insurance agent and consult an attorney if you have questions.

***Question #20: Does my automobile insurance cover the damage to my car resulting from the disaster?***

In general, disaster damage to an owner's vehicle will be covered under the owner's comprehensive auto coverage; however, the specific language in the insurance policy and any express policy exclusions will control.

***Question #21: May I recover damages against my neighbor whose property damaged my property during the disaster?***

The general rule is that a person is not liable for injuries or damages caused by a disaster or "Act of God" where there is no fault or negligence on the part of the owner whose property caused damage to others during the disaster. Therefore, your neighbor is liable only when he or she was negligent and such negligence was a cause of the damage. See 1 Am. Jur. 2d, *Act of God*, 11, 15; and 57 Am. Jur. 2d, *Negligence*, 181.

***Question #22: What can I do with someone else's property, which the disaster carried onto my land?***

When personal property is carried away by flood, wind or explosion on the land of another, such personal property still belongs to the original owner and the original owner may enter and retrieve it. If the landowner refuses to let the owner of the personal property enter, or if the landowner appropriates the property for the landowner's own use, the owner of the personal property can sue the landowner of the value of the property.

***Question #23: May I sue the local, state, or federal government for damages caused by the disaster?***

Under some circumstances, the government may have liability if its employees were negligent and caused the damages. However, under the doctrine of "sovereign immunity," governmental authorities are generally immune from liability for the negligent acts of their agents and employees. The doctrine of sovereign immunity normally applies to "governmental functions" such as crime prevention, flood control, fire fighting, preservation of health, etc.

***Question #24: Must I continue paying rent for my commercial lease space even though it has been rendered totally or partially unusable by the disaster?***

Most commercial leases have specific provisions that address situations when the property is totally or partially destroyed. These provisions dictate the rights of the tenant and landlord. Refer to your lease. If your lease is silent regarding casualty situations, you will have to pay rent unless you can prove that the doctrine of commercial frustration applies. *Smith v. Roberts*, 54 Ill.App.3d 910, 370 N.E.2d 271 (4<sup>th</sup> Dist. 1977). Although the doctrine of commercial frustration is not to be applied liberally, it is a viable defense in Illinois and will be applied when the defendant has satisfied two rigorous tests: (1) the frustrating event was not reasonably foreseeable; and (2) the value of counterperformance by the lessee had been totally or nearly totally destroyed by the frustrating cause. *Id.* at 913, 370 N.E.2d 273. The doctrine of commercial frustration

“rests on the view that where from the nature of the contract and the surrounding circumstances the parties when entering into the contract must have known that it could not be performed unless some particular condition or state of things would continue to exist, the parties must be deemed, when entering into the contract, to have made their bargain on the footing that such particular condition or state of things would continue to exist, and the contract therefore must be construed as subject to an implied condition that the parties shall be excused in case performance becomes impossible from such condition or state of things ceasing to exist.” *Id.* at 912-913, 370 N.E.2d 273, citing Leonard v. Auto Car Sales & Service Co. (1945), 392 Ill. 182, 187-188, 64 N.E.2d 477, 479-480, *cert. denied*, 327 U.S. 804, 66 S.Ct. 968, 90 L.Ed. 1029.

### **Homeowners and Mortgages**

***Question #25: My house was damaged and I can't live in it. Do I have to make my mortgage payments?***

Yes. Most home loan documents require the homeowner to make mortgage payments even after a disaster – even if your house is destroyed and you cannot live in it. However, many lenders will allow you to delay mortgage payments for several months after a disaster (although interest may continue to accrue). Many lenders will make loan modifications to allow the missed payments to be added to the loan, thereby lengthening the term of the mortgage. You need to communicate with your lender and tell the lender about the disaster and your temporary inability to pay. The lenders will almost always work with you. If your mortgage is FmHA financed or FHA-insured and you begin to fall behind in your payments because of circumstances beyond your control, you have special rights.

***Question #26: Do I have to pay my mortgage note while I am not living at the property?***

Yes. It is not typical for a note secured by the borrower's real estate to include any sort of forbearance provision that would be triggered by storm or flood-related damage or destruction of the property. However, you should communicate with your lender, and your lender may be willing to work with you.

***Question #27: What should I do if I receive a notice that my lender is going to foreclose on my home for non-payment of the mortgage?***

If you have received a written foreclosure notice as a result of a disaster-related financial hardship, you may be eligible for Federal Emergency Management Agency (FEMA) assistance to help you with your mortgage payments. You may file an application for FEMA benefits. See the FEMA section of this manual.

If your mortgage is FHA-insured or FmHA financed, you may be entitled to reduced or suspended payments. Your lender must notify you of this right and give you an

opportunity to seek help before the lender begins foreclosure proceedings. However, you must meet the deadlines the lender will give you.

If you have income and you want to keep your house, you may be able to file a Chapter 13 bankruptcy. In this type of bankruptcy, the homeowner pays regular mortgage payments that accrue *after* the bankruptcy and all other living expenses. In addition, the homeowner pays an amount every month toward the mortgage installments that were delinquent prior to filing for bankruptcy. If you think you may want to file a Chapter 13 bankruptcy, you should consult an attorney.

***Question #28: Can my mortgage holder foreclose on my home if I can't make the payments?***

Yes. The typical residential mortgage does not include forbearance due to storm or flood damage and allows the lender to foreclose following default.

Please note that all foreclosures in Illinois are judicial; Illinois does not permit non-judicial foreclosures. A foreclosure in Illinois is governed by the Illinois Mortgage Foreclosure Law ("IMFL"), 735 ILCS 5/15-1101, *et seq.*, and a full discussion of foreclosure is beyond the scope of this manual. Suffice it to say that a judicial foreclosure is a relatively long process and may be done only by order of court.

**Movable and Immovable Property**

***Question #29: Who is responsible to replace my personal property that was located on someone else's property (leased property, rented out to a customer, etc.)?***

Absent a lease provision to the contrary, which would be very unusual, the landlord would not be liable to the tenant (or the tenant's customers in a commercial context) for storm or flood damage to the tenant's (or customer's) personal property.

Which means, as a bald legal concept, the owner of the personal property bears the loss. However, insurance contracts frequently will produce a different result. For example, the liability insurance carried by a car dealership might in fact cover storm damage to third party vehicles that were in the shop waiting for repair when the storm hit. In some situations, more than one insurance coverage might be available (in the example just given, the car dealership and the car owner may both have liability insurance that would apply). The resolution of the question of whose insurance would pay when neither party is at fault is not within the scope of this manual.

***Question #30: Who is responsible for the value of my personal property that was stolen (looted)?***

Generally, theft would be covered under most insurance policies. For homeowners, the specific property that might be covered, and the exclusions to such coverage, would all

be set forth in the homeowners' policy. For tenants (for instance a tenant that operates a shop that was looted), the landlord's insurance is not likely to respond, and, as noted above, the landlord is not going to be legally responsible absent either a lease provision that places the loss on the landlord or some widely-recognized common law theory (such as landlord's failure to provide adequate security). However, it seems highly unlikely that the common law theories would fit the circumstances of natural disasters.

***Question #31: Is there any program available to me to recover the value of my lost personal property?***

Refer client to FEMA. Absent insurance, FEMA rules apply and are beyond the scope of this manual.

### **III. CONSUMER PROTECTION ISSUES**

#### **Scams/Frauds**

**Question #1:      *What type of scams should I be aware of?***

The Attorney General's office warns consumers to be aware of various types of fraud affecting victims of natural disasters. These are home repair fraud, fraudulent disaster recovery organizations, charitable solicitations and other schemes.

**Question #2:      *How do I protect myself against home repair fraud?***

Home repair scam artists are known to swoop in after storms, floods or other natural disasters to take advantage of people who are scrambling to make repairs. The homeowner should take extra caution before contracting to have damaged or destroyed property repaired or rebuilt. The homeowner should not succumb to pressure tactics. The Attorney General's Consumer Protection Division offers the following tips to help protect individuals and companies from being duped by dishonest contractors:

- A) Be wary of door-to-door solicitors because many home repair con artists are transients who move quickly into a troubled area. Ask for recommendations from people you know and trust. Whenever possible, use established local contractors.
- B) Call the Attorney General's Consumer Fraud Hotline: 800-386-5438 (Chicago); 800-243-0618 (Springfield); or 800-243-0607 (Carbondale) to check out a business and to find out how many consumer complaints, if any, have been filed against a particular business.
- C) Be cautious when a home repair company only lists a telephone number or post office box number as its contact information.
- D) Always ask for references. It is a warning sign when a company fails to provide references when requested.
- E) Do not pay cash or make a check payable to a person other than the owner or the company name.
- F) Shop around for the best deal. Get written estimates from several contractors and don't allow a salesperson to rush you into a deal.
- G) Get all terms of a contract in writing; obtain a copy of the signed contract and never make full payment until all work has been completed to your satisfaction. Note that the Illinois Home Repair and Remodeling Act (815 ILCS 513) requires contractors to furnish customers with written contracts for any repair or remodeling work costing more than \$1,000. A contract must be signed by both the customer and the contractor.

H) Be aware that you have the right to cancel within three business days if you sign a contract based on a salesman who comes to your home.

I) The Illinois Home Repair and Remodeling Act requires contractors to carry at least minimum amounts of insurance for property damage, bodily injury, and improper home repair.

J) Contractors also must provide consumers with an informational pamphlet titled "Home Repair: Know Your Consumer Rights."

K) Ask to see any required state or local permits or licenses. Remember that insurance adjusters must be licensed by the Illinois Department of Financial and Professional Regulation, Division of Insurance. Consumers who have insurance problems can contact the Illinois Department of Financial and Professional Regulation, Division of Insurance.

L) Roofers must be licensed by the Division of Professional Regulation. To determine if a roofer is licensed, consumers can contact the Division of Professional Regulation.

**Question #3: How do I protect myself against fraudulent disaster recovery organizations?**

Disaster victims need to be on the lookout for con artists seeking personal or financial information:

A) After disasters the Attorney General's office has received reports of consumers receiving telephone calls from people impersonating government disaster relief organizations seeking their bank account information.

B) Note that the Federal Emergency Management Agency (FEMA) does not contact disaster victims; the victim must first contact FEMA.

C) If you receive a phone call like this, do not give out any personal or financial information that could endanger your identity or bank account. Bank account information could be used to remove money from consumer's bank accounts.

Any consumer who has received such a telephone call is asked to call the Attorney General's Consumer Fraud Hotline: 800-386-5438 (Chicago); or 800-243-0618 (Springfield); or 800-243-0607 (Carbondale).

**Question #4: How do I protect myself against fraudulent charitable solicitations?**

After disasters, con artists often pose as charitable organizations to solicit contributions. If you wish to contribute, be wary of the following red flags:

- A) The charity uses a name that sounds like a better-known, reputable organization.
- B) The solicitor cannot or will not answer basic questions about the charity.
- C) The organization uses high-pressure tactics to obtain a donation.
- D) The solicitor insists on payment in cash.
- E) The representative of the organization asks to pick up your donation as opposed to allowing you to mail it.

Always check to see if the charity is registered with the Office of the Attorney General by calling 312-814-2595; TTY: 312-814-3374. If you feel a solicitation is suspicious, do not donate money and instead report the solicitation to the Office of the Attorney General.

**Question #5:        *What are some of the other schemes I should be aware of?***

**1.        Refinancing Schemes**

Because of the increased costs of confronting an emergency, consumers frequently fall behind in their credit payments or overextend themselves to the point that they must choose whether to pay creditors or obtain basic necessities such as food. Such consumers are often approached by finance companies promising to consolidate the homeowner's debt for existing mortgage, credit card debt, car loans and repair loans. They then pressure the homeowner to sign multiple agreements without sufficient time to review them or consult with anyone. The negative outcomes of such refinancing schemes include high processing fees, payments to bogus or phantom creditors and loan defaults. The homeowner often cannot pay both the refinancing costs and basic living expenses, resulting in a situation far worse than before the refinancing.

Lower income and minority borrowers, as well as elderly homeowners, are usually targeted by predatory lenders. They encourage borrowers to lie about their income in order to get a loan; knowingly lend the borrower more money than he/she can repay; charge unnecessary fees; pressure borrowers into high-risk loans and use high-pressure tactics to sell home improvements and then finance them at higher interest rates. These predators pounce on desperate people in order to line their pockets. A few tips for consumers include:

- 1) Beware of lenders who claim that they are the only hope for a loan or ask borrowers to sign a contract/loan agreement with missing information. Beware when lenders say refinancing your home can solve credit or money problems.
- 2) Always interview several contractors and lenders. Check with friends or family

for recommendations.

- 3) Research lenders, contractors, appraisers, etc. with the Attorney General's Office or the Better Business Bureau. Check out their complaint history.
- 4) Never make false statements on a loan application. Any lender who allows this is fraudulent.
- 5) Do not let anyone convince you to borrow more money than you know you can afford.
- 6) Attend homeownership education courses. They are available through the U.S. Department of Housing and Urban Development (HUD) or counseling agencies.

## **B. Foreclosure Consultants/Equity Strippers**

After a natural disaster, a homeowner may fall behind in the payment of his or her mortgage or real estate taxes, resulting in a mortgage foreclosure or a tax sale of the home. Some financial predators prey on persons subject to these actions. The predator claims to be a foreclosure or distress expert who can assist the homeowner. The scam works in a variety of ways, but it usually starts when someone promises the homeowners that he or she will solve all their problems and keep them in their home. Unfortunately, it usually ends with the homeowner losing all equity in the home and/or being evicted.

A home's equity is the difference between the value of the home and its liabilities. For example, a homeowner with a house worth \$150,000 who owes \$80,000 on a first mortgage and \$20,000 on a home equity line has \$50,000 in equity, which is the \$150,000 home value minus the \$100,000 in loans. The scammer may promise loan money that never appears, may represent that he or she can buy you time or that he or she can save your home. It often involves the homeowner signing a lot of documents.

## **C. "Buy You Time" Scam**

For a hefty fee, mortgage rescue consultants promise to "buy you time" and possibly save your home by negotiating deals with your creditors. They may also offer to help you repair your credit and refinance your existing mortgage. While these services sound appealing, the truth is that they can be performed better by a licensed attorney, by a reputable non-profit housing counselor, or even on your own. All too often, mortgage rescue consultants offer homeowners phantom help. They either do nothing they promised to do, or they do the bare minimum, perhaps placing a phone call to the homeowner's bank or mailing the homeowner a list of refinancing sources they found on the Internet. Either way, mortgage rescue consultants essentially abandon the homeowner to a foreclosure that might have been prevented with professional intervention.

The Illinois Mortgage Rescue Fraud Act (765 ILCS 940/1 *et seq.*) protects consumers against the “buy you time” type of scam with the following key provisions:

- 1) Mortgage rescue consultants must give homeowners a written contract listing all the services that the consultant promises to perform.
- 2) Homeowners have the right to cancel a consultant contract at any time.
- 3) A consultant cannot accept any payment from the homeowner until all of the services have been performed.

#### **D. “Save Your Home” Scam**

Beware of any person or company offering to “save your home”. Falling for one of these schemes could result in not only losing the equity that you have in your home, but also being evicted. The scammer offers to purchase the home and either give the owners an option to buy it back when they are financially back on their feet or offers to let the owners live in the home for the rest of their lives. Through misrepresentations as to the home’s value and liens, the scammer buys the home for below-market value. Then he sells the home to a third party, often not telling the third party about the promise to the old owner to either buy it back or the life-long lease. The new owner then commences an eviction against the old owner.

The Illinois Mortgage Rescue Fraud Act protects consumers against the “save your home” type of scam with the following key provisions:

- 1) A mortgage rescuer must provide the homeowner with a written contract that clearly states that the home is being sold.
- 2) Prior to sale, the rescuer must make a determination that the homeowner has the reasonable ability to make rental payments and buy the home back.
- 3) A homeowner who remains in the home under a rental agreement has the right to cancel the rental agreement at any time.
- 4) A mortgage rescuer must pay the homeowner at least 82 percent of the home’s fair market value if the rescue ultimately fails.

