

The Wisconsin Disaster Legal Services Manual



 **STATE BAR of WISCONSIN**
YOUNG LAWYERS DIVISION
Educate ♦ Support ♦ Advocate

Prepared by the Young Lawyers Division of the
State Bar of Wisconsin

INTRODUCTION

This manual was prepared to assist Wisconsin residents who were or may be affected by weather-related disasters. This manual was also prepared to assist Wisconsin lawyers whose clients may be facing legal issues that are new to the lawyers or unique to disasters. The manual will assist and train those volunteer lawyers who have graciously agreed to help disaster victims through hotline or on-site assistance.

When the American Bar Association declares Disaster Legal Services open and available, the State Bar of Wisconsin opens its hotline to the public. The State Bar of Wisconsin hotline can be reached at (877) WISLAW1 or (877) 947-5291.

The following series of short questions and answers were developed by the Pro Bono Committee of the Young Lawyers Division of the State Bar of Wisconsin based on experience helping disaster victims in the past. We also relied on assistance from other bar associations, other state disaster legal services manuals, and legal services organizations.

DISCLAIMER: The answers in this manual provide general information as of the date of this manual. The law is constantly changing and specific situations require individual review and analysis. Wisconsin residents **should consult an attorney** to obtain advice and counsel specific to the facts and circumstances of their case. Lawyers should consult the local rules and the Wisconsin Statutes to thoroughly analyze the specific legal issues facing their clients or the victims that they are assisting on a volunteer basis.

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A. FEMA ASSISTANCE

I. Introduction to FEMA

When the President of the United States declares a “major disaster” anywhere in the United States or its territories, pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act, codified as amended at 42 U.S.C. 5121 *et seq.* (Stafford Act), federal assistance is made available to supplement the efforts and resources of state and local governments and voluntary relief organizations. Pursuant to 42 U.S.C. 5182, this federal assistance is coordinated by FEMA and may include free legal services to low-income and other qualifying individuals affected by a disaster.

FEMA (Federal Emergency Management Agency) is the executive agency responsible for administration of the Stafford Act. Under Executive Order 12148, the Director of FEMA is responsible for providing a wide range of federal disaster assistance. This responsibility has been further delegated to the FEMA Associate Director, Response and Recovery Directorate, and to FEMA’s Regional Directors.

Once a major disaster is declared, the Associate Director appoints a Federal Coordinating Officer (FCO) to coordinate the administration of disaster relief activities. All federal relief efforts for declared major disasters, including those provided by other federal agencies and voluntary organizations, are coordinated by the FCO. The aims and objectives of the disaster relief activities are to provide unified and comprehensive service to disaster victims (individuals, organizations and government entities), to reduce response time, and to eliminate duplication of efforts and benefits.

II. FEMA Response and Recovery

At the onset of a major disaster, the federal, state and local governments respond to the immediate needs of individuals. At the same time, they also begin to work on the recovery process. The recovery phase of a disaster is time-consuming and intensive. Federal, state and local governments, along with voluntary agencies, begin looking at the types of assistance they can provide to the individual and to the community.

A. Disaster Declaration

A **Major Disaster** could result from a hurricane, earthquake, flood, tornado, or major fire, which could be of such severity and magnitude that effective response is beyond the capabilities of the state and the affected local governments. As part of the request for a Major Disaster Declaration, the Governor shall take appropriate response action under state law and direct execution of the state’s emergency plan. The President determines whether the event warrants a major disaster declaration. If declared, supplemental funding comes from the President’s Disaster Relief Fund, which is managed by FEMA, and disaster aid programs of other participating federal agencies.

A **Presidential Major Disaster Declaration** puts into motion long-term federal recovery programs, some of which are matched by state programs, and designed to help disaster victims, businesses, and public entities.