If you think you are a victim of either of these scams, please contact the Attorney General’s Consumer Fraud Hotline: 800-386-5438 (Chicago); 800-243-0618 (Springfield); or 800-243-0607 (Carbondale).

#### **E. Caretaker/Befriender/Relative Scams**

Unfortunately, even friends, relatives and caretakers often perpetrate fraud on the disaster victim. They may assist the homeowner with household chores, including

shopping or taking them on medical visits. Children of elderly parents sometimes seek control of their parents' property for their own uses. All of these persons use scare tactics to convince the elderly, disabled or limited English or non-English speaking person to transfer title of the property to them. Sometimes they obtain a power of attorney when a person is very sick. Unbeknownst to the homeowner, the agent under the power of attorney may convey or encumber the property and keep the proceeds for him or herself.

**Question #6:        *What Illinois laws address home solicitation contracts?***

Special laws cover home solicitation sales in Illinois and in other states. Section 2B of the Illinois Consumer Fraud and Deceptive Business Practices Act (815 ILCS 505/1 *et seq.*) provides that in a sale of merchandise involving \$25 or more to a consumer by a seller who is physically present at the consumer's residence, that consumer may avoid the contract or transaction by notifying the seller within three full business days following that date and by returning to the seller, in its original condition, the delivered merchandise. Section 2B imposes certain duties on a seller, such as providing the consumer with a fully signed contract containing a "Notice of Cancellation" provision, informing the consumer of his or her rights.

**SOCIAL SECURITY AND BANKING ISSUES**

**Social Security Benefits**

The Social Security Administration will attempt to ensure that all Social Security benefit checks are received by all beneficiaries affected by any potential disaster to strike residents of Illinois. Disaster victims seeking information on social security benefits or social security disability benefits may also call 1-800-772-1213 to use Social Security's automated phone services to get recorded information and conduct some services 24 hours per day. If the applicant is deaf or hard-of-hearing, call our toll-free TTY number, 1-800-325-0778, between 7 a.m. and 7 p.m., Monday through Friday.

Additionally, if the applicant is blind, over the age of 65, or disabled and cannot perform any kind of work, he or she should apply for benefits at the nearest Social Security office. An application can be started by calling the Social Security Administration's toll-free telephone number: 1-800-772-1213. An application can also be completed online at [www.ssa.gov/onlineservices](http://www.ssa.gov/onlineservices). Once the Social Security Administration has all the necessary documentation, such as proof of earnings and medical evidence of disability, it will send a written decision. If the applicant is denied but thinks that he or she is eligible, a request for reconsideration must be filed within 60 days of the date of the initial decision. If the application is denied again, a hearing should be requested and the local Illinois Legal Aid office should be contacted.

The applicant may also be eligible for other kinds of Social Security or SSI benefits, on his or her own account, or on the account of another if he or she wants to retire, or if he or she is an aged or disabled widow or widower, or is the dependent family member of a disabled, retired or deceased worker. If the applicant is eligible for

any of these benefits, an application should be made to the Social Security Administration.

### **Social Security cards and payments**

If you depend on social security benefits, you will need to contact the Social Security Administration to verify your social security number. It is not always necessary to have your social security card with you to verify your identity. There is a form that people must fill out with their background information.

If your social security check has been lost or damaged, go to or call your nearest Social Security Administration office. To find those locations, call 800-772-1213 or log onto [www.ssa.gov](http://www.ssa.gov). If you are deaf or hard of hearing, call our toll-free TTY number, 1-800-325-0778, between 7 a.m. and 7 p.m. Monday through Friday. For more information, log onto [www.ssa.gov/rep/acescard.htm/](http://www.ssa.gov/rep/acescard.htm/)

### **Banking/FDIC Issues**

**Question # 1:        *The local banks are not cashing my checks or letting me withdraw money from teller stations; what can I do?***

If you have a bank account somewhere, the bank should cash your checks. If you do not, they will not unless a special arrangement exists.

**Question #2:        *My direct deposit is not showing up in my account and I need money. Is there somebody who can help me clear this up with the bank?***

Sometimes there are delays in the processing of transactions, including direct deposits, as banks activate backup plans to deal with the disaster. If any delays exist, they should be rectified soon. You should talk to your bank directly about the problem. You may also want to contact the individual or company that originated the deposit to see if they have any information about the status of your deposit.

**Question #3:        *If my ATM card does not work, what should I do?***

If your ATM card will not work, you should contact your bank directly. It may be that your bank's verification system is not working. You may consider cashing a check or using a credit card. If you cannot contact your bank, you should contact one of the emergency service organizations, such as FEMA or the Red Cross.

**Question #4:        *I am no longer working due to the disaster and do not have the income to live on and meet my payments. If I miss some loan payments, how will this affect my credit? Will I be charged late fees?***

You should talk to your bank directly and see if it may be willing to (i) allow some loan payments to be skipped without it counting against your credit history; (ii) extend the terms of your loan; and/or (iii) restructure loans to take into account your new circumstances. Before skipping payments, contact your bank.

**Question #5:           Where can I find a list of banks that are working with displaced people?**

The FDIC is not currently maintaining a list of banks working with displaced people. You can contact your bank directly to see if it has adopted a policy for assisting displaced people.

**Question #6:           What about the contents of my safe deposit box? Does FDIC insurance cover safe deposit boxes?**

Deposit insurance does not cover safe deposit contents. Most safe deposits are held in the bank's vault, however, which are fireproof and waterproof. Contact your bank branch where your box was located to determine the condition of your box.

**Question #7:           How will I get my Social Security check?**

Your social security check should still be going to your account at your local bank. If there have been any disruptions, you should contact your bank or the Social Security Administration directly.

To get your social security check if you have not been receiving direct deposit, go to the nearest office of the Social Security Administration which can be located by calling 1-800-772-1213.

**Question #8:           I am worried about identity theft since either my home was severely damaged during the disaster or I am not sure where my belongings are at the moment.**

You may place a fraud alert on your account by calling any one of the three main nationwide reporting companies at the numbers listed below. The alert tells creditors to follow certain procedures before they open new accounts in your name or make changes to your existing accounts.

Equifax: 1-800-525-6285

Experian: 1-888-EXPERIAN (397-3742)

TransUnion: 1-800-680-7289

**Question #9:           What happens if my bank has lost my records?**

Banks are required to have extensive contingency plans for all types of disruptions to operations including natural disasters. Banks have backup systems of records and other built-in duplications that are housed in safe locations so that financial records can be reconstructed and restored.

**Question #10:        If my local bank was destroyed, is my money still insured?**

Yes, your money is still insured by the Federal Deposit Insurance Corporation (FDIC). Deposits with a FDIC insured bank or savings institution will continue to be protected up to \$100,000. However, you should keep any financial records that you have in order to help reconstruct your accounts.

## **PERSONAL FINANCE & BANKRUPTCY ISSUES**

### **Debt Collection**

#### ***Question #1: What do I need to know about creditors?***

Often disasters can trigger financial crises as victims fall behind in their bills. Missed payments or collection actions can damage their credit ratings. Victims should notify creditors of the situation as soon as possible. Some creditors will agree to postpone payments for a period of time.

#### **A) Debt Collection Communicating and Negotiating with Creditors.**

If the debtor can afford to make small monthly payments, he or she should contact the creditor to ask if the payments are acceptable and reach an agreement on all of the following:

- 1) Total amount owed on the bill, including the interest to be added each year;
- 2) Amount of monthly payments;
- 3) Due dates that payments must reach the creditor;
- 4) Address where payments must be mailed; and
- 5) Whether the creditor will remove negative information about the bill from the debtor's credit report.

#### **B) Documenting Communication between Debtor and Creditors.**

It is important for debtors to keep a record of phone calls from the creditor regarding the past due bill, including the full names of the individuals he or she speaks with and date, time and details about the conversations. If the debtor arranges a payment agreement, he or she should send a brief letter confirming the terms of the payment plan. The debtor should always keep copies of any letters and payments sent to the creditor. Letters to the creditor should be sent by certified mail when possible.

#### **C) Notifying the Creditor of Debtor's Inability to Pay.**

Some debtors who have relatively little employment income or prospects for such income might be considered "judgment proof." Such people often own no real estate other than their family home, no personal property of significant value, no more than one car, and no bank accounts or other investments with significant balances. Such debtors, who are unable to arrange a workable payment plan, should consider sending the creditor a letter informing the creditor of the debtor's inability to pay and requesting

that the creditor stop contacting the debtor about the debt. The debtor should include in the letter any special circumstances which help explain the inability to pay. The debtor should also inform the collector for the creditor of any collection practices by the collector that the debtor finds to be harassing. Sending such a letter will limit the collector's right to contact the debtor.

#### **D) Filing Bankruptcy.**

Bankruptcy may become a last-resort option for disaster victims who cannot satisfy their creditors. Filing bankruptcy will not necessarily cancel all debts. It is recommended that individuals wishing to pursue bankruptcy proceedings be referred to a State Bar-certified lawyer referral service where an experienced bankruptcy attorney can be identified. For lawyer referrals in Illinois, you may call Illinois Lawyer Finder at (217) 525-5297 or toll free (800) 922-8757 or search its web-site, [www.illinoislawyerfinder.com](http://www.illinoislawyerfinder.com). The Illinois State Bar Association operates Illinois Lawyer Finder.

#### **E) What Happens when Debtors Fail To Pay?**

Debtors are not criminally liable for owing debts; however, creditors may file civil lawsuits against them to collect the debts, and a court judgment will give the creditor the right to collect any non-exempt assets. Also, the creditor has the right to report the unpaid debt to a credit reporting agency.

Auto loans (and other secured contracts) sometimes permit the creditor to repossess a car (or other collateral purchased with the proceeds of a loan) after a borrower's failure to make payments. The debtor may have to pay the full balance of the loan plus all costs of repossession in order to regain possession. If the debtor cannot pay, the creditor may sell the car and sue the debtor for the amount the debtor owes in excess of the sale price. If a past-due bill is for services a debtor continues to receive (e.g., utilities), the creditor may discontinue service or withhold re-connection, even if the debtor moves to another residence. The creditor may also sue to try to collect the unpaid balance.

#### **F) How To Decide Which Bills to Pay First?**

Before deciding which bills to pay and which to ignore, debtors need to know the consequences. The 3 types of debts listed below could have immediate, harmful consequences if unpaid.

- 1) Court-ordered payments, such as alimony or child support, must be paid on time or jail time could be sought for contempt of court. If clients are unable to pay, do not simply ignore it. Ask the court to modify the payment order. A court will usually lower or eliminate your payments to meet your new financial condition. (Additionally, if a client is on Social Security Disability, her/his children should be eligible for "dependents' benefits" which may entirely pay her/his support obligations. Check with your local

Social Security office.)

2) Ongoing services, such as utilities, telephone service, or health insurance coverage, must be paid or they will lose future service or coverage.

3) Items purchased on credit or pledged as security on a loan can usually be taken if payments cannot be made. If extra time is needed to make payments, it is best to contact the lender in advance of any repossession attempt by the collector.

**\*\*But be aware:** even after a creditor has repossessed its collateral, it may still have the right to recover money. For example, although a bank has repossessed a car, if its resale value is less than what is owed, there may be liability for the difference.

### **G) Property That is Protected.**

Under federal and Illinois law there are certain things that cannot be taken by a collector, regardless of how much is owed, regardless of whether the creditor obtains a judgment, and regardless of whether or not the debtor files for bankruptcy. Property that cannot be taken by collectors is often called "exempt property."

Some important examples of exempt property include:

1) The debtor's equity interest, not to exceed \$4,000 in value, in any personal property as chosen by the debtor; 2) Social Security and SSI benefits; 3) public assistance benefits; 4) unemployment compensation benefits; 5) workers' compensation benefits; 6) veterans benefits; 7) circuit breaker property tax relief benefits; 8) the debtor's equity interest, not to exceed \$2,400 in value, in any one motor vehicle; and 9) the debtor's equity interest, not to exceed \$1,500 in value, in any implements, professional books, or tools of the trade of the debtor.

Every person is entitled to an estate in homestead, when it is owned and occupied as a residence, to the extent in value of \$15,000, which homestead is exempt from judgment.

The amount of wages that may be applied toward a judgment is limited to the lesser of (i) 15% of gross weekly wages or (ii) the amount by which disposable earnings for a week exceed the total of 45 times the federal minimum hourly wage or, under a wage deduction summons served on or after January 1, 2006, the Illinois minimum hourly wage, whichever is greater.

Under federal law, the amount of wages that may be applied toward a judgment is limited to the lesser of (i) 25% of disposable earnings for a week or (ii) the amount by which disposable earnings for a week exceed 30 times the federal minimum hourly wage.

Pension and retirement benefits and refunds may be claimed as exempt under Illinois law.

If all the property and income of the debtor is exempt property, then the debtor should notify the creditors or collectors that he or she is judgment-proof. Once the collector knows that there is nothing to take, it will often write off the debt or at least stop collection activity.

**\*\*A** complete list of all personal property exemptions and limitations thereon can be found in 735 ILCS 5/12-1001 through 5/12-1005. If all the property and income of the debtor is “exempt property,” then the debtor should notify the creditors or collectors that he or she is judgment proof. Once the collector knows that there is nothing to take, they will often write off the debt or at least stop collection activity.

**\*\*Homestead Exemption** - In addition to the personal property exemptions, every individual is entitled to an estate of homestead to the extent in value of \$15,000 of his or her interest in a farm or lot, a condominium, cooperative or personal property (owned or possessed as a lease), that he or she owns as a personal residence. That homestead and all right in and title to that homestead is exempt from attachment, judgment, levy, or judgment sale for the payment of his or her debts or other purposes (with some limitations). This exemption is not applicable between joint tenants or tenants in common, but it is applicable as to any creditors of those persons. If two or more individuals own property that is exempt as a homestead, the value of the exemption of each individual may not exceed his or her proportionate share of \$30,000 based upon percentage of ownership. The rules governing the exemption of homestead can be found at 735 ILCS 5/12-901 through 5/12-912.

#### **H) Credit Reporting Legal Authority.**

This area is governed by the Federal Fair Credit Reporting Act, 15 U.S.C.A. Section 1681, which requires that credit reporting agencies furnish a free copy of a consumer's credit report upon request within 30 days after the consumer is notified of an adverse action. Credit reporting agencies also have a statutory obligation to investigate consumers' claims. If a debtor disputes the contents of her/his credit report, s/he should notify the credit reporting agency in writing.

## IV. REPLACING LOST DOCUMENTS

**Question 1: Some of my important documents were destroyed during the disaster. What do I do?**

### A. Bank and Investment Account Records

It is unlikely that banks will have lost any records, so you should contact your bank directly regarding any records you have lost and request duplicates. Similarly, contact your investment brokerage for duplicates of your account records.

Claims for lost, stolen or destroyed United States savings bonds, bearer securities or registered securities can be made directly to the United States Treasury Department at [www.treasurydirect.gov](http://www.treasurydirect.gov) and click on Treasury Hunt.

### B. Birth, Death, Marriage Certificates and Divorce Judgments

Birth and death certificates are kept by the State of Illinois and by the county in which the event occurred. The Illinois Department of Public Health can provide certified copies of birth and death certificates to specified persons for a fee of \$15-\$17 (plus any additional credit card fees and shipping fees). Birth and death certificates may be requested from the Department of Public Health, after completing an Application to Search for Birth/Death Records, in one of the following manners:

IN PERSON or BY MAIL: Illinois Department of Public Health  
Division of Vital Records  
605 West Jefferson Street  
Springfield, IL 62702-5097  
217-782-6553

FACSIMILE: 217-523-2648 (using major credit card)

ONLINE: <http://www.idph.state.il.us/vitalrecords/index.htm>

While the Department of Public Health can verify the facts of a marriage or divorce taking place since 1962 for a \$5 fee, **certified** marriage certificates and divorce certificates (called a certificate of dissolution) are only available through the County Clerk's office in the county where the marriage and/or divorce took place. The rates and fees for certificates may vary from county to county. The contact information for the court clerks in each Illinois county can be found at this website: <http://www.idph.state.il.us/vitalrecords/countylisting.htm>

To facilitate the request for certified records, the requesting party should have information relevant to the particular request, which may include some or all of the following: date of birth/death/marriage/divorce, place of birth/death/ marriage/divorce,

parents' full name (including mother's maiden name), full name of person(s) who are named on the requested certificate, and the requestor's reason for the order and/or relationship to the person the vital record pertains to.