A **Major Disaster Declaration** usually follows these steps:

- **Local Government Responds**, supplemented by neighboring communities and volunteer agencies. If overwhelmed, the local government turns to the state for assistance;
- **The State Responds** with state resources, such as the National Guard and state agencies;
- **Damage Assessment** by local, state, federal, and volunteer organizations determines losses and recovery needs;
- **A Major Disaster Declaration** is requested by the governor, based on the damage assessment, and findings that the event is of such severity and magnitude that effective response is beyond the capabilities of the state and the affected local governments;
- **FEMA evaluates** the request and recommends action to the White House based on the disaster, the local community, and the state's ability to recover. This decision process could take a few hours or several weeks depending on the nature of the disaster.

1. National Processing Service Centers (NPSCs)

Three national centers provide centralized disaster application service to FEMA customers. The centers are known as National Processing Service Centers (NPSCs). NPSCs house an automated "Registration Intake" service, a toll-free phone bank through which disaster victims apply for disaster assistance and through which their applications are processed and their questions answered.

After a call is taken and a disaster application is recorded, the processing of applications begins. FEMA's computer systems enable automatic determination of eligibility for about 90% of Disaster Housing cases, usually within 10 days of application. The other 10% of cases may require further information and/or documentation. Cases may be referred to the state for possible grant assistance if the applicant's needs exceed the Disaster Housing program and he/she cannot qualify for a disaster loan from the Small Business Administration.

The NPSC computer systems are used to record vital caller data, to order and process inspections, to electronically transmit the data to the numerous disaster aid providers within minutes, and to answer questions from applicants via the "helpline." The computer systems also help assure that each caller is mailed important custom-tailored information regarding the types and nearest sources of various forms of disaster aid specific to each caller's needs. Finally, the databases provide a variety of statistical

analyses, tracking and reporting services to FEMA and other agencies active in disaster relief.

NPSCs are located in Denton, TX; Berryville (Mt. Weather), VA; and Hyattsville, MD. To apply for assistance, individuals should call **1-800-462-9029** (**1-800-454-7575** for hearing/speech impaired). To check on the status of an application or for other questions, individuals should call **1-800-525-0321** (**1-800-462-7585** for hearing/speech impaired).

2. Disaster Field Office (DFO)

When a disaster is declared, FEMA's Regional Office works with the state and other federal agencies to establish a Disaster Field Office (DFO) where coordination and decisions on disaster response and recovery takes place. The DFO is usually located in the state capital or in close proximity to the disaster area. FEMA staff, along with staff from the state, other federal agencies and voluntary organizations (generally the American Red Cross) work out of the DFO.

3. Disaster Recovery Centers (DRCs)

One of the most important objectives of the federal, state and local governments following a disaster is to inform individuals of the various types of assistance available to them. FEMA disseminates information through radio, television, newspapers, town meetings, and with mass distribution of pamphlets outlining available programs.

To make it easier for individuals to obtain information and help from various agencies, FEMA, with assistance from the state, may establish one or more Disaster Recovery Centers (DRCs) in the disaster area. DRCs provide applicants with a place to go to apply for assistance (phones with 800 numbers) or to find out the status of their application.

DRCs serve as a one-stop information center. Staffed with representatives from various federal, state, local and voluntary agencies, these centers are tailored to respond to specific disaster situations. They can be located in buildings, such as schools and civic centers, or in makeshift areas, such as tents. Volunteers should be prepared to work under adverse conditions, such as lack of drinking water, power, telephones and air conditioning.

B. Sequence of Assistance Delivery and Duplication of Benefits

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

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

1. Voluntary Organizations

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

2. Private Insurance Benefits

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

3. Temporary Housing Assistance

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

a. Lodging Expense Reimbursement

An eligible applicant may receive a check for the cost of short-term lodging, such as hotel rooms, incurred due to damage or inaccessibility to the residence or an officially imposed prohibition against returning to the residence. Expenditures for food, transportation, telephone, separately billed utilities, and other services are not eligible for reimbursement.

b. Minimal Repairs Assistance

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

c. Rental Assistance

An eligible applicant will receive financial assistance (based on the fair market rental value in the disaster area) to rent a dwelling for the pre-disaster household to live for a

limited time. If the applicant has difficulty finding a place to live, FEMA may provide a listing of available rental properties in the area. Rental assistance is available for up to 18 months based on need, which, in turn, is reviewed and evaluated quarterly.

d. Manufactured Housing

When rental properties are unavailable, FEMA may provide in-kind assistance in the form of a travel trailer, a manufactured home or other readily fabricated dwelling.

Applicants receiving in-kind assistance are not eligible for financial assistance. Manufactured homes can be used as temporary housing for up to 18 months subject to recertification of continuing eligibility.

e. Mortgage and Rental Assistance (MRA)

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

4. Small Business Administration (SBA)

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

5. Individual and Family Grant (IFG) Program

The IFG Program is administered by the state to cover necessary expenses and serious needs that cannot be met through other forms of disaster assistance or other means, such as insurance. The state funds 25% of the expenses for this program, while FEMA funds the remaining 75%. This assistance covers repairing/rebuilding of real and personal property, transportation, medical, dental and funeral expenses incurred by applicants as a result of the disaster. The maximum amount for this grant is adjusted each fiscal year and is based on the Consumer Price Index. As of FY-2001, the maximum amount is \$14,800.

6. Voluntary Organizations

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

7. Cora C. Brown Fund

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

C. Other Individual Assistance Programs

1. Disaster Unemployment Assistance (DUA)

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

Also see the Employment Issues section of this manual for more information.

2. Crisis Counseling (CCP)

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

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

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

D. Citizenship Verification

Title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, 8 U.S.C. 1601, *et seq.*, (the Act), requires that federal public benefits be provided

only to United State Citizens, Non-Citizen Nationals and Qualified Aliens. Such benefits include, but are not limited to, grants and loans provided by the U.S. Government, and those provided by the state government but funded, whole or in part, by the federal government. FEMA programs considered federal public benefits include Temporary Housing and the Individual and Family Grant program. The Act also applies to SBA loans and Disaster Unemployment Assistance.

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

III. Common Questions Regarding FEMA

Applying for FEMA Assistance

Q.1 How do I apply for disaster help?

If you live in a disaster area declared by the President and need disaster help call 1-800-621-FEMA (3362) (hearing/speech impaired ONLY—Call TTY 1-800-462-7585) or apply online at www.FEMA.gov. Click on “Online Individual Assistance Center” and the screens will prompt you through the process. If you get a busy signal when you call the 800 number, try calling in the evening after 6:00 p.m. or on the weekends when fewer people are trying to call.

When you apply, you should have a pen and paper available to write down important phone contacts. You will need your social security number, current and pre-disaster address, phone numbers, type of insurance coverage, total household annual income, and a routing and account number from your bank if you want to have disaster assistance funds transferred directly into your bank account.

Q.2 What happens after I apply for disaster assistance?

FEMA will mail you a copy of your application and a copy of “Help After a Disaster: Applicant’s Guide to the Individuals and Households Program” that will answer many of your questions.

- If your home or its contents are damaged and you do not have insurance, an inspector should contact you within 10 days after you apply to schedule a time to meet you at your damaged home.
- If your home or its contents were damaged and you have insurance, you need to work through your insurance claim first and provide FEMA with a decision letter (settlement or denial) from your insurance company before FEMA issues an inspection. There is an

exception for damages caused by flooding. If you have flood insurance, FEMA will issue an inspection before receiving a copy of your flood insurance decision letter to evaluate your eligibility for temporary living expenses because temporary living expenses are not covered by flood insurance.

- About 10 days after the inspection, FEMA will decide if you qualify for assistance. If you qualify for a grant, FEMA will send you a check by mail or deposit it in your bank account. FEMA will also send you a letter describing how you are to use the money (for example: repairs to your home or to rent another house while you make repairs).
- If FEMA decides that you do not qualify for a grant, FEMA will send you a letter explaining why you were turned down and give you a chance to appeal the decision. Appeals must be in writing and mailed within 60 days of FEMA's decision.
- If you get an SBA Disaster Loan application in the mail, you must complete and return the application to be considered for a loan as well as certain types of grant assistance. SBA representatives are available at Disaster Recovery Centers to help you with the application. If the SBA finds that you cannot afford a loan, they will automatically refer you to FEMA's Individual and Household grant program for help.
- If the SBA approves you for a loan, they will contact you.
- If the SBA finds that you cannot afford a loan, FEMA will contact you.