Divorce judgments, which contain the substantive terms and conditions of the divorce ruling/agreement, are only available from the circuit court clerk's office in the county where the judgment was entered and the divorce occurred. To obtain a copy, contact the circuit court clerk's office. Research, copy and delivery fees may vary from county to county. Provide the circuit court clerk with the names of the parties, the case number, and the date of the divorce judgment. The contact information for the circuit court clerk's in each Illinois county can be found at this website: <http://www.state.il.us/court/CircuitCourt/CircuitCourtJudges/CCC County.asp>.

Some Illinois counties may have certain court filings available online. Contact the court clerk's office for information on obtaining online filings.

### C. Illinois Driver's License and Identification Cards

An Illinois driver's license and identification card can be replaced at any Secretary of State facility in the state. A list of all Secretary of State facilities can be found at this website: <http://www.cyberdriveillinois.com/departments/drivers/facilities/home.html>.

To request a duplicate driver's license or ID card, acceptable identification must be presented. Acceptable identification includes one document evidencing written signature, and one other document evidencing either proof of birth date or proof of Social Security Number or proof of residency/personal data. A list of acceptable identification items can be obtained at your nearest driver's license facility and at this website: [http://www.cyberdriveillinois.com/departments/drivers/drivers\\_license/acceptable\\_id.html](http://www.cyberdriveillinois.com/departments/drivers/drivers_license/acceptable_id.html). There is also a list of unacceptable identification.

### D. Vehicle Registration and Ownership Documents

To obtain a duplicate vehicle title and/or vehicle registration ID card, you must complete an Application for Vehicle Transaction(s) (VSD 190). To request an application form call toll-free in Illinois (800) 252-8980, Chicago (312) 793-1010, or Springfield (217) 782-6306 or visit your nearest Secretary of State facility (see above for website link to all facilities).

For a duplicate vehicle title, you must submit your completed application, along with a \$95 fee and any pertinent documentation, either in person at any Secretary of State facility or by mailing the completed application and fee to:

Office of the [Secretary](#) of State  
Vehicle Records Processing Division  
501 South 2<sup>nd</sup> Street, Room 424  
Springfield, IL 62756-6666

More information about duplicate vehicle titles is available online at: [http://www.cyberdriveillinois.com/departments/vehicles/title\\_registration/duplicatetitles.html](http://www.cyberdriveillinois.com/departments/vehicles/title_registration/duplicatetitles.html)

For a duplicate vehicle registration ID card, you must submit your completed application, along with a \$3 fee, either in person at any Secretary of State Facility or by mailing the completed application and fee to:

Office of the Secretary of State  
Vehicle Services Department  
501 South 2<sup>nd</sup> Street, Room 011  
Springfield, IL 62756-6666

More information about duplicate vehicle registration ID cards is available online at: [http://www.cyberdriveillinois.com/departments/vehicles/title\\_registration/reg\\_idcards.html](http://www.cyberdriveillinois.com/departments/vehicles/title_registration/reg_idcards.html)

#### E. Passports

Passports can be replaced by applying in person at your local post office or the circuit court clerk's office in your county. If you need your passport quickly, schedule an appointment at the Regional Passport Agency in Chicago by calling 1-877-487-2778. When you submit your application for a passport, you will also need to submit proof of U.S. citizenship, acceptable identification (along with a photocopy of acceptable identification), two passport photographs, and the applicable fee. For more information go to: [http://travel.state.gov/passport/get/first/first\\_830.html](http://travel.state.gov/passport/get/first/first_830.html)

#### F. Deeds and Mortgages

Copies of deeds to your house and land, as well as mortgage instruments are kept by the Recorder of Deeds office in the county in which the property is located. Certified copies can be requested from the Recorder of Deeds office. Many Recorders have made copies of deeds and other recorded instruments available online. You may also want to contact the title company at which your last closing took place.

#### G. Immigration Documents

If you are a permanent resident who needs to replace your green card, or a conditional resident who needs to replace your two-year card that has been lost or destroyed, you may apply for a replacement card by filing a USCIS Form I-90 with the U.S. Citizenship and Immigration Services. The filing fee is \$290 (additional fees may apply) and all supporting documentation must be included with the application. More information is available online at <http://www.uscis.gov/portal/site/uscis>.

#### H. Credit Cards

If your credit cards are lost, you must notify the bank that issued the card right away. You should ask the bank to cancel the lost card and issue you a new card. Cancelling your credit cards will limit your liability in the event someone finds your lost credit card and attempts to use it.

#### I. Tax Returns

To obtain copies of your federal tax returns, contact the IRS Service Center at 1-800-829-1040 or go online at [www.irs.gov](http://www.irs.gov). If you need an exact copy of your return(s) including attachments, you will need to complete Form 4506 Request for Copy of Tax Return and submit it along with a \$57 fee for each tax year requested. You can request the current tax year and up to the past 6 tax years.

If you need only a tax return transcript, which shows most line items on the tax return, you can obtain a transcript free of charge by calling 1-800-829-1010 or by mailing a completed Form 4506-T. A tax transcript can be requested for the current and past 3 years.

To obtain copies of your Illinois tax returns, you must complete Form IL-4506, Request for Copy of Tax Return. A separate form must be completed for each tax return you are requesting and there is a \$5 fee for each return. Mail your completed Form IL-4506 along with payment to:

Records Management Division 2-202  
Illinois Department of Revenue  
P.O. Box 19014  
Springfield, IL 62794-9014

For more information and to download a copy of Form IL-4506, go to <http://tax.illinois.gov/Individuals/FilingRequirements/returncopy.htm>.

#### J. Social Security Cards

Contact your nearest Social Security Administration office to apply for a replacement Social Security card. Replacement is free. You will need to complete an Application for a Social Security Card (SS-5) and show proof of U.S. citizenship and identity using original or certified copies of appropriate documentation. If you are not a U.S. citizen, you will need to show proof of immigration status, work eligibility, and identity. For more information, call 1-800-772-1213 or visit Social Security's website at [www.ssa.gov](http://www.ssa.gov).

#### K. Social Security/SSI Checks

If your paper Social Security/SSI check is lost or destroyed, you must call 1-800-772-1213 to request a replacement. If you receive your benefits through Direct Express prepaid debit card and you need to replace the debit card, you should visit your local

Social Security Administration office or call 1-800-772-1213. If you receive paper checks, you should consider receiving future checks by direct deposit or through a Direct Express prepaid debit card.

#### L. Medicare Card

You can request a replacement Medicare card online at <http://www.socialsecurity.gov/medicarecard/>. You will need to provide your name as it appears on your most recent Social Security card, your Social Security number, and your date of birth. If you prefer, you can request replacement by calling the Social Security toll-free number at 1-800-772-1213.

#### M. Illinois LINK Card

Illinois Food Stamps/SNAP and cash assistance from the Department of Human Services are electronically issued and accessed by recipients through the Illinois Link Card. If your Link card has been lost, you can request a replacement card through the Illinois Link Help Line at 1-800-678-LINK (5465). The local office may issue a replacement card in rare instances, including a customer's Link card being destroyed in a disaster.

NOTE: Food bought with Food Stamps/SNAP benefits may be replaced if destroyed in a disaster beyond the household's control (i.e., fire, flood, tornado). A written request for replacement must be made within ten (10) calendar days of the disaster and the disaster must be proven. Food may also be replaced if lost due to a power outage of at least 4 hours, if the outage was not due to nonpayment of utility service or mechanical problems (i.e., broken refrigerator).

#### N. Illinois Medicaid Card

Medicaid cards can be replaced for the remainder of the time on the card by going to the local Department of Human Services office and requesting a replacement card. At the end of the time period covered by the replacement card, the next Medicaid card will be sent as it normally would. To find the nearest local DHS office, call the DHS Help Line at 1-800-843-6154 or visit its website at <http://www.dhs.state.il.us/page.aspx?module=12&officetype=&county>.

#### O. Special Note on Identity Theft

If your identifying documents have been lost, be careful of identity theft as well. One way to combat identity theft is to put a fraud alert on your credit reports. You will need to contact each credit reporting agency as follows: TransUnion (800-680-7289), Equifax (800-525-6285) and Experian (888-397-3742).

In addition, you can contact the Illinois Attorney General ID Theft Hotline at 1-866-999-5630 for assistance. The Illinois Attorney General's website has a resource guide and

other useful information available for downloading at:  
<http://www.illinoisattorneygeneral.gov/consumers/hotline.html>.

One of the most important things you can do to protect yourself from identity theft is to request your credit reports every year and review them for accurate information. To request your free annual credit reports go to:  
<https://www.annualcreditreport.com/cra/index.jsp>.

If you suspect that someone is using your identity, you should immediately file a report with the local police or the police department where the identity theft took place. Keep a copy of the police report for your records.

If you suspect your Social Security card or number is being used by someone, you should file a complaint with the Federal Trade Commission (1-877-ID-THEFT or 1-877-438-4338) or file an online complaint with the Internet Crime Complaint Center at <http://www.ic3.gov>. You can check your Social Security record to ensure your income is calculated correctly by calling 1-877-772-1213.

#### P. Wills, Advance Directives, and Other Estate Planning Documents

Usually, Last Wills and Testaments, Powers of Attorney, Living Wills, and other estate planning documents (also known as testamentary documents) are not enforceable unless you have the executed original. If the original document is destroyed, you will need to obtain and execute a new one. However, a copy of the destroyed original testamentary document may be used to create the new one thus saving you time and money.

If the testamentary document was created by an attorney, the attorney will likely have a copy in his/her file. The attorney can provide you with a copy of the document. Whether or not you are able to obtain copies of the testamentary documents, contact your attorney to help you execute new originals.

If the lost or destroyed document is a Power of Attorney of a family member who is no longer competent, consult with an attorney about guardianship.

You may be the executor or heir of a family member or friend who has passed away, and the original Last Will and Testament cannot be found, but you have a copy of the document. Generally, it is a difficult task to probate a copy of a lost original Will. There is a presumption that the original copy of the Will was revoked. Once the presumption is overcome, the party seeking to probate the "lost Will" must prove the Will's proper execution and attestation. In this situation, you should consult a private attorney that handles probate matters.

## **V. EMPLOYER/EMPLOYEE ISSUES**

### **Q.1 *What is an employer's obligation with regard to termination of employees?***

There is no federal or state law that prohibits an employer from terminating an employee if an employee's home, vehicle, personal possessions, etc. are affected and/or destroyed during a national disaster such as an earthquake, tornado, or flood.

### **Q.2 *What is an employer's obligation with respect to group insurance?***

The shutdown of an employer's business would trigger the elimination of group insurance coverage for covered employees and dependents. This would obligate the employer to send notices to the ex-employees advising them of their conversion rights (the right to convert the group coverage to individual coverage) pursuant to a federal statute known as "COBRA," (for employers with at least 20 employees) or perhaps under similar state laws. In the usual case, COBRA permits the ex-employee to continue the same coverage in an individual policy for up to 18 months after termination of employment. The new federal healthcare law may provide former employees additional options.

### **Q.3 *Does Illinois have any legal restrictions against firing, suspending or disciplining employees?***

Illinois is known as an employment-at-will state. Generally, this means that an employer may legally hire, fire, suspend or discipline any employee at any time and for any reason—good or bad—or for no reason at all (unless there is an employment contract or union protections). However, under the Illinois Human Rights Act, 775 ILCS 5/1-101 *et seq.*, an employer may not discriminate against any employee on the basis of the employee's race, sex, age, religion, color, national origin, citizenship status, arrest record, military status, unfavorable military discharge, sexual orientation, or disability. The law also prohibits discrimination on the basis of pregnancy or childbirth. In general, an employer cannot allow an employee's inherent characteristics or the fact that the employee complained about discrimination or harassment to affect decision-making about that employee.

### **Q.4 *Does Illinois have a whistleblower law?***

Illinois law prohibits an employer from retaliating against an employee who discloses information in a court, administrative hearing, before a legislative commission or committee or to a government or law enforcement agency where the employee has reasonable cause to believe that the information discloses a violation of a state or federal law, rule, or regulation. The whistleblower statute also prohibits an employer from retaliating against an employee for refusing to participate in an activity that would

result in the violation of a state or federal law, rule, or regulation. 740 ILCS 174/1 *et seq.*

However, there is also a public policy exception to the at-will doctrine which, in cases of whistleblowing, would act to protect the employee. For example, when an employee has the right or obligation to take action, the employer cannot punish the employee for taking that action.

For example, an employee cannot legally be disciplined, demoted, denied a promotion or fired because he or she has:

- Reported child or adult abuse as a mandatory reporter.
- Reported an employer to the INS for immigration issues.
- Complained to OSHA.
- Complained to the Department of Labor.
- Reported illegal behavior by a coworker, a supervisor, or the company.

This list does not contain every single basis that might exist for illegal retaliation and/or whistleblower exceptions.

**Q.5 *Are there exceptions to the employment-at-will doctrine in Illinois?***

- Discrimination based on the factors mentioned in question 3.
- Harassment based on any of those characteristics.
- Discrimination or harassment based on an employee's association with someone in a protected category.
- Retaliation because an employee has opposed or made a complaint about illegal discrimination or harassment.
- Retaliation because an employee has done something that he or she is legally obligated or entitled to do.

**DEADLINES:** An employee cannot protect his or her rights unless some kind of action is taken, such as filing a civil rights charge or a lawsuit, within a set time frame after something negative happens with regard to employment. Deadlines for taking action on employment law cases vary by the type of case. An employee should act as soon as possible to make sure that he or she is not left without a remedy.

**Q.6 *When should final paychecks be issued in the case of employers who are closing their businesses as a result of the disaster?***

The Illinois Wage Payment and Collection Act requires that all wages earned by an employee during weekly pay periods be paid not later than 7 days after the end of the weekly pay period in which the wages were earned. For employees paid semi-monthly or bi-weekly, the wages must be paid not later than 13 days after the end of the pay period in which the wages were earned. 820 ILCS 115/4. An employer must pay

the final compensation of a separated employee in full at the time of separation if possible, but in no case later than the next regularly scheduled pay day for such employee. If the employee requests in writing that the final compensation be paid by check and mailed to him, the employer must comply with this request. If an employee resigns or is terminated without having used all the vacation time earned under the employer's policy, the monetary equivalent of all earned vacation must be paid to him as part of the final compensation at the final rate of pay. 820 ILCS 115/5.

### **Q.7 *What is unemployment insurance?***

Unemployment insurance (UI) is a program designed to provide temporary financial assistance to workers who are unemployed through no fault of their own and who meet the requirements of the Illinois Employment Security Law. UI benefits are paid as a matter of past employment and legal entitlement, not on the basis of need.

If you become unemployed because your employer's business is destroyed or closed because of a disaster, or because your house or car is destroyed, or because you are no longer able to get to work due to the disaster, you may apply for unemployment benefits. As referenced below in the FEMA section, if you are not eligible for Illinois unemployment compensation, you may be entitled to disaster unemployment assistance under FEMA.

Unemployment compensation benefits and disaster unemployment assistance require the completion of separate applications. Unemployed disaster victims should apply for unemployment benefits under both the state and FEMA provisions, as soon as possible since there is a waiting period for receipt of benefits.

### **Q.8 *How do I qualify for unemployment insurance benefits?***

The law sets qualifying requirements in three main areas: your past wages, the circumstances of your job separation, and ongoing availability and work search requirements. You must meet all of the following qualifying requirements in order to receive benefits.

**Past wages:** You must have earned enough wages in your base period. The base period is the first four of the last five completed calendar quarters before you filed your claim.

**Reason for separation from your last work:** You must be unemployed or partially unemployed through no fault of your own in order to receive benefits.

**Ongoing availability and work search:** You must be physically able and available to work. You must also be actively seeking work.