Q.3 Two weeks ago I mailed in documents FEMA had asked for. When I called the Helpline, the service representative said the documents were not in my file. What should I do?

Please be sure to keep your phone number and mailing address current in FEMA's records. FEMA has implemented new technology to help inform you that they have received your documents. You will be contacted via a recorded message informing you that FEMA has received your documents. FEMA advises that you please be patient and wait to receive the recorded message rather than calling the FEMA Helpline number and/or re-mailing or re-faxing the documentation since the automated message will contact you just as soon as your documents have been placed in your file. You can also check if documents have been received using the Online Individual Assistance Center.

Please remember that when you mail or fax documents to FEMA, it is very important to include your name, your social security number, the disaster number and your registration ID number on all paperwork. This will speed handling and assure that the documents are placed in the correct file. The numbers can be found on the cover page that is included with all FEMA correspondence in the upper left hand corner of any letter FEMA sends you.

Q.4 The letter from FEMA said I had no damages or insufficient damages, but my home was damaged and some of my personal property was damaged too. What do I do?

You may appeal any decision. When you appeal a decision, you are asking FEMA to review your case again. Appeals may relate to your eligibility, the amount or type of help you received, late applications or requests to return money. You will not automatically get another inspection just because you appeal. For additional information on the appeal process, please refer to page 10 of your Applicant's Guide or click on <http://www.fema.gov/about/process/>.

Q.5 I have a lot of damage but I received a letter from FEMA stating I am getting "\$0." How come?

Please read the entire letter and pp. 7-9 of the "Applicant's Guide," which was mailed to you after you applied. This book explains the reasons for denial. The most common reasons for denial letters are because you have insurance to cover the loss or because your property is a secondary or vacation home. If you have received your insurance settlement and it does not cover all of your necessary expenses and serious needs, please contact FEMA at 1-800-621-FEMA (3362).

Q.6 How long does it take to get help from FEMA?

If you have damage to your home or its contents and you are uninsured or you have suffered damage due to a flood, a FEMA inspector will contact you within 14 days of applying to set up an appointment to assess your disaster damages. Typically, within about 10 days after the inspection, if FEMA determines that you qualify for help, you will receive a direct deposit in your bank account or a check in the mail.

Q.7 I received my check for rental assistance, but there are no places to rent.

If you are eligible for housing assistance from FEMA but are unable to find a rental house or apartment within a reasonable commuting distance of your damaged home, please contact FEMA at 1-800-621-FEMA (3362) or visit a nearby Disaster Recovery Center. FEMA will evaluate your situation and, if appropriate, may authorize a travel trailer or mobile home.

Q.8 What should I do if I did not receive enough money from FEMA to meet all my needs?

Most disaster aid programs are intended to meet only essential needs and are not intended to cover all your losses. Also, some people qualify for assistance from more than one program and may receive additional help from another agency. For example, the Small Business Administration is a very important source of funding for repair and replacement of real and personal property. If you received a loan application packet from the SBA, please complete and return the application as soon as possible.

No work can begin on the loan until you submit your application. If you do not agree with FEMA's decision, you may appeal the decision. To file an appeal, follow the appeals process that is explained in the letter FEMA sent with the grant.

Q.9 I know of others in my neighborhood, city or state who received help from FEMA, however I was told I have insufficient damages. Does FEMA use the same criteria when considering damages for everyone?

FEMA reviews each applicant's case individually and applies the same eligibility criteria. If you were determined to be ineligible because of insufficient damages and you feel this finding is incorrect, you have a right to file an appeal.

Q.10 I have a new telephone number. How do I update my application?