**Q.9 *How do I file for unemployment insurance?***

To file a claim for unemployment insurance, you may report in person to the nearest Illinois Department of Employment Security (IDES) office or you may file online, [http://www.ides.state.il.us/individual/online\\_claim.asp](http://www.ides.state.il.us/individual/online_claim.asp). Before filing a claim, make sure you have the following information:

- Your social security number.
- The name, address and telephone number of your most recent employers (last 15 months), and the beginning and ending dates that you worked for those employers.
- An Alien Registration Number, if you are not a U.S. citizen.
- A DD-214 (Member 4), if you served in the U.S. Military during the last 18 months.
- An SF-8 form if you worked for the federal government in the last 18 months.
- The name(s), social security number(s) and date(s) of birth of anyone you will be claiming as a dependent.

**Q.10 *How should I file if I worked in another state or more than one state?***

No matter in which state you may have worked, or in which state you may now live, you can file your UI claim in the IDES office closest to your current place of residence. Personnel in that office will assist you in determining against which state you should file. There is an IDES office in nearly every large town in the state.

**Q.11 *What are the minimum and maximum amounts of unemployment benefits?***

The minimum weekly benefit amount in Illinois is \$51.00. The maximum is currently \$385 (individual), \$458 (with spouse) or \$531 (with child). Your weekly benefit amount will depend upon the total amount of wages paid to you during your base period and the number of dependents. The total amount of unemployment benefits payable to you would be equal to the lesser of 26 times your weekly benefit amount or one-third of your total base period wages.

**Q.12 *Are unemployment benefits taxable?***

Benefits you receive are taxable income. You will be issued Form 1099G showing the amount of benefits paid to you, as well as any federal income tax withheld at the time the benefits were paid. The amount on the 1099G is not reduced by any repayments you may have made for overpaid benefits. Therefore, if you are paid any benefits, you must maintain your record of payment, such as reimbursement receipts or canceled check notices to make adjustments to your taxable income and as documentation for the federal Internal Revenue Service and Illinois Department of Revenue when you file your tax returns.

**Q.13 *What is Disaster Unemployment Assistance, or DUA?***

If the President of the United States declares a disaster in your area, payment of Disaster Unemployment Assistance (DUA) may be authorized. Persons who become unemployed as a result of the disaster, and who do not qualify for regular unemployment benefits, may file for DUA. If a disaster is declared in your area, your local news media will likely provide information on how to obtain this assistance.

**Q.14 *Can I recover DUA benefits?***

DUA provides financial assistance to individuals whose employment or self-employment has been lost or interrupted as a direct result of a major disaster declared by the President of the United States. Before an individual can be determined eligible for DUA, it must be established that the individual is not eligible for regular unemployment insurance benefits (under any state or federal law). The program is administered by states as agents of the federal government.

**Q.15 *Who qualifies for DUA?***

Illinois residents who are out of work as a direct result of a disaster may be eligible for weekly benefit payments under the DUA program.

Under the DUA program, certain individuals who normally would not be eligible for regular unemployment benefits, for example, farmers, self-employed persons, independent contractors and workers who have not earned sufficient wage credits may be eligible to apply.

Applicants eligible to apply may include those who: (1) became the major support for a household because of the disaster-related death of the head of the household, (2) cannot work because of an injury caused as a direct result of the disaster, (3) could not work or lost work as a result of physical damage or destruction of a business, or (4) are unable to work because of the physical inaccessibility of the place of employment due to its closure by the federal government.

Except for persons with injuries or self-employed individuals trying to restart their businesses, individuals must be able to work and available for work, which are the same requirements for regular state unemployment insurance benefits.

**Q.16 What benefits are available?**

The number of weeks an individual may be eligible for unemployment payments may vary depending upon his or her particular circumstances; however, the unemployment must be a result of the major disaster. The maximum weekly benefit amount is determined by the state.

Eligibility for benefits will be determined on a week-to-week basis. Federal funding covers 100 percent of the cost for the DUA program, which is administered by the state.

**Q.17 How do I file a claim?**

Disaster victims seeking information on unemployment benefits and disaster unemployment benefits may also call 1-800-244-5631, TTY 1-866-322-8357. Online guidance is available at <http://www.ides.state.il.us/> or, disaster victims may apply at any IDES office: <http://www.ides.state.il.us/worknet/centers.pdf>.

Individuals who might be eligible for assistance must file a claim at their nearest IDES office. To find your closest office, go online to [www.ides.state.il.us](http://www.ides.state.il.us). Internet access is available at Illinois libraries or WorkNet Centers. Office locations are also available by calling IDES at 1-888-367-4382. TTY users call 1-866-322-8357.

Individuals who live in a declared disaster area are encouraged to apply for assistance with the U.S. Department of Homeland Security Federal Emergency Management Agency (FEMA). Go online at [www.disasterassistance.gov](http://www.disasterassistance.gov) or call 1-800-621-FEMA (3362). TTY users may call 1-800-462-7585.

**Q.18 How does a disaster affect my workers' compensation benefits?**

If you are currently receiving workers' compensation benefits and have relocated or have otherwise seen a disruption in benefit checks due to flooding, tornado, or other natural disaster, there are steps you can take to make sure you continue receiving benefits. If you used an attorney in your workers' compensation case and are able to locate a phone number or contact information for that attorney or firm, he or she should be able to contact your employer's (whether current or former employer) human resources department or insurance carrier on your behalf to make sure your benefits continue. If you did not use an attorney, you can call your employer (the one you had at the time of your workers' compensation injury) and ask to speak to someone in human resources or management to report your move or to discuss workers' compensation benefits. If you happen to have contact information for the insurance claims adjuster who handled your claim, you can call that person as well.

If you are not able to reach or locate an attorney, your employer at the time of the injury, or the insurance adjuster who handled your claim, you can contact Illinois

Workers' Compensation Commission: 1-866-352-3033, TDD: 1-312-814-2959, <http://www.state.il.us/agency/iic/>.

If you have been injured in the course of your employment or while at work—even if the injury is related to a natural disaster—you may be entitled to workers' compensation benefits in the form of medical care and/or disability benefits. Illinois law establishes time limits for notifying your employer and for seeking recovery for such benefits. Generally, you must notify your employer of the injury, orally or in writing, within 45 days and must file a claim within 3 years. If you have been injured at work, you should seek legal advice at once.

## VI. WILLS AND ESTATES

The Illinois Probate Act of 1975, 755 ILCS 5/1-1, governs the payment of debts and distributions of the deceased individual's assets. This body of law is highly statutory and the Act is the best resource for any questions you may have.

After a person passes away (also known as the "decedent"), his or her assets and debts (that are not otherwise controlled by joint tenancy or by pay-on-death beneficiary instructions) pass directly into his or her estate. *All* assets of the decedent belong to the estate, subject to the aforementioned exceptions.

**Question #1:**        ***A relative died as a result of the storm and we are not sure if she had a will. What should we do?***

A. First establish whether the decedent had a will, as that fact will channel the probate process into either the (a) testate (with a will); or (b) intestate (without a will) process.

B. Relatives should search for the will in any place where the decedent may have kept it. Often, the will is kept in one of the following places:

- 1)     in a safe or lockbox
- 2)     in a safety deposit box;
- 3)     in the decedent's personal files;
- 4)     with a trusted friend or relative; or
- 5)     with the decedent's attorney.

C. Under 755 ILCS 5/6-1, any person in custody of the decedent's will is obligated by law to deliver the will to the court. This can be done by (a) directly filing the will with the probate clerk of court; (b) delivering the will to the executor named in the will or his or her attorney; or (c) delivering the will to the administrator or his or her attorney if the estate is already open. Failure to deliver the will to the court may subject the person in possession of the will to contempt of court.

D. If the relative suspects that the will is in a safety deposit box but the relative does not have access to the safety deposit box, the estate may be opened as an "intestate" estate (see Question 54 below). After an administrator is appointed, the bank holding the safety deposit box will grant the administrator access after presenting (1) *Letters of Administration*; and (2) a government-issued photo identification. If the will is subsequently found in the safety deposit box, the attorney for the administrator can then petition the court to convert the intestate estate into a testate estate.

**Question #2:**        ***We know that our relative does not have a will. What happens now?***

Once determining that the decedent did not have a will, the relative should (a) collect and "freeze" the assets of the estate; and (b) see an attorney practicing probate law as

soon as possible. If the intestate estate is probated, (c) an administrator will be appointed to pay the debts of the estate and (d) distribute remaining assets.

#### A. COLLECT AND "FREEZE" DECEDENT'S ASSETS.

It is important that no one distribute or give away any assets of the estate before the court determines that the estate has sufficient funds to pay all of the decedent's debts. A person who distributes or gives away the assets of the estate can be personally liable for the value of the assets to the estate. Only the decedent's bills necessary to maintain the real estate owned or rented by decedent (if any) should immediately be paid. These bills include the mortgage payments, homeowner's/renter's insurance, electrical, natural gas, water, or other bills necessary to maintain the premises in its current condition. Other than those bills, no bills of the estate should be paid until an administrator has been appointed, the period to file claims against the estate has passed, and the court has determined the priority of the debts that should be paid.

#### B. INITIAL MEETING WITH AN ATTORNEY.

The initial meeting with the attorney is essentially an information-gathering session, so the relative is encouraged to bring as much information and as many documents as he or she deems helpful.

The attorney will conduct an interview with the relative to determine a number of issues and collect the following information:

1. whether the decedent had a will;
2. biographical information of the decedent, including the complete name, address, social security number, marital status, the spouse's name (if applicable), date of birth, date of death, and location of death;
3. biographical information of the petitioning administrator including the complete name, address, date of birth, social security number, date of birth, contact information (phone numbers and e-mail address), and relationship to the decedent;
4. biographical information on all known heirs at law including the complete name, address, date of birth, social security number, date of birth, contact information (phone numbers and e-mail address), and relationship to the decedent;
5. information regarding the assets of the decedent, including recent bank statements, investment portfolios, insurance policies, appraisals, abstracts, promissory notes, contracts, and other documents reflecting the decedent's ownership interest in the asset;

6. information regarding the debts of the decedent, including bills, payment schedules, promissory notes, contracts, debtor contact information and other documents reflecting the decedent's debts.

This will provide the attorney with enough information to start the probate procedure. If probate is necessary, the attorney will then prepare the following documents necessary to open an intestate estate:

1. Petition for Letters of Administration;
2. Proof of Death;
3. Oath of Office;
4. Proof of Heirship;
5. Order Finding Heirship;
6. Order Appointing Administrator;
7. Bond of Legal Representative – No Surety; and
8. Appearance for Letters of Administration.

Additionally, the attorney will obtain the *Letters of Administration* which are required by third parties for the administrator to act on the estate's behalf. The attorney must also publish notice to creditors in a local periodical, typically a newspaper, once a week for three successive weeks.

#### C. DUTIES OF THE ADMINISTRATOR.

After the administrator is appointed by the court, the attorney should prepare a letter to the administrator detailing the administrator's duties and how the goals of the estate are best accomplished. The administrator will have essentially the same powers over the decedent's assets as the decedent did during his or her lifetime, but without the range of discretion. The administrator must act for the benefit of the heirs at law and owes the estate a duty of good faith, care, and fair dealing. If the court determines that the administrator self-dealt or acted in bad faith, the administrator may be removed from his or her position and be liable to the estate for any damages it may have incurred.

#### D. DISTRIBUTION OF ASSETS.

If the debts of the estate are paid in full and assets are still owned by the estate, the remaining assets are distributed amongst the "heirs at law" according to the Illinois rules of descent and distribution, 755 ILCS 5/2-1.

**Question # 3: A relative died as a result of the storm, and we know that she had a will. What happens now?**

If you determine that the decedent had a will and you are unable to find the original will, see question 1 above.

Typically, only a properly-executed will is enforceable in court. If you are unable to locate the original will, but you have an executed copy, a relative or attorney may petition the court to accept the exact copy of the will in the absence of the original. The relative or attorney thereof will have the burden of proving to the court that (a) the original will was destroyed, and (b) the copy of the will is identical to the executed original. If the court finds as such, the court may open the estate using an exact copy of the will, rather than the executed original.

Regardless of whether the relative is in possession of the original will or an executed copy, the relative should (a) collect and “freeze” the assets of the estate; and (b) deliver the will to an attorney practicing probate law as soon as possible. If the testate estate is probated, (c) an executor will be appointed to pay the debts of the estate and (d) distribute remaining assets.

#### A. COLLECT AND “FREEZE” DECEDENT’S ASSETS.

It is important that no one distribute or give away any assets of the estate before the court determines that the estate has sufficient funds to pay all of the debts. A person who distributes or gives away the assets of the estate can be personally liable for the value of the assets to the estate. Only the decedent’s bills necessary to maintain the real estate owned or rented by decedent (if any) should be paid. These bills include the mortgage payment, homeowner’s/renter’s insurance, electrical, natural gas, water, or other bills necessary to maintain the premises in its current condition. Other than those bills, no bills of the estate should be paid until after an executor has been appointed, the period to file claims against the estate has passed, and the court has determined the priority of the debts that should be paid.

#### B. INITIAL MEETING WITH AN ATTORNEY.

This initial meeting with the attorney is essentially an information-gathering session, so the relative is encouraged to bring as much information and as many documents as he or she deems helpful.

The attorney will conduct an interview with the relatives to determine a number of issues and collect the following information:

1. whether the decedent had a will;
2. biographical information of the decedent, including the complete name, address, social security number, marital status, the spouse’s name (if applicable), date of birth, date of death, and location of death;
3. biographical information of the petitioning administrator including the complete name, address, date of birth, social security number, contact information (phone numbers and e-mail address), and relationship to the decedent;

4. biographical information on all known heirs at law including the complete name, address, date of birth, social security number, date of birth, contact information (phone numbers and e-mail address), and relationship to the decedent;
5. information regarding the assets of the decedent, including recent bank statements, investment portfolios, insurance policies, appraisals, abstracts, promissory notes, contracts, and other documents reflecting the decedent's ownership interest in the asset;
6. information regarding the debts of the decedent, including bills, payment schedules, promissory notes, contracts, debtor contact information and other documents reflecting the decedent's debts.

This will provide the attorney with enough information to start the probate procedure. If probate is necessary, the attorney will then prepare the following documents necessary to open a testate estate:

1. Petition for Probate of Will and for Letters Testamentary;
2. Proof of Death;
3. Oath of Office;
4. Proof of Heirship;
5. Order Finding Heirship;
6. Order Admitting Will to Probate and Appointing Representative; and
7. Bond of Legal Representative – No Surety.

Additionally, the attorney will obtain the *Letters of Office* which are often required by third parties for the executor to act on the estate's behalf. The attorney must also publish notice to creditors in a local periodical, typically a newspaper, once a week for three successive weeks.

#### C. DUTIES OF THE EXECUTOR.

After the executor is appointed by the court, the attorney should prepare a letter to the executor detailing the executor's duties and how the goals of the estate are best accomplished. The executor will have essentially the same powers over the decedent's assets as the decedent did during his or her lifetime, but must act for the benefit of the beneficiaries of the will and owes the beneficiaries a duty of good faith, care, and fair dealing. The executor must also act in accordance with the intentions of the will. If the court determines that the executor self-dealt, acted in bad faith, or acted contrary to the intentions of the will, the executor may be removed from his or her position and be liable to the estate for any damages it may have incurred.

#### D. DISTRIBUTION OF ASSETS.

If the debts of the estate are paid in full and assets are still owned by the estate, the remaining assets are distributed amongst the beneficiaries of the will according to the distribution scheme enumerated in the will.

## VII. DISASTER PREPAREDNESS CHECKLIST

Flood and other disaster preparedness information from the Illinois State Bar Association

There are a few things you will absolutely need to have with you if you have to vacate your home due to flood or other natural disaster. It's a good idea to keep the following in one place, in a waterproof container that is easily transported in the event of an evacuation.

- **Proof of identity.** Make sure you have your driver's license, state identification card, passport or other photo ID. Again, it may be necessary to have this kind of information in order to gain access to the area after the disaster.
- **Proof of residency or ownership of property.** You will need to take the deed to your property or other proof of where you live, like a copy of your lease if you are renting. Oftentimes, after the waters recede, National Guard and/or law enforcement professionals will protect the area and you will need positive identification to gain entry to your property.
- **Proof of insurance, life, medical and property.** Keep your insurance policies and medical cards where you can find them and take them with you if you need to be evacuated. This goes for every member of your family.
- Other personal documents that you would have a hard time replacing: divorce decrees, child custody paperwork, wills, advanced directives, etc. If these aren't in a bank or safety deposit box, put them in a safe, waterproof container and keep them with you.
- **Charge cards, check books, savings books and bank documents.** You may need cash or credit if you are unable to return to your home to pay for housing, food and transportation. Be sure to include any loan documents or lease agreements that you currently are paying.
- **Remember the pets.** You may need to prove that your dog, cat or other animal has had the appropriate shots. Tag your pets and ensure they are transported in appropriate carriers, and that you have sufficient food and water for them to last for a number of days.
- **Any medications that you and your family will need.** Be sure to take the actual prescription bottles in case you need refills.
- If you have a cell phone, take it and the accessories that will allow you to charge it and be sure you have your telephone directory available so you'll be able to contact family and friends to let them know where you are and that you are safe.
- **Proof of employment.** Bring a pay stub with you, or your employee identification card.
- **Any additional identification:** social security card, military identification, veteran's identification, proof of eligibility for food stamps, etc.
- If you are not a United States citizen, be sure to have your green card, visa, passport or other documents.
- If there's time, take family photos, mementos and other items that are impossible to replace.

## Resources for Disaster Victims

If you don't have a personal computer available to you, public libraries often allow Internet access free-of-charge.

- **Federal Emergency Management Agency (FEMA)**

<http://www.fema.gov/assistance/index.shtm>

Phone: Call 1-800-621-FEMA (3362) or call TTY 1-800-462-7585 for people with speech or hearing disabilities.

- **Illinois Emergency Management Agency (IEMA)**

<http://www.state.il.us/iema/disaster/disaster.htm>

Region Two – Dixon, Illinois 815.288.1455  
Region Three – Seneca, Illinois 815.357.8963  
Region Four – Des Plaines, Illinois 847.294.4717  
Region Six – Springfield, Illinois 217.782.0922  
Region Seven – Champaign, Illinois 217.352.0163  
Region Eight – Collinsville, Illinois 618.344.1024  
Region Nine – Flora, Illinois 618.662.4474  
Region Eleven – Marion, Illinois 618.997.5847

- **Illinois Legal Aid** <http://www.illinoislegalaid.org/>  
*Prairie State Legal Services* <http://www.pslegal.org/>  
Regional offices - <http://www.pslegal.org/locations.asp>

*Land of Lincoln Legal Assistance Foundation* <http://www.lollaf.org/>

Regional offices - <http://www.lollaf.org/office.html>

*Legal Assistance Foundation of Metropolitan Chicago* <http://www.lafchicago.org/>

*Cook County Legal Assistance Foundation* 773.321.7900

- **Illinois Lawyer Finder Service (ISBA)** [www.illinoislawyerfinder.com](http://www.illinoislawyerfinder.com)  
800.922.8757  
The service can refer you to a private practicing lawyer in your area who has agreed to provide an initial half-hour consultation for a fee not to exceed \$25. There is no obligation to hire the lawyer.
- **International Red Cross** <http://www.redcross.org/>  
Illinois Red Cross Chapters can be located by entering your Zip Code
- **Salvation Army** [http://www.salvationarmyusa.org/usn/www\\_usn\\_2.nsf](http://www.salvationarmyusa.org/usn/www_usn_2.nsf)  
Click on "Programs that Help" then "Disaster Relief"

- **Office of the Illinois Attorney General – Consumer fraud issues**  
<http://www.illinoisattorneygeneral.gov/consumers/index.html>
- **University of Illinois Extension - Disaster Information**  
<http://web.extension.uiuc.edu/disaster/facts/relief.html>
- **Illinois Department of Insurance**      <http://www.idfpr.com/DOI/Default2.asp>
- **Illinois Department of Public Health**      <http://www.idph.state.il.us/>
- **Illinois EPA**      <http://www.epa.state.il.us/>
- **Illinois State Police**      <http://www.isp.state.il.us/>

## VIII. RESOURCE AND REFERRAL GUIDE LOCAL RESOURCES

**Question #1:        *What is an Emergency Management Agency, and what do they do?***

Authority for emergency management in Illinois comes from the Illinois Emergency Management Act (20 ILCS 3305/1 et seq. and 29 Illinois Administrative Code, Part 301) that requires each community and county to appoint an Emergency Management Agency Coordinator. At any level of government the EMA Coordinator's duties are to oversee planning, training, and preparing for emergency response during non-disaster times, and to act as the coordinator of emergency operations during disasters.

All levels of government share emergency management responsibilities. Local government is the front line of emergency management and the county serves as the link between local government and the state.

No area in Illinois is immune from severe weather, large fires, hazardous material spills, or other disasters. The Emergency Management program represents insurance to the county when disaster strikes by insuring that all emergency response groups are well-trained and coordinated.

The Emergency Management Agency is not a replacement for the public, fire, ambulance or other emergency response groups. The Emergency Management Agency coordinates response and recovery in declared disasters when more than one department is responding to a threat, the disaster extends beyond the normal mutual aid boundaries of the affected community, or when several communities are involved.

The importance of the EMA becomes apparent during times of emergency. After a disaster has happened it is too late to write a comprehensive plan, train personnel, or establish complex emergency communications systems. The County EMA provides guidance, planning models, and workshops on emergency management to local communities and their own EMA staff.

**Statewide:**

**FEMA (Federal Emergency Management Administration)**

General Questions

[AskFEMA@dhs.gov](mailto:AskFEMA@dhs.gov)

Telephone: 1 (800) 621-FEMA (3362)

TDD: TTY users can dial 1 (800) 462-7585 to use the Federal Relay Service.

Fax: 1 (800) 827-8112

Technical Assistance (Online Registration)

Telephone: 1 (800) 745-0243

Fax: 1 (800) 827-8112

Federal Emergency Management Agency  
P.O. Box 10055  
Hyattsville, MD 20782-7055

When disasters take place, the Individuals and Households Program (IHP) provides money and services to people in the disaster area when losses are not covered by insurance and property has been damaged or destroyed.

The following list shows the types of assistance that are available through IHP and what each provides:

Temporary Housing (a place to live for a limited period of time): Money is available to rent a different place to live, or a government-provided housing unit when rental properties are not available.

Repair: Money is available to homeowners to repair damage from the disaster that is not covered by insurance. The goal is to make the damaged home safe, sanitary, and functional.

Replacement: Money is available to homeowners to replace their home destroyed in the disaster that is not covered by insurance. The goal is to help the homeowner with the cost of replacing their destroyed home.

Permanent/Semi-Permanent Housing Construction: Direct assistance or money for the construction of a home. This type of help occurs only in insular areas or remote locations specified by FEMA, where no other type of housing assistance is possible.

Other Needs: Money is available for necessary expenses and serious needs caused by the disaster. This includes medical, dental, funeral, personal property, transportation, moving and storage, and other expenses that are authorized by law.

On March 1, 2003, the Federal Emergency Management Agency (FEMA) became part of the U.S. Department of Homeland Security (DHS).

**Illinois Emergency Management Agency**

Illinois Emergency Management Agency

2200 South Dirksen Parkway

Springfield, Illinois 62703

Telephone: (217)782-2700

<http://state.il.us/iema/>

<http://www.ready.illinois.gov/default.htm> Provides up to date information, including planning tips, etc.

Regional Offices:

Central Office

Andrew Velasquez III, Director  
2200 South Dirksen Parkway  
Springfield, Illinois 62703-4528  
Phone: 217/782-2700

Manager, Regional Offices

Cristy Donaldson  
2200 South Dirksen Parkway  
Springfield, Illinois 62703-4528  
Phone: 217/557-7244; Fax: 217/558-4810

Region Two

Sue Coers, Regional Coordinator  
Kathy Spellman, Office Coordinator  
Chris Melvin, Planning & Training Specialist  
1325 North Galena Avenue  
Dixon, Illinois 61021-1009  
Phone: 815/288-1455; Fax: 815/288-5650

Region Three

VACANT, Regional Coordinator  
Lisa Anderson, Office Coordinator  
Mary Jo Stank, Planning & Training Specialist  
340 North Cash Street, P.O. Box 104  
Seneca, Illinois 61360-0104  
Phone: 815/357-8963; Fax: 815/357-8992

Region Four

Jimmy Thompson, Regional Coordinator  
9511 West Harrison Street  
Des Plaines, Illinois 60016-1563  
Phone: 847/294-4717; Fax: 847/294-4715

Region Six

Russ Steil, Regional Coordinator  
Bob Flemming, Planning & Training Specialist  
2200 South Dirksen Parkway  
Springfield, Illinois 62703-4528  
Phone: 217/782-0922; Fax: 217/558-4810

Region Seven

Daniel T. Smith, Regional Coordinator  
Iris Ducey, Planning & Training Specialist  
313 North Mattis Avenue, Suite 213  
Champaign, Illinois 61821-2461

Phone: 217/352-0163; Fax: 217/352-1316

Region Eight

Stanley W. Krushas, Regional Coordinator  
Mona Callis, Planning & Training Specialist  
2105 Vandalia, Suite 6A  
Collinsville, Illinois 62234-4859  
Phone: 618/344-1024; Fax: 618/344-1159

Region Nine

Steve Simms, Regional Coordinator  
Tresa Bowen, Office Coordinator  
Adam Croy, Planning & Training Specialist  
112 West Sixth Street  
Flora, Illinois 62839-1401  
Phone: 618/662-4474; Fax: 618/662-4448

Region Eleven

VACANT, Regional Coordinator  
Sherry Ramsey, Office Coordinator  
Chris Pulley, Planning & Training Specialist  
State Regional Office Building  
2309 West Main Street, Suite 110  
Marion, Illinois 62959-1196  
Phone: 618/997-5847; Fax: 618/997-2642

**Disaster Preparedness Kits can be found at:**

In English: [http://www.ready.illinois.gov/pdf/IHS\\_Disaster\\_Kit.pdf](http://www.ready.illinois.gov/pdf/IHS_Disaster_Kit.pdf)

In Spanish: [http://www.ready.illinois.gov/pdf/IHS\\_Disaster\\_Kit\\_Spanish.pdf](http://www.ready.illinois.gov/pdf/IHS_Disaster_Kit_Spanish.pdf)

The primary responsibility of the Illinois Emergency Management Agency (IEMA) is to better prepare the State of Illinois for natural, manmade or technological disasters, hazards, or acts of terrorism. The goal is a "better prepared state." IEMA coordinates the State's disaster mitigation, preparedness, response and recovery programs and activities, functions as the State Emergency Response Commission, and maintains a 24-hour Communication Center and State Emergency Operations Center (SEOC). The SEOC acts as lead in crisis/consequence management response and operations to notify, activate, deploy and employ state resources in response to any threat or act of terrorism. IEMA assists local governments with multi-hazard emergency operations plans and maintains the Illinois Emergency Operations Plan.

IEMA's Division of Nuclear Safety (DNS) is responsible for protecting Illinois residents from the potentially-harmful effects of ionizing radiation, administering more than two dozen programs to protect citizens and the environment. Programs include extensive emergency planning and response efforts and training for local responders for accidents involving radiation; inspecting and regulating radioactive materials licensees; registering and inspecting radiation-producing equipment and facilities statewide; accrediting medical radiation technologists; and certifying mammography facilities. IDNS also monitors 11 nuclear-power reactors at six nuclear stations licensed to generate electricity in Illinois and inspects and escorts spent nuclear fuel shipments.

### **Disaster Unemployment Insurance**

For more information call  
the U.S. Department Of Labor  
National Toll-Free Contact Center  
1-866-4-USA-DOL  
(1-866-487-2365)  
TTY:1-877-889-5627

Disaster Unemployment Assistance: The deadline is June 8 for people to apply for Disaster Unemployment Assistance. Those interested in applying must do so by filing claims with the Illinois Department of Employment Security (IDES). The program, which is administered by the state and funded by FEMA, is available to help individuals affected by the disaster who are not covered by regular unemployment insurance. To locate the nearest IDES or Illinois Employment and Training Center, call toll-free 1-888-FOR-IETC (888-367-4382). Can also apply through FEMA.

### **Illinois Attorney General Consumer Protection**

#### Consumer Fraud Hotlines

(800) 386-5438 (Chicago)  
(800) 243-0618 (Springfield)  
(800) 243-0607 (Carbondale)

#### Línea Gratuita en Español

1-866-310-8398

#### Toll-Free TTY Numbers

(800) 964-3013 (Chicago)  
(877) 844-5461 (Springfield)  
(877) 675-9339 (Carbondale)

#### Homeowner Helpline

1-866-544-7151 (Voice/TTY)  
312-814-5094

#### Crime Victims Assistance Line

(800) 228-3368 (Voice/TTY)

Process complaints from consumers who believe they are getting scammed on repairs, replacement of damaged property, solicitations from fraudulent charities, etc. Always check to see if the charity is registered with the Office of the Attorney General by calling 312-814-2595; TTY: 312-814-3374. If you feel a solicitation is suspicious, do not donate money and instead report the solicitation to the Office of the Attorney General.

### **Illinois Department of Human Services**

<http://www.dhs.state.il.us/>

#### DHS Help Line

Use the DHS Help Line for questions about case status, benefits, services or eligibility.

Staff is available from 8:00 am - 5:30 pm, Monday through Friday (except state holidays) to answer your questions. An automated response is available after hours.

(800) 843-6154 English or Español

(800) 447-6404 TTY

#### DHS Main Offices

##### Springfield Office

100 South Grand Avenue East  
Springfield, Illinois 62762  
(217) 557-1601  
(217) 557-2134 TTY

##### Chicago Office

401 South Clinton Street  
Chicago, Illinois 60607  
(800) 843-6154  
(312) 793-2354 TTY

To find the DHS office in your area, use the [DHS Office Locator](http://www.dhs.state.il.us/page.aspx?module=12)  
(<http://www.dhs.state.il.us/page.aspx?module=12>)

For Link cards, food stamps, cash, medical assistance, or Medicaid, find your local "Family Community Resource Center."

### **Illinois Insurance Division, Consumer Affairs Bureau**

Division of Insurance- Chicago  
Department of Financial and Professional Regulation

100 W. Randolph St., Suite 9-301  
Chicago, IL 60601-3395  
312-814-2427  
TTY: 312-814-2603  
Fax: 312-814-5416  
E-mail: [director@ins.state.il.us](mailto:director@ins.state.il.us)  
[www.insurance.illinois.gov](http://www.insurance.illinois.gov)

Division of Insurance- Springfield  
Department of Financial and Professional Regulation  
320 W. Washington St.  
Springfield, IL 62767-0001  
217-782-4515  
Toll free: 1-877-527-9431 (Office of Consumer Health Insurance)  
Toll free: 1-866-445-5364 (Consumer Assistance Hotline)  
TTY: 217-524-4872  
Fax: 217-782-5020 or 217-558-2083 (Complaints)  
E-mail: [director@ins.state.il.us](mailto:director@ins.state.il.us)  
[www.insurance.illinois.gov](http://www.insurance.illinois.gov)

(Processes complaints from consumers about how insurance claims were handled, and/or whether coverage was denied or insufficient).

### **Illinois Utilities Board**

Citizens Utility Board  
309 W. Washington Street, Suite 800, Chicago, Illinois 60606  
(312) 263-4282 Fax (312) 263-4329 (800) 669-5556  
(Processes complaints concerning utilities).

### **United Way**

For local disaster information or assistance, call 211.