Some information, such as current phone number, mailing address, or insurance policy number, can be updated through FEMA's on-line Individual Assistance Center - Account Access, available on the FEMA.gov website. To update other file information, you will need to call the FEMA Disaster Helpline at 1-800-621-FEMA (3362) (hearing/speech impaired ONLY—call TTY: 1-800-462-7585), visit a Disaster Recovery Center, or write to FEMA at the address provided on any correspondence you have received.

Q.11 What are FEMA's citizenship/immigration requirements?

You must be a U.S. citizen, non-citizen national, or a qualified alien to qualify for a grant from FEMA's Individuals and Households Program. However, undocumented individuals can apply on behalf of their minor child who is a citizen and has a social security number. FEMA can provide information on how to obtain a social security number for a minor child. The minor child must live with the parent/guardian applying on his/her behalf.

The undocumented individual does not have to be a U.S. citizen, non-citizen national or a qualified alien for crisis counseling, disaster legal services or other short-term, non-cash emergency assistance. Voluntary agencies provide help regardless of immigration status.

Q.12 Are aliens eligible for disaster assistance? Who is eligible for disaster assistance?

To be eligible for cash assistance from FEMA you must be a qualified alien. A qualified alien generally includes individuals who are lawful permanent residents (possessing an alien registration receipt card) or those with legal status due to asylum, refugee, parole (admission into the U.S. for humanitarian purposes), withholding of deportation, or domestic violence. Applicants should consult an immigration expert concerning whether or not their immigration status falls within the qualified alien category.

Disaster Recovery Centers

Q.13 What is a Disaster Recovery Center?

A Disaster Recovery Center (DRC) is a readily accessible facility or mobile office where applicants may go for information about FEMA or other disaster assistance programs or for questions related to your case. NOTE: You can register for assistance at a DRC or use the Online Individual Assistance Center or by calling 1-800-621-FEMA (3362) (hearing/speech impaired ONLY-Call TTY: 1-800-462-7585).

Q.14 What are some of the services that a DRC may provide?

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

Employment Issues

Q.15 I lost my job because of the disaster and am unable to make my mortgage (or rent) payments. 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). You may contact Wisconsin's Department of Workforce Development-Job Center at 1-888-258-9966 or online at <http://www.wisconsinjobcenter.org/directory/> to find out more about applying for DUA.

Also see the Employment Issues section of this manual for more information.

Q.16 I have not been able to work since the disaster hit. My employer says that I still have a job, but I am not drawing a paycheck. Does FEMA pay for lost wages?

If you lost work because of the disaster you may qualify for Disaster Unemployment Assistance (DUA). You may contact Wisconsin's Department of Workforce Development-Job Center at 1-888-258-9966 or online at <http://www.wisconsinjobcenter.org/directory/> to find out more about applying for DUA.

Also see the Employment Issues section of this manual for more information.

Farm/Agricultural Damages

Q.17 I had damages to my farm or ranch. Can FEMA help me?

If you sustained damages to your home or personal property, you should apply with FEMA for assistance. If you had damages to your crops, livestock, farm equipment, barns, dairy, etc., you should contact your local Farm Services Agency office to inquire about the USDA's disaster assistance program.

Inspections

Q.18 The inspector told me I was going to get money from FEMA. However, I got a letter from FEMA stating that I was not eligible. Which is correct?

The letter is correct. The inspectors are FEMA contractors and are not authorized to comment on eligibility matters.

Q.19 What will FEMA accept as proof that I occupied my home?

There are several documents that may be used to prove occupancy. They include but are not limited to a utility bill for the damaged dwelling you are occupying; a merchant's statement sent to the damaged dwelling; an employer's pay statement sent to the damaged dwelling; or a current driver's license showing the address of the damaged dwelling.

Q.20 What will FEMA accept as proof that I own my home?

There are several documents that may be used to prove ownership. They include but are not limited to the deed, deed of trust, mortgage payment book or other mortgage documents, real property insurance policy, tax receipts, or property tax bill. The document must list you as the legal owner along with the damaged dwelling address.

Q.21 How do I contact the inspector if my inspector called me and I missed the call?