### **By County:**

#### **1 ADAMS**

Mr. John Simon  
Adams County EMA  
222 North 52nd Street  
Quincy, IL 62305  
(217) 277-2005 Phone  
(217) 277-2009 Fax  
[www.co.adams.il.us/ema/](http://www.co.adams.il.us/ema/)

#### **2 ALEXANDER**

Ms. Martha Nicholson  
Alexander Co./Cairo ESDA

720 37th Street  
Cairo, IL 62914  
Bus. Phone: (618) 734-2133  
Fax Number: (618) 734-2134

#### **3 BOND**

Mr. Allen Davis  
Bond Co./Greenville ESDA  
PO Box 128, 200 West College  
Greenville, IL 62246  
Bus. Phone: (618) 664-1911  
Fax Number: (618) 664-2257

#### **4 BOONE**

Deputy Sandra Rogers  
Boone County EMA  
615 North Main  
Belvidere, IL 61008  
Bus. Phone: (815) 544-9322  
Fax Number: (815) 621-1259

#### **5 BROWN**

Mr. Curt Hannig  
Brown County ESDA  
R.R. #1- Box 1A  
Mt. Sterling, IL 62353  
Bus. Phone: (217) 773-2113  
Fax Number: (217) 773-2233

#### **6 BUREAU**

Mrs. Kristine S. Donarski  
Bureau County ESDA  
700 South Main St./Courthouse Room  
B-5  
Princeton, IL 61356  
Bus. Phone: (815) 875-2077  
Fax Number: (815) 875-1631

#### **7 CALHOUN**

Mr. Robert Breden  
Calhoun County ESDA  
HCR 61, Box 48  
Hardin, IL 62047  
Bus. Phone: (618) 576-2733  
Fax Number: (618) 576-2733

#### **8 CARROLL**

Mr. Gregory Miller  
Carroll County ESDA  
301 North Main, P.O. Box 227  
Mt. Carroll, IL 61053  
Bus. Phone: (815) 244-9171  
Fax Number: (815) 244-2656

#### **9 CASS**

Mr. Roger Lauder  
Cass County ESDA  
Rt 125  
Beardstown, IL 62618-7800  
No business phone or fax

#### **10 CHAMPAIGN**

Mr. Bill L. Keller  
Champaign County EMA  
1905 East Main Street  
Urbana, IL 61802  
Bus. Phone: (217) 384-3826  
Fax Number: (217) 384-3794

#### **11 CHRISTIAN**

Mr. Michael Crews  
Christian Co./Taylorville ESDA  
301 West Franklin  
Taylorville, IL 62568  
Bus. Phone: (217) 824-5421  
Fax Number: (217) 824-3851

#### **12 CLARK**

Mr. Jerry Lorton  
Clark County EMA  
207 North 5th Street  
Marshall, IL 62441  
Bus. Phone: (217) 826-6393  
Fax Number: (217) 826-2214

#### **13 CLAY**

Mr. Steve Lewis  
Clay County ESDA  
P.O. Box 365  
Flora, IL 62839  
Bus. Phone: (618) 662-8211  
Fax Number: (618) 662-3541

#### **14 CLINTON**

Mr. Richard B. Crocker  
Clinton County ESDA  
1490 Abbott Street  
Carlyle, IL 62231  
Bus. Phone: (618) 594-4455  
Fax Number: (618) 594-8715

#### **15 COLES**

Mr. Thomas C. Watson  
Coles County EMA  
2200 Madison Avenue  
Charleston, IL 61920

Bus. Phone: None  
Fax Number: (217) 348-9483

**16 COOK**

Mr. David Ramos  
Cook County EMA  
69 West Washington Ste 2630  
Chicago, IL 60602  
Bus. Phone: (312) 603-8181  
Fax Number: (312) 603-9888

**17 CRAWFORD**

Mr. Ken Pryor  
Crawford County EMA  
P.O. Box 132  
Robinson, IL 62454  
Bus. Phone: None  
Fax Number: (618) 546-5604

**18 CUMBERLAND**

Mr. Troy W. Timm  
Cumberland County EMA  
105 S. Kentucky, P.O. Box 121  
Greenup, IL 62428  
Bus. Phone: None  
Fax Number: (217) 849-2835

**19 DE WITT**

Mr. Fred Zacher  
DeWitt Co./Clinton ESDA  
201 West Washington  
Clinton, IL 61727  
Bus. Phone: (217) 935-7790  
Fax Number: (217) 935-4660

**20 DEKALB**

Mr. Dennis Miller  
DeKalb County ESDA  
150 North Main Street  
Sycamore, IL 60178  
Bus. Phone: (815) 895-7206  
Fax Number: (815) 895-1626

**21 DOUGLAS**

Mr. Joseph A. Victor  
Douglas County EMA

200 S. Prairie  
Tuscola, IL 61953  
Bus. Phone: (217) 253-9538  
Fax Number: (217) 253-5235

**22 DUPAGE**

Mr. Norm Sturm  
DuPage Co. Ofc of Homeland Sec/Emer  
Mgt  
136 North County Farm Road  
Wheaton, IL 60187  
Bus. Phone: (630) 682-7925  
Fax Number: (630) 682-7931

**23 EDGAR**

Mr. Duane Fidler  
Edgar County ESDA  
P.O. Box 1002  
Paris, IL 61944  
Bus. Phone: (217) 466-3180  
Fax Number: (217) 463-4303

**24 EDWARDS**

Ms. Deborah Judge  
Edwards County ESDA  
50 East Main Street  
Albion, Il 62806  
(618) 445-2917

**25 EFFINGHAM**

Mr. Russ Thomas  
Effingham County EMA  
311 Miracle Avenue  
Effingham, IL 62401  
Bus. Phone: (217) 536-6169  
Fax Number: (217) 536-6490

**26 FAYETTE**

Mr. Steve Koehler  
Fayette County EMA  
221 South 7th Street  
Vandalia, IL 62471  
Bus. Phone: (618) 283-4292  
Fax Number: (618) 283-5004

**27 FORD**

Mr. Dennis Higgins  
Ford County ESDA  
200 W. State Street, Room B5  
Paxton, Illinois 60957  
Bus. Phone: (217) 379-2741  
Fax Number: None

**28 FRANKLIN**

Mr. Ryan Buckingham  
Franklin County EMA  
202 West Main Street  
Benton, IL 62812  
Bus. Phone: (618) 439-4362  
Fax Number: (618) 439-4363

**29 FULTON**

Mr. Chris Helle  
Fulton County ESDA  
163 South Cone Street  
Farmington, IL 61531

Bus. Phone: (309) 245-2448  
Fax Number: (309) 647-7701

**30 GALLATIN**

Mr. Steve J. Galt  
Gallatin County ESDA  
9200 Duncan Lane  
Shawneetown, IL 62984  
Bus. Phone: (618) 269-3040  
Fax Number: (618) 269-4911

**31 GREENE**

Mr. David R. Roe  
Greene County ESDA  
519 N. Main St., Room 12  
Carrollton, IL 62016  
Bus. Phone: (217) 374-6171  
Fax Number: (217) 942-9323

**32 GRUNDY**

Mr. James E. Lutz  
Grundy County EMA  
1320 Union Street  
Morris, IL 60450  
Bus. Phone: (815) 941-3212

Fax Number: (815) 941-3456

**33 HAMILTON**

Mr. William D. Sandusky  
Hamilton County EMA  
R.R. #5, Box 60  
McLeansboro, IL 62857  
Bus. Phone: (618) 643-2011  
Fax Number: (618) 643-2146

**34 HANCOCK**

Mr. Jack Curfman  
Hancock County ESDA  
1006 Wabash  
Carthage, IL 62321  
Bus. Phone: (217) 357-2115  
Fax Number: (217) 357-0104

**35 HARDIN**

Mr. James Kevin Carman  
Hardin County ESDA  
P.O. Box 167  
Elizabethtown, IL 62931  
Bus. Phone: (618) 285-6634  
Fax Number: (618) 285-6090

**36 HENDERSON**

Mr. Bill Tobias  
Henderson County EMA  
P.O. Box 345  
Oquawka, IL 61469  
Bus. Phone: None  
Fax Number: (309) 867-5741 call 1<sup>st</sup>

**37 HENRY**

Mr. Joe Swan  
Henry County ESDA  
PO Box 265  
Colona, IL 61241  
Bus. Phone: (309) 792-8774  
Fax Number: (309) 937-3405

**38 IROQUOIS**

Mr. Carl Gerdovich  
Iroquois County ESDA  
550 South 10th Street

Watseka, IL 60970  
Bus. Phone: (815) 432-6997  
Fax Number: (815) 432-6996

**39 JACKSON**

Mr. Derek Misener  
Jackson County EMA  
1001 Walnut Street  
Murphysboro, IL 62966  
Bus. Phone: (618) 684-3137  
Fax Number: (618) 687-4387

**40 JASPER**

Mr. Doug Long  
Jasper County EMA  
202 North Maple  
Newton, IL 62448  
Bus. Phone: None  
Fax Number: (618) 783-3158

**41 JEFFERSON**

Mr. Benton Fitzjerrells  
Jefferson County ESDA  
8120 East Dix-Irvington Road  
Dix, IL 62830  
None

**42 JERSEY**

Mr. Larry W. Mead  
Jersey Co./Jerseyville ESDA  
114 North Washington  
Jerseyville, IL 62052  
Bus. Phone: (618) 498-6881  
Fax Number: (618) 498-1911

**43 JO DAVIESS**

Mr. Colin M. Fulrath  
Jo Daviess County EMA  
330 North Bench Street  
Galena, IL 61036  
Bus. Phone: (815) 777-2141  
Fax Number: (815) 777-9159

**44 JOHNSON**

Mr. Jim Haney  
Johnson County ESDA

P.O. Box 96  
Vienna, IL 62995  
Bus. Phone: (618) 658-8331  
Fax Number: (618) 658-9665

**45 KANE**

Mr. Donald H. Bryant  
Kane County OEM  
719 South Batavia Avenue  
Geneva, IL 60134  
Bus. Phone: (630) 232-5985  
Fax Number: (630) 232-7408

**46 KANKAKEE**

Mr. Bradley J. O'Keefe  
Kankakee County ESDA  
3000 South Justice Way  
Kankakee, IL 60901  
Bus. Phone: (815) 802-7170  
Fax Number: (815) 937-5152

**47 KENDALL**

Deputy Chief Terry Tichava  
Kendall County EMA  
1102 Cornell Lane  
Yorkville, IL 60560  
Bus. Phone: (630) 553-7500, ext 1102  
Fax Number: (630) 553-1972

**48 KNOX**

Mr. Tom Simkins (Interim Coord.)  
Knox County EMA  
150 South Broad Street  
Galesburg, IL 61401  
Bus. Phone: (309) 345-3755  
Fax Number: (309) 343-1340

**49 LAKE**

Mr. Kent McKenzie  
Lake County EMA  
1303 North Milwaukee Avenue  
Libertyville, IL 60048  
Bus. Phone: (847) 377-7100  
Fax Number: (847) 377-7015

**50 LASALLE**

Mr. Mike Jobst  
LaSalle County EMA  
707 East Etna Road  
Ottawa, IL 61350  
Bus. Phone: (815) 433-5622  
Fax Number: (815) 434-2623

**51 LAWRENCE**

Mr. Jess Angle  
Lawrence County EMA  
109 East North  
Sumner, IL 62466  
Bus. Phone: (618) 943-2046  
Fax Number: (618) 943-2046

**52 LEE**

Mr. Kevin Lalley  
Lee County EMA  
316 South Hennepin Avenue  
Dixon, IL 61021  
Bus. Phone: (815) 284-3365  
Fax Number: (815) 284-3367

**53 LIVINGSTON**

Mr. Charles T. Schopp  
Livingston County ESDA  
110 W. Water Street, Suite 3  
Pontiac, IL 61764  
Bus. Phone: (815) 844-7741  
Fax Number: (815) 844-6662

**54 LOGAN**

Mr. Daniel Fulscher  
Logan County EMA  
911 Pekin Street  
Lincoln, IL 62656  
Bus. Phone: (217) 732-9491  
Fax Number: (217) 735-2244

**55 MACON**

Jim Root  
Macon County EMA  
282 East Macon Street  
Decatur, IL 62523  
Bus. Phone: (217) 424-1327

Fax Number: (217) 424-1329

**56 MACOUPIN**

Mr. James W. Pitchford  
Macoupin County EMA  
215 South East Street, P.O. Box 535  
Carlinville, IL 62626-0535  
Bus. Phone: (217) 854-3352  
Fax Number: (217) 854-8477

**57 MADISON**

Mr. Larry Ringering  
Madison County EMA  
157 North Main St., Suite 33  
Edwardsville, IL 62025  
Bus. Phone: (618) 692-0537  
Fax Number: (618) 692-8985  
<http://www.co.madison.il.us/EMA/EMA.s.html>

**58 MARION**

Mr. Donald R. Brooks  
Marion County ESDA  
1999 South Marion  
Salem, IL 62881  
Bus. Phone: None  
Fax Number: (618) 548-9163

**59 MARSHALL**

Mr. Neil L. Pobanz  
Marshall County EMA  
P.O. Box 243  
Lacon, IL 61540  
Bus. Phone: (309) 246-2870  
Fax Number: (309) 246-2296

**60 MASON**

Mr. Gregory Griffin  
Mason County ESDA  
206 North Plum, Apt. #2  
Havana, IL 62644  
Bus. Phone: (309) 543-4702  
Fax Number: (309) 543-2067

**61 MASSAC**

Massac Co./Metropolis ESDA  
1 Superman Square Rm B, PO Box 716  
Metropolis, IL 62960  
Bus. Phone: (618) 524-2002  
Fax Number: (618) 524-2120

**62 MCDONOUGH**

Mr. Dan Kreps  
McDonough County ESDA  
413 A Memorial Hall - WIU  
Macomb, IL 61455  
Bus. Phone: (309) 837-2686  
Fax Number: (309) 298-3579

**63 MCHENRY**

Mr. Barry L. Valentine  
McHenry County EMA  
2200 North Seminary Avenue  
Woodstock, IL 60098  
Bus. Phone: (815) 338-6400  
Fax Number: (815) 334-4633

**64 MCLEAN**

Mr. Curtis Hawk  
McLean County EMA  
104 W. Front St.  
Bloomington, IL 61702-2400  
Bus. Phone: (309) 888-5020  
Fax Number: (309) 888-5534

**65 MENARD**

Mr. Larry Graf  
Menard County ESDA  
809 Old Salem Road  
Petersburg, IL 62675  
Bus. Phone: (217) 632-7700  
Fax Number: (217) 632-4418

**66 MERCER**

Ms. Jennifer Hamerlinck  
Mercer County ESDA  
1007 NW 3rd Street  
Aledo, IL 61231  
Bus. Phone: (309) 582-3759  
Fax Number: (309) 582-3793

**67 MONROE**

Mr. Gene F. Henckler  
Monroe County EMA  
100 South Main\Courthouse  
Waterloo, IL 62298  
Bus. Phone: (618) 939-8681 Ext. 231  
Fax Number: (618) 939-5048

**68 MONTGOMERY**

Ms. Diana Holmes  
Montgomery County EMA  
120 North Main St.\Courthouse  
Hillsboro, IL 62049  
Bus. Phone: (217) 532-9560  
Fax Number: (217) 532-9608

**69 MORGAN**

Mr. Robert O. Fitzsimmons  
Morgan Co./Jacksonville ESDA  
200 West Douglas  
Jacksonville, IL 62650  
Bus. Phone: (217) 479-4616  
Fax Number: (217) 479-4618

**70 MOULTRIE**

Mr. Jan Haegen  
Moultrie County ESDA  
10 South Main, Suite 1  
Sullivan, IL 61951  
Bus. Phone: (217) 728-8841  
Fax Number: (217) 728-4853

**71 OGLE**

Mr. Ron McDermott  
Ogle County EMA  
P.O. Box 197  
Oregon, IL 61061  
Bus. Phone: (815) 732-2136  
Fax Number: (815) 732-7936

**72 PEORIA**

Ms. Vicki L. Turner  
Peoria County ESDA  
10321 Civil Defense Road  
Brimfield, IL 61517

Bus. Phone: (309) 691-3111  
Fax Number: (309) 691-3168

**73 PERRY**

Mr. William Place  
Perry County ESDA  
P.O. Box 130  
Tamaroa, IL 62888  
(618) 534-0003

**74 PIATT**

Mr. Charles E. Morris  
Piatt County ESDA  
1134E Old Route 47  
White Heath, IL 61884  
Bus. Phone: (217) 762-9482  
Fax Number: (217) 762-3511

**75 PIKE**

Mr. Herman E. Allensworth  
Pike County ESDA  
P.O. Box 152  
New Canton, IL 62356  
Bus. Phone: (217) 426-3311  
Fax Number: (217) 426-3311

**76 POPE**

Mr. Chris Hahn  
Pope County ESDA  
P.O. Box 219  
Golconda, IL 62938  
Bus. Phone: None  
Fax Number: (618) 683-2021

**77 PULASKI**

Mr. Kenneth W. Kerley  
Pulaski County ESDA  
500 Illinois Avenue, Room A  
Mound City, IL 62963  
Bus. Phone: (618) 748-9437  
Fax Number: (618) 748-9338

**78 PUTNAM**

Mr. James D. Goldasich  
Putnam County EMA  
236 North Albert Avenue

McNabb, IL 61335  
Bus. Phone: (815) 882-2460  
Fax Number: (815) 882-2460 call 1<sup>st</sup>

**79 RANDOLPH**

Ms. Nancy Schilling  
Randolph County ESDA  
#1 Taylor St./RC Courthouse  
Chester, IL 62233  
Bus. Phone: (618) 826-5000, ext 227  
Fax Number: (618) 853-2656

**80 RICHLAND**

Mr. Mike Buss  
Richland County EMA  
2101 Mimosa Drive  
Olney, IL 62450  
Bus. Phone: (618) 395-7577  
Fax Number: (618) 395-4810

**81 ROCK ISLAND**

Mr. Jerry Shirk  
Rock Island County EMA  
6120 78th Avenue  
Milan, IL 61264  
Bus. Phone: (309) 799-5166  
Fax Number: (309) 799-7196

**82 SALINE**

Mr. Allan C. Ninness  
Saline County ESDA  
10 East Poplar Street  
Harrisburg, IL 62946  
Bus. Phone: (618) 252-3732  
Fax Number: (618) 252-1686

**83 SANGAMON**

Mr. David Butt  
Sangamon County OEM  
P.O. Box 2105  
Springfield, IL 62705  
(217) 747-5150  
Bus. Phone: (217) 747-5150  
Fax Number: (217) 528-5150

**84 SCHUYLER**

Mr. Richard Utter  
Schuyler County ESDA  
234 South Monroe Street  
Rushville, IL 62681  
Bus. Phone: (217) 322-6680  
Fax Number: (217) 322-6400

**85 SCOTT**

Ms. Lorrie Koch  
Scott County ESDA  
Scott County Courthouse  
Winchester, IL 62694  
Bus. Phone: (217) 742-5751  
Fax Number: (217) 742-5751

**86 SHELBY**

**NO INFORMATION AVAILABLE YET**

**87 ST. CLAIR**

Mr. Robert Knight  
St. Clair County EMA  
101 South First Street  
Belleville, IL 62220  
Bus. Phone: (618) 825-2683  
Fax Number: (618) 825-2744

**88 STARK**

Mr. Fred J. Sams  
Stark County ESDA  
R.R. 2, Box 133  
Toulon, IL 61483  
Bus. Phone: (309) 286-5302  
Fax Number: (309) 286-2163

**89 STEPHENSON**

Mr. Terrance F. Groves  
Stephenson County EMA  
295 West Lamm Road  
Freeport, IL 61032  
Bus. Phone: (815) 599-0344  
Fax Number: (815) 235-9356

**90 TAZEWELL**

Ms. Dawn Cook  
Tazewell County EMA  
11 S. 4th Street, Suite 432

Pekin, IL 61554  
Bus. Phone: (309) 925-5511 ext 311  
Fax Number: (309) 925-3631

**91 UNION**

Mr. Dana Pearson  
Union County ESDA  
155 Wright's Crossing Road  
Cobden, IL 62952  
(618) 833-7200  
Bus. Phone: (618) 833-7200  
Fax Number: (618) 833-7727

**92 VERMILION**

Mr. Ted Fisher  
Vermilion County EMA  
2507 Georgetown Road  
Danville, IL 61832  
Bus. Phone: (217) 554-6060  
Fax Number: (217) 443-6653

**93 WABASH**

Mr. Ross Madden  
Wabash County EMA  
930 1/2 N. Market Street  
Mt. Carmel, IL 62863  
Bus. Phone: None  
Fax Number: (618) 263-3111

**94 WARREN**

Mr. Aaron Winski  
Warren County ESDA  
140 Knoll Drive  
Kirkwood, IL 61447  
(309) 221-2090

**95 WASHINGTON**

Mr. Rick J. Greten  
Washington County ESDA  
160 North West Court Street  
Nashville, IL 62263  
Bus. Phone: (618) 327-4800 Ext. 340  
Fax Number: (618) 327-3692

**96 WAYNE**

Mr. Galen Esmon

Wayne County EMA  
505 W.W. 10th Street  
Fairfield, IL 62837  
Bus. Phone: (618) 599-1518  
Fax Number: (618) 842-3884

**97 WHITE**

James (Jim) Totten  
White County ESDA  
1400 Roser Drive  
Carmi, IL 62821  
Bus. Phone: None  
Fax Number: None

**98 WHITESIDE**

Mr. Jim Wetzell  
Whiteside County ESDA  
400 North Cherry Street  
Morrison, IL 61270  
Bus. Phone: (815) 772-4044  
Fax Number: (815) 772-7944

**99 WILL**

Mr. Harold Damron  
Will County EMA  
302 North Chicago Street  
Joliet, IL 60432

Bus. Phone: (815) 740-8351  
Fax Number: (815) 723-8895

**100 WILLIAMSON**

Mr. Alan M. Gower  
Williamson County EMA  
8805 EMA Road  
Marion, IL 62959  
Bus. Phone: (618) 993-2323  
Fax Number: (618) 997-3133

**101 WINNEBAGO**

Mr. Denny Lolli, Director  
Winnebago County ESDA  
650 West State Street  
Rockford, IL 61102  
Bus. Phone: (815) 319-6215  
Fax Number: (815) 987-5915

**102 WOODFORD**

Mr. Robert Hix  
Woodford County EMA  
907 North Church Street  
Roanoke, IL 61561  
(309) 923-6611

## X. FARM DISASTER ASSISTANCE

A farmer, who sustains damage to his or her home or personal property, or to his equipment or crops, may be able to obtain assistance from FEMA and from the Farm Service Agency (FSA).

The following publication, *What Help is Available for What Types of Disaster Losses*, details the various kinds of grant and loan assistance that are applicable to farmers. It is current as of May 2010.

Following the *What Help* publication is a Fact Sheet about the Supplemental Revenue Assistance Payment Program (or SURE). The SURE program was created by the 2008 Farm Bill and is applicable to crop years 2008-2011. This payment program is applicable even in counties which are not designated as natural disaster areas, if the farmer has sustained more than 50% loss to crops. SURE is generally only available to farmers who have purchased NAP (Non-insured Crop Disaster Assistance Program) coverage. However, there is an important exception to the requirement of NAP coverage. Farmers who qualify as limited-resource farmers, beginning farmers, or socially disadvantaged farmers are eligible for a waiver of the NAP requirement.

### WHERE TO GO FOR HELP REGARDING FARM DISASTER PROGRAMS:

1. Contact your local FSA office to find out which farm programs are applicable to you and to apply for those programs. Information is also posted on the FSA website, [www.fsa.usda.gov](http://www.fsa.usda.gov).
2. Updates to farm disaster programs are frequently posted on the FLAG (Farmers' Legal Action Group) website, [www.flaginc.org](http://www.flaginc.org). The *Farmers' Guide to Disaster Assistance* may also be downloaded without charge from that site.
3. Lower-income family farmers who need legal assistance on their disaster claims may qualify for free help from the Illinois Family Farm Law Project. This project is a partnership of Land of Lincoln Legal Assistance Foundation, Prairie State Legal Services, University of Illinois Extension, and the Farmers' Legal Action Group. Farmers can apply for legal representation by calling 1-877-860-4349 or by e-mailing FLAG at [lawyers@flaginc.org](mailto:lawyers@flaginc.org).

## FARM DISASTER ASSISTANCE

### CONTENTS

- I. Introduction
- II. Where to Go for Help Regarding Farm Disaster Programs
- III. What Help is Available for What Types of Disaster Losses?
- IV. SURE Program Fact Sheet
- V. Emergency Loan Fact Sheet
- VI. Illinois FSA Offices – Contact Information

**Thanks to FLAG for giving the ISBA per mission to reprint *What Help is Available for What Types of Disaster Losses* and *SURE Program Fact Sheet*, and to the Illinois State Office of FSA for providing the *Emergency Loan Fact Sheet*, and the list of FSA offices, as well as reviewing this chapter.**

## INTRODUCTION

A farmer who sustains damage to his or her home or personal property, or to his equipment or crops, may be able to obtain assistance from the Federal Emergency Management Agency (FEMA) and from the United States Department of Agriculture Farm Service Agency (FSA).

*What Help is Available for What Types of Disaster Losses*, a publication of the Farmers' Legal Action Group (FLAG), details the various kinds of grant and loan assistance that are applicable to farmers.

Following the *What Help* publication is a FLAG Fact Sheet about the Supplemental Revenue Assistance Payment Program (or SURE). The SURE program was created by the 2008 Farm Bill and is applicable to crop years 2008-2011. This payment program is applicable even in counties which are not designated as natural disaster areas, if the farmer has sustained more than 50% loss to crops. SURE is generally only available to farmers who have purchased NAP (Non-insured Crop Disaster Assistance Program) coverage. However, there is an important exception to the requirement of NAP coverage. Farmers who qualify as limited resource farmers, beginning farmers, or socially disadvantaged farmers are eligible for a waiver of the NAP requirement.

Also included in this chapter is the FSA Fact Sheet on the Emergency Loan Program, as well as a list of FSA offices and phone numbers.

All information in this chapter is current as of May 2010. For more current information, see the FLAG and FSA websites, below.

## WHERE TO GO FOR HELP REGARDING FARM DISASTER PROGRAMS

1. Contact your local FSA office to find out which farm programs are currently applicable to you and to apply for those programs. Information is also posted on the FSA website, [www.fsa.usda.gov](http://www.fsa.usda.gov).
2. Updates to farm disaster programs are frequently posted on the FLAG website, [www.flaginc.org](http://www.flaginc.org). The *Farmers' Guide to Disaster Assistance* may also be downloaded without charge from this site.
3. Lower-income family farmers who need legal assistance on their disaster claims may qualify for free help from the Illinois Family Farm Law Project. This project is a partnership of Land of Lincoln Legal Assistance Foundation, Prairie State Legal Services, University of Illinois Extension, and the Farmers' Legal Action Group. Farmers can apply for legal representation by calling 1-877-860-4349 or by e-mailing FLAG at [lawyers@flaginc.org](mailto:lawyers@flaginc.org).

## **WHAT HELPS AVAILABLE FOR WHAT TYPES OF DISASTER LOSSES?**

Producers seeking assistance for property damage and other losses caused by natural disasters may find themselves confused by the many different agencies and programs that are offering aid. Assistance programs are typically focused on addressing a particular type of loss or need. Because of this, those seeking help often have to piece together aid from more than one program to meet their needs. In general, programs aimed at meeting the emergency needs of individual and families—such as food, shelter, and basic necessities—will not cover losses to income-producing property, such as farming structures, equipment, livestock, or crops. And farm disaster programs also tend to be very specific about the types of losses covered.

This piece gives a brief overview of the different federal disaster assistance programs that are generally available to provide assistance for different types of farm losses. State and private charitable programs may also be available; however, these tend to be offered only for home and personal needs.

### **A. Damage to Home and Personal Property**

Producers whose homes have been damaged or made uninhabitable due to a disaster, or who have suffered losses to the contents of their homes, could be eligible for assistance from the Federal Emergency Management Agency (FEMA), the Small Business Administration (SBA), and the Farm Service Agency (FSA). All of these agencies require persons to maximize their insurance benefits for their losses.

- FEMA offers temporary housing and grants of up to \$29,900 for certain disaster-related expenses, including repair or replacement of damaged housing and personal property. FEMA assistance is intended to address only the most critical needs, and is not intended to fully restore damaged property to its pre-disaster condition. The deadline to apply for FEMA assistance is usually 60 days after the disaster declaration for the county.
- SBA offers low-interest loans to cover the cost of repairing a home and repairing or replacing household contents damaged due to a disaster. Up to \$40,000 can be borrowed for personal property losses and up to \$200,000 for the home. SBA disaster loans have a maximum interest rate of either 4.0% or 8% depending on whether the applicant could obtain credit elsewhere. The deadline to apply for an SBA disaster loan is generally 60 days after the disaster declaration for the county.

- An Emergency loan from FSA can also be used to repair a damaged home and/or repair or replace household contents damaged in a disaster. If all other eligibility requirements are met, up to \$20,000 can be borrowed for essential household contents and up to the amount needed can be borrowed for a damaged home (with a maximum of \$500,000 for all of an individual producer's outstanding Emergency loans). FSA Emergency loans have a 3.75% interest rate. The deadline to apply for an Emergency loan is eight months from the date of the disaster declaration for the county where the producer resides.

## **B. Crop Losses**

Many producers suffer crop losses due to natural disasters, or are unable to plant a crop as intended due to storms. Producers who have coverage under a federal crop insurance policy or under FSA's Noninsured Crop Disaster Assistance Program (NAP) should contact their insurer or FSA directly after the storms to report their losses, and should work with adjusters to determine their losses and submit their claims.

Crop losses can also be the basis for an FSA Emergency "production loss" loan if the producer suffered at least 30% yield loss for at least one crop. If that threshold is met, the eligible loan amount is determined by the producer's production losses for all crops. The interest rate for Emergency loans is 3.75%, and the deadline to apply for loans is eight months from the date of the disaster declaration for the producer's county.

New disaster programs created by the 2008 Farm Bill provided additional benefits for crop losses, including orchard and vine losses, for producers who, in general, obtained crop insurance or NAP coverage on all crops for which such coverage was available. There is a waiver of this requirement for socially disadvantaged, limited resource, and beginning farmers and ranchers who request it.

## **C. Livestock Losses**

Disaster losses from livestock that was owned by the producer can be the basis for an FSA Emergency "physical loss" loan. Losses from livestock raised on contract cannot be the basis of an Emergency loan application. Also, it appears that livestock production losses—for example, decreased milk production—may only qualify for an Emergency loan if the livestock also died as a result of the disaster. The interest rate for Emergency loans is 3.75%, and the deadline to apply for loans is eight months from the date of the disaster declaration for the producer's county.

The 2008 Farm Bill created a Livestock Forage Disaster Program that will provide assistance for grazing losses resulting from drought or fire. The producer must have obtained crop insurance or NAP coverage on all crops grown on grazing land for which such coverage was available. The waiver for certain individual producers, as discussed above in the Crop Losses section, also applies to this program.

The 2008 Farm Bill also created a Livestock Indemnity Program (LIP) that will provide cash payments for livestock death losses in excess of normal mortality due to adverse weather. Eligible losses may include those determined by FSA to have been caused by hurricanes, floods, blizzards, disease, wildfires, extreme heat, and extreme cold. LIP indemnity payments will be 75% of the market value of the livestock on the day before the date of death of the livestock, as determined by FSA.

The 2008 Farm Bill also created an Emergency Assistance for Livestock, Honeybees, and Farm-Raised Fish Program (EALHF), through which FSA is authorized to spend up to \$50 million per year to provide emergency relief for losses due to feed or water shortages, disease, adverse weather, or other conditions, such as blizzards and wildfires, that are not adequately addressed by other disaster programs.

#### **D. Debris Removal**

Some natural disasters can leave a great deal of debris on farmland, access roads, and farmstead property throughout the affected areas. Removal of this debris-and, in some cases, re-grading of the land-can be necessary before producers are able to resume their operations. Activities like debris removal and re-grading that are necessary to resume normal farming operations and return the farmland to productive use are eligible for cost-share assistance under FSA's Emergency Conservation Program (ECP). ECP may also be used to restore windbreaks and shelterbelts so long as the land is not enrolled in the Conservation Reserve Program (CRP). One requirement is that the damage is of such magnitude that it would be too costly for the producer to rehabilitate the area without federal assistance.