The FEMA inspectors are out on inspections most days and cannot be reached while they are inspecting a home. You should wait for the FEMA Inspector to call you again. The FEMA inspectors will try to call you 3 times to arrange an appointment to inspect your property. Inspectors will call your current phone contact and alternate if you have given one. If any of your contact information has changed call the Helpline to update the information.

Insurance

Q.22 I have insurance and filed a claim with my insurance agent, but I do not have a place to live. Is there any help for me?

FEMA cannot duplicate assistance from your insurance company. If you still have serious unmet needs after receiving your insurance settlement, FEMA may be able to

provide assistance. If you are unable to locate a place to rent, you can visit a local Disaster Recovery Center (DRC) or call FEMA's Helpline at 1-800-621-FEMA (3362) to get the list of rental resources in your area.

Q.23 I have received a settlement from my insurance company and it is not enough to cover my losses. What should I do now?

FEMA recommends the following: Read over your settlement documents carefully and be sure you understand your policy. If you believe a mistake has been made, contact your insurance agent. If you are still not satisfied, your agent can tell you how to contest the settlement. Next, call FEMA at 1-800-621-FEMA. FEMA and other agencies may be able to help cover those losses that are uninsured and otherwise eligible.

Q.24 Are insurance deductibles covered under FEMA's programs?

FEMA does not cover insurance deductibles. If your insurance settlement does not meet your disaster-related need, you may be eligible for assistance from FEMA.

Q.25 What documents does FEMA want from my insurance company?

If you apply for help from FEMA because your insurance does not cover all of your disaster-related needs, you need to write a letter to FEMA explaining your situation and include a copy of a settlement or denial letter from your insurance company. FEMA cannot duplicate any insurance coverage.

Q.26 Do I have to file a claim with my insurance company since I have to pay a deductible? Why cannot FEMA just help me?

FEMA cannot give you money for items that your insurance covers (this would be considered a duplication of benefits), but it may be able to help with uncompensated losses or unmet needs not covered by your insurance company. If you have not already contacted your insurance agent to file a claim, please do this as soon as possible. If you do not file a claim with your insurance company, FEMA help may be limited.

Q.27 My insurance company told me it would be weeks before they come to see my damages. Can FEMA help?

If a decision on your insurance settlement has been delayed longer than 30 days from the time you filed the claim, you may be eligible for an insurance advancement from FEMA. These funds are considered a loan and must be repaid to FEMA once you receive your settlement from your insurance company. Contact FEMA if your insurance settlement is delayed. FEMA will send you a Request for Advancement and Signature letter. You must complete and return this letter before FEMA can evaluate your request for assistance.

Late Registration

Q.28 I had extenuating circumstances that prevented me from applying for assistance before the registration filing deadline. I have damages from the disaster. What can I do?

You may make a late registration within 60 days after the filing deadline. A letter will be sent stating you are not eligible for consideration for disaster assistance under the Individuals and Households program. The letter will contain information on how you can appeal this decision if you had extenuating circumstances that kept you from filing during the open registration period.

Returning Funds

Q.29 I need to return a check or pay money back to FEMA. Where do I send it?

Treasury Checks: If you have not cashed the Treasury Check and wish to return it, or you have been advised in an official letter from FEMA to return the check, mail it to the Department of Treasury, P.O. Box 149058, Austin, TX 78714-9058.

Personal Checks/Cashiers Checks/Money Orders: All routine checks or money order payments made payable to the Federal Emergency Management Agency (or FEMA) should be sent to:

FEMA, P.O. Box 70941, Charlotte, NC 28272-0941

For overnight payments using couriers (i.e., DHL, FedEx), the address is: FEMA, QLP Wholesale Lockbox - NC0810, Lockbox #70941, 1525 West WT Harris Blvd, Charlotte, NC 28262. Do NOT send cash.

State Checks: If you have received a check from your State for your damaged personal property and wish to return the check or have been advised in a letter to return the funds, you will need to mail the check / payment back to the state. The address will be listed on the letter that accompanied your check.

Road and Bridge Damages

Q.30 My home is not damaged, however a public road and/or bridge has been damaged and is preventing access to my home. Can FEMA help me?

Yes. If damages to a public road or bridge prevents or restricts you from accessing your home, FEMA may be able to provide assistance.

Q.31 If I own the bridge and/or road that is damaged, should I apply for assistance?

Yes. If the private road or bridge damage prevents or restricts access to your home, FEMA may be able to provide assistance.

Q.32 What if I share ownership and responsibility for the road and/or bridge with other families, do they all need to register?

All households who share in the responsibility of maintaining the private road and/or bridge should be encouraged to register, particularly if the damages prevent or restrict access to their homes.

Small Business Administration (SBA)

Q.33 Why am I being referred to the SBA?

The Small Business Administration (SBA) is the primary source of federal funds for long-term recovery assistance for disaster victims. The SBA has low-interest disaster loans for homeowners, renters and non-farm businesses to cover disaster damage to real and personal property.

Q.34 Does the SBA make loans to individuals or just businesses?

The SBA can loan money to homeowners, renters, and business owners. Homeowners may borrow up to \$200,000 for disaster-related home repairs. Homeowners and renters may borrow up to \$40,000 to replace disaster-damaged personal property, including vehicles. The SBA may not duplicate benefits from your insurance or FEMA. You may receive an SBA referral when you apply with FEMA.

Q.35 How do I reach the SBA Hotline?

The SBA has loan officers in the Disaster Recovery Centers to provide face-to-face service to disaster victims. You may visit the SBA at any of these locations without an appointment. A SBA representative will be glad to answer questions and help complete your application. To find out where the SBA disaster offices are located, an applicant can call the SBA toll-free at 1-800-659-2955.

Travel Trailer/Mobile Home

Q.36 How do I get a travel trailer or a mobile home?

If you are eligible for housing assistance from FEMA but are unable to find a rental house or apartment within a reasonable commuting distance of your damaged home, please contact FEMA at 1-800-621-FEMA (3362) or visit a nearby Disaster Recovery Center. FEMA will evaluate your situation and, if appropriate, may authorize a travel trailer or mobile home.

Q.37 How long can I use the travel trailer/mobile home?

If FEMA provides you with a travel trailer or mobile home you may be able to use it for up to 18 months from the date of declaration if you continue to have a disaster-related housing need.

Q.38 My family is too large for a travel trailer/mobile home. What do we do?

FEMA can provide more than one travel trailer for a family if necessary.

Q.39 Can I have a ramp built for a travel trailer/mobile home?

When FEMA makes its initial assessment of your site to decide if it is possible to place a travel trailer/mobile home at your home, it includes any requirements for ramps. If you did not receive a ramp and require one, call the FEMA Helpline at 1-800-621-FEMA (3362). A helpline representative will ensure that someone will get back in contact with you.

Q.40 A storm damaged the travel trailer that FEMA provided me. What should I do?

Contact the maintenance number provided when you were leased into your unit. If you do not have the number, call the FEMA Helpline at 1-800-621-FEMA (3362). A helpline representative will ensure that someone will get back in contact with you.

Emergency Food Assistance

Q.41 Some of my food was destroyed due to the disaster. Can I get help replacing it?

The USDA through the Food & Nutrition Service (FNS) works with state and local governments during a disaster to provide access to food for those affected by the disaster. In addition to distributing commodities to the disaster sites, to individuals, and families affected by the disaster, the USDA has rules for a Disaster Food Stamp Program. In Wisconsin, the term “food stamps” has been replaced by FoodShare, so the program is called the Disaster FoodShare Program (DFSP).

The Disaster FoodShare Program provides replacement benefits as food assistance for households that lose food and also extends benefits to many people who would not ordinarily be eligible for food assistance. If a person needs food assistance they should contact their FEMA site or their local human services office. If their EBT card has been destroyed, lost, or stolen they should contact their local human services office right away.

Applicants must meet certain income requirements and have experienced at least one of the following adverse affects: 1) Food damaged by the disaster or spoiled due to lack of refrigeration from a power outage of at least 4 hours; 2) Damage to or destruction of home, work place, or self-employment business; 3) Disaster-related expenses not

expected to be reimbursed during the disaster benefit period; or 4) Lost or inaccessible income.