Cost-share means that the producer pays up front for activities that have been preapproved by FSA, and is then reimbursed for a portion of those expenses. The maximum cost-share percentage under ECP is generally 75% (meaning the producer is reimbursed for 75% of approved expenses). However, limited resource producers may be reimbursed for up to 90% of eligible expenses under ECP.

#### **E. Damage to Equipment, Farm Structures, and Fencing**

Many producers experience damage to equipment, farm structures, and fencing due to natural disasters. The cost of repairing or replacing such property that is essential to the farming operation may be the basis for an FSA Emergency "physical loss" loan. In general, FSA requires that damaged property have been covered by hazard insurance to be eligible for repair or replacement with Emergency loan funds, but there can be exceptions if such insurance was not readily available or was not cost-effective. The interest rate for Emergency loans is 3.75%, and the deadline to apply for loans is eight months from the date of the disaster declaration for the producer's county.

Damaged fencing may also be replaced through FSA's Emergency Conservation Program (ECP). As discussed above, ECP is a cost-share program in which a producer is approved to perform certain conservation and land restoration activities (including replacing permanent fencing) and can be reimbursed for a certain percentage of the costs of performing those pre-approved activities. The maximum cost-share percentage under ECP is generally 75% (meaning the producer is reimbursed for 75% of the expenses). However, limited resource producers may be reimbursed for up to 90% of eligible expenses under ECP.

Materials prepared and presented by:

**FLAG**

Farmers' Legal Action Group, Inc.  
360 North Robert Street, Suite 500  
Saint Paul, Minnesota 55101-1589

Phone: 651.223.5400  
Fax: 651.223.5335

Email: [lawyers@flaginc.org](mailto:lawyers@flaginc.org)  
Web site: [www.flaginc.org](http://www.flaginc.org)

Farmers' Legal Action Group Inc. is an equal opportunity employer

This educational material was funded in part by the Risk Management Association (RMA)

February 10, 2010

## **SURE PROGRAM AVAILABLE FOR CROP DISASTER LOSSES**

---

In 2008, Congress passed a Farm Bill and created the Supplemental Revenue Assistance Payment Program (or SURE). SURE is a program to provide payments to farmers for crop disaster losses in the 2008 through 2011 crop years. The Farm Service Agency (FSA) published detailed rules for SURE on December 28, 2009.

### **Who is eligible for SURE?**

Farmers must satisfy two requirements in order to become eligible for SURE. In general, farmers must show that they suffered crop disaster losses and that they satisfied the risk management purchase requirement:

#### **1. *Crop Disaster Losses***

Farmers may meet the first requirement by satisfying either (a) or (b) below:

- a. Live in a county that was designated a disaster by the Secretary of Agriculture, or in a county that borders a disaster county;

OR

- b. Have suffered eligible total crop losses of 50 percent or more of normal production on the farm.

#### **2. *Risk Management Purchase Requirement***

Farmers may meet the second requirement by satisfying either (a) or (b) below:

- a. Have obtained crop insurance or NAP (Non-insured Crop Disaster Assistance Program) coverage for all important crops on your farm at the beginning of the crop year in which the crop losses occurred. This is called the Risk Management Purchase Requirement. For example, in order to meet this requirement for 2010 crop losses that may occur, farmers must obtain crop insurance or NAP coverage before the deadline for their 2010 crops;

OR

- b. Farmers may receive a waiver of the Risk Management Purchase Requirement. By qualifying as a "limited resource farmer or rancher," a "beginning farmer or rancher," or a "socially disadvantaged farmer," as determined by FSA. A "socially disadvantaged farmer or rancher" is a person who has been subjected to racial or ethnic prejudice because of membership in a group. "Socially disadvantaged farmers" include American Indians and Alaskan Natives, Asians and Asian-

## **FLAG**

FARMERS' LEGAL  
ACTION GROUP.

INCORPORATED

Website: [www.flaginc.org](http://www.flaginc.org)

Americans, Blacks and African-Americans, Native Hawaiians and other Pacific Islanders, and Hispanics. This second type of waiver is available in all years in which SURE is available.

**What type of payment could I receive under SURE?**

SURE payments are based on 60 percent of the difference between the SURE guarantee and total farm revenue for the year, as determined by FSA. Any crop insurance indemnity or NAP payment the farmer receives will be considered part of total farm revenue and will reduce the SURE payment.

**What is the deadline to apply for SURE?**

Because SURE is a new program, the deadline to apply for benefits for losses in 2008 has not yet been announced. The deadline to apply for benefits for 2009 losses will be March 1, 2011. It may be a good idea for farmers with losses in 2008 or 2009 to complete an application as soon as possible. For some 2009 crop losses, there may be a delay before FSA issues disaster assistance payments. This is because FSA must first determine the average price for the 2009 crop.

**What do I need in order to apply for SURE?**

Farmers must complete an application for SURE with their local FSA office. All farmers, including those who will participate in SURE as a result of the waiver of the Risk Management Purchase Requirement, are generally expected to file timely and accurate reports of all acreage and production with FSA. For 2008 and 2009 losses, these may have already been completed. In addition, farmers should plan to submit any completed crop appraisals as well as any other evidence of production yields or losses.

**Where can I find further information?**

SURE is a complex program. This flyer does not address all of the details of SURE. For further information, you may want to contact your local FSA office or visit the FSA website at [www.fsa.usda.gov](http://www.fsa.usda.gov). You may also want to contact your local farm organization, a local attorney, or Farmers' Legal Action Group, Inc. (FLAG). Finally, you may want to review the final rule, the FSA Handbook; and the FSA notices addressing SURE.

Farmers' Legal Action Group, Inc,  
360 Robert Street North, Suite 500  
Saint Paul, Minnesota 55101-1589  
Phone: 651.223.5400  
Fax: 651.223.5335  
Email: [lawyers@flaginc.org](mailto:lawyers@flaginc.org)  
Website: [www.flaginc.org](http://www.flaginc.org)

**Fact Sheet**

# **Emergency Loan Program**

---

## **Overview**

USDA's Farm Service Agency

(FSA) provides emergency loans to help producers recover from production and physical losses due to drought, flooding, other natural disasters, or quarantine.

## **Loan Uses**

Emergency loan funds may be used to:

- Restore or replace essential property;
- Pay all or part of production costs associated with the disaster year;
- Pay essential family living expenses;
- Reorganize the farming operation; and
- Refinance certain debts.

## **Eligibility**

Emergency loans may be made to farmers and ranchers who:

- Own or operate land located in a county declared by the President as a disaster area or designated by the Secretary of Agriculture as a disaster area or quarantine area (for physical losses only, the FSA Administrator may authorize emergency loan assistance);

- Are established family farm operators and have sufficient farming or ranching experience;
- Are citizens or permanent residents of the United States;
- Have suffered at least a 30-percent loss in crop production or a physical loss to livestock, livestock products, real estate, or chattel property;
- Have an acceptable credit history;
- Are unable to receive credit from commercial sources;
- Can provide collateral to secure the loan; and
- Have repayment ability.

## **Loan Requirements**

FSA loan requirements are different from those of other lenders. Some of the more significant differences are the following:

- Borrowers must keep acceptable farm records;
- Borrowers must operate in accordance with a farm plan they develop and agree to with local FSA staff; and
- Borrowers may be required to participate in a financial management-training program and obtain crop insurance.

## **Collateral is Required**

All emergency loans must be fully collateralized. The specific type of collateral may vary depending on the loan purpose, repayment ability and the individual circumstances of the applicant. If applicants cannot provide adequate collateral, their repayment ability may be considered as collateral to secure the loan. A first lien is required on property or products acquired, produced, or refinanced with loan funds.

## **Loan Limit**

Producers can borrow up to 100 percent of actual production or physical losses, to a maximum amount of \$500,000.

## **Loan Terms**

Loans for crop, livestock, and non-real estate losses are normally repaid within 1 to 7 years; depending on the loan purpose, repayment ability, and collateral available as loan security. In special circumstances, terms of up to 20 years may be authorized. Loans for physical losses to real estate are normally repaid within 30 years. In certain circumstances, repayment may be made over a maximum of 40 years.

*Fact Sheet*  
*Emergency Loan Program*

***Interest Rate***

The current annual interest rate for emergency loans is 3.75 percent.

***Application Deadline***

Applications for emergency loans must be received within 8 months of the county's disaster or quarantine designation date.

***Temporary Assistance***

Borrowers who receive temporary assistance are expected to return to conventional credit sources. Emergency loans are a temporary source of credit, and borrowers are reviewed periodically to determine whether they can return to commercial credit.

***For More Information***

Further information on the emergency loan program is available from local USDA Service Centers or on the FSA website at: [www.fsa.usda.gov](http://www.fsa.usda.gov)

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, age, disability, and where applicable, sex, marital status, familial status, parental status, religion, sexual orientation, genetic information, political beliefs, reprisal, or because all or part of an individual's income is derived from any public assistance

program. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at (202) 720-2600 (voice and TDD). To file a complaint of Discrimination, write to USDA, Director, Office of Civil Rights, 1400 Independence Avenue, Sw., Washington, DC 20250-9410, or call (800) 795-3272 (voice) or (202) 720-6382 (TDD). USDA is an equal opportunity provider and employer.

## FARM LOAN OFFICES IN ILLINOIS – Headquarters\*

County	FSA Farm Loan Manager/Officer	Phone Number
Adams	Douglas Beers, FLM*	(217) 224-9307
Adams	Kim Eilerman, FLOT	(217) 224-9307
Alexander	Brad Cowsert, FLO	(618) 658-3411
Bond	Brian Lewey, FLO	(217) 532-5361
Boone	David Peterson, FLM	(815)732-6127
Brown	Gene Nelson, FLO*	(217) 773-3993
Bureau	Larry Lawson, FLM*	(815) 875-8732
Calhoun	Cheryl Canavan, FLM	(618)498-6836
Carroll	John Prange, FLM	(815) 772-2124
Cass	David Ard, FLM	(217) 357-2188
Champaign	Ronald Knight, FLM	(217) 253-3340
Christian	Mark Colonius, FLM	(217) 774-5561
Clark	Frederic Pinkstaff, FLM*	(217) 382-4123
Clay	Elizabeth Lybarger, FLM*	(618) 665-3341
Clinton	Stanley Burgess, FLM	(618) 244-0773
Coles	Michael Albin, FLM *	(217) 345-3901
Cook	Ronald Burling, CED	(815) 942-0359
Crawford	Frederic Pinkstaff, FLM	(217) 382-4123
Cumberland	Frederic Pinkstaff, FLM	(217) 382-4123
DeKalb	David Peterson, FLM	(815) 732-6127
DeWitt	Anthony Schmillen, FLM	(217) 735-5508
Douglas	Ronald Knight, FLM*	(217) 253-3340
DuPage	David Peterson, FLM	(815) 732-6127
Edgar	Michael Albin, FLM	(217) 345-3901
Edwards	Bradley Legg, FLO	(618) 842-7602
Effingham	Christopher Walsh, FLM*	(217) 347-7107
Effingham	Katie Haarmann, FLOT	(247) 347-7107
Fayette	Larry Miller, FLO*	(618) 283-2311
Ford	Steve Ford, FLM	(309) 452-3848
Franklin	Henry Hahn, FLM	(618) 643-4326
Fulton	Michael Webb, FLM*	(309) 547-2233
Gallatin	Tim Reynolds, FLM	(618) 993-5396
Greene	Cheryl Canavan, FLM	(618) 498-6836
Grundy	Ronald Burling, CED*	(815) 942-0359
Hamilton	Henry Hahn, FLM*	(618) 643-4326
Hancock	David Ard, FLM*	(217) 357-2188
Hardin	Tim Reynolds, FLM	(618) 993-5396
Henderson	Russell Mason, FLM	(309) 734-9308
Henry	William McKee III, FLM*	(309) 937-3377
Iroquois	Ben Josefik, FLO*	(815) 432-3946
Jackson	Tim Reynolds, FLM	(618) 993-5396
Jasper	Christopher Walsh, FLM	(217) 347-7101
Jefferson	Stanley Burgess, FLM*	(618) 244-0773
Jersey	Cheryl Canavan, FLM*	(618) 498-6836
Jo Daviess	Rachel Durward, FLO	(815) 235-2141
Johnson	Brad Cowsert, FLO*	(618) 658-3411
Kane	David Peterson, FLM	(815) 732-6127
Kankakee	Ben Josefik, FLO	(815) 432-3946
Kendall	Steve Schmillen, FLM	(815) 433-0551
Knox	Lori Fink, FLM*	(309) 342-5138
Lake	David Peterson, FLM	(815) 732-6127
LaSalle	Steven Schmillen, FLM*	(815) 433-0551

<b>County</b>	<b>FSA Farm Loan Manager/Officer</b>	<b>Phone Number</b>
Lawrence	Becky Burgess, FLO*	(618) 943-2621
Lee	John Prange, FLM	(815) 772-2124
Livingston	Patrina Jackson, FLO*	(815) 844-6127
Logan	Anthony Schmillen, FLM*	(217) 735-5508
McDonough	Michael Webb, FLM	(309) 547-2233
McHenry	David Peterson, FLM	(815) 732-6127
McLean	Steve Ford, FLM*	(309) 452-3848
Macon	Mark Colonius, FLM	(217) 774-5561
Macoupin	Dennis Bland, FLM*	(217) 854-2626
Madison	Cheryl Canavan, FLM	(618) 498-6836
Marion	Stanley Burgess, FLM	(618) 244-0773
Marshall	Larry Lawson, FLM	(815) 875-8732
Mason	Anthony Schmillen, FLM	(217) 735-5508
Massac	Brad Cowsert, FLO	(618) 658-3411
Menard	Anthony Schmillen, FLM	(217) 735-5508
Mercer	William McKee III, FLM	(309) 937-3377
Monroe	Kent Burns, FLM	(618) 443-4381
Montgomery	Brian Lewey, FLO*	(217) 532-3361
Morgan	Gene Nelson, FLO	(217) 357-2188
Moultrie	Michael Albin, FLM	(217) 345-3901
Ogle	David Peterson, FLM*	(815) 732-6127
Peoria	Acting Anthony Schmillen, FLM	(217) 735-5508
Perry	Josh Meyer, FLO	(618) 327-8862
Piatt	Ronald Knight, FLM	(217) 253-3340
Pike	Doug Beers, FLM	(217) 224-9307
Pope	Brad Cowsert, FLO	(618) 658-3411
Pulaski	Brad Cowsert, FLO	(618) 658-3411
Putnam	Larry Lawson, FLM	(815) 875-8732
Randolph	Kent Burns, FLM*	(618) 443-4381
Richland	Samuel Zwilling, FLM*	(618) 392-7141
Rock Island	William McKee III, FLM	(309) 937-3377
St. Clair	Kent Burns, FLM	(618) 443-4381
Saline	Tim Reynolds, FLM	(618) 993-5396
Sangamon	Anthony Schmillen, FLM	(217) 735-5508
Schuyler	David Ard, FLM	(217) 322-3358
Scott	Gene Nelson, FLO	(217) 773-3993
Shelby	Mark Colonius, FLM*	(217) 774-5561
Stark	William McKee III, FLM	(309) 937-3377
Stephenson	Rachel Durward, FLO	(815) 235-2141
Tazewell	Acting Anthony Schmillen, FLM*	(217) 735-5508
Union	Brad Cowsert, FLO	(618) 658-3411
Vermillion	Nicholas Thomas, FLM*	(217) 442-8511
Wabash	Becky Burgess, FLO	(618) 943-2621
Warren	Russell Mason, FLM*	(309) 734-9308
Washington	Josh Meyer, FLO*	(618) 327-8862
Wayne	Brad Legg, FLO*	(618) 842-7602
White	Henry Hahn, FLM	(618) 643-4326
Whiteside	John Prange, FLM*	(815) 772-2124
Will	Ronald Burling, CED	(815) 942-0359
Williamson	Tim Reynolds, FLM*	(618) 993-5396
Winnebago	David Peterson, FLM	(815) 732-6127

Woodford  
Whiteside

Acting Anthony Schmillen, FLM  
Rachel Durward

(217) 735-5508  
(815) 772-2124