General Questions

Q.42 After the storm the gas station up the street was charging \$6.00 a gallon for gas. Isn't that price gouging?

If you find price gouging, contact the Wisconsin Department of Agriculture, Trade and Consumer Protection at 1-800-422-7128.

Q.43 When funds are provided for disaster assistance in other countries, does this affect the amount of money that is available for my state?

No. If Federal disaster assistance is designated for your area, the disaster relief funds for your state will not be affected by any funds provided for international relief efforts.

Q.44 My vacation/secondary home was damaged. Can I get any help?

Damages to a secondary or vacation home are not eligible under FEMA's disaster assistance program. However, if you own a secondary home that is rented out or occupied by a family member, you may be eligible for assistance from the Small Business Administration.

Q.45 Will FEMA help me pay my utility bills?

No. FEMA cannot pay utility bills. However, local charitable organizations may be able to help for a short period. We suggest you contact the American Red Cross or your local United Way office for a referral to a local agency that may be able to help.

Q.46 I lost my food because of the power outage. Will I be reimbursed for it?

FEMA's disaster assistance program does not cover food losses. Voluntary organizations in the disaster area may be able to help you with a hot meal or other immediate needs for food.

See also "Emergency Food Assistance" above.

Q.47 I have trees down all over my yard. Is there any help for debris removal?

Many homeowners' insurance policies cover debris removal. FEMA does not typically pay for cleaning up debris on private property or in gated communities, but if the debris is keeping you or emergency workers from safely getting to your home, FEMA may be able to provide help. Your local officials can also tell you if there is a pickup schedule for debris in your area.

Q.48 I purchased a generator. Will I be reimbursed?

FEMA reviews requests for reimbursement of the cost of a generator on a case-by-case basis and determines if a generator was purchased to overcome a disaster-related hardship, injury, or adverse condition. You should register and submit your receipts to see if the cost is covered.

Q.49 Does disaster help have to be repaid?

A grant from the Individual and Households Program does not have to be repaid. Loans from the Small Business Administration must be repaid.

Q.50 FEMA told me to send in my receipts. What is the mailing address?

Please mail all correspondences to the following address:

Mail: FEMA – Individual and Households Program National Processing Service Center, P.O. Box 10055, Hyattsville, MD 20782-7055 -OR- Fax it to: 1-800-827-8112. Please write your name, social security number, disaster number and registration number on all pages of your document and keep a copy for your own records.

Q.51 I got a check from FEMA. What can I use the money for?

FEMA sends you money to meet your housing and personal property needs related to the disaster. You will receive a letter from FEMA telling you what the money covers. Be sure to read the “Help After a Disaster: Applicant’s Guide to the Individuals and Households Program” included with your letter for additional information.

Q.52 Can I get more information about disaster assistance on the Internet?

Yes. The best place to start is at www.fema.gov/about/process. There you can download a booklet called “Help After a Disaster: Applicant’s Guide to the Individuals and Households Program.” If you have already applied to FEMA, you should have received the same booklet in the mail. This is a very useful publication that explains how FEMA’s disaster assistance program works; describes additional kinds of help you may qualify for from other federal, state and voluntary agencies; and gives you many important tips on how to best make all these programs work for you.

B. STATE AND LOCAL PUBLIC ASSISTANCE

General

The devastation and damage that results from a disaster are frequently beyond the capacity of local governments to handle. In the case of a major disaster, the federal government may be enlisted to help. However, there are circumstances where effected individuals, businesses and municipalities may not qualify for federal aid under FEMA and are left to seek help from state and county resources.

The purpose of this section is to provide information about county and state resources available to assist those affected by disasters who do not immediately qualify for FEMA.

Q.1 Who can benefit from state and county disaster assistance programs?

The State of Wisconsin has a number of disaster assistance programs to aid individuals, businesses, and municipalities. Each program listed has its own qualification requirements, and has been developed to assist a specific demographic.

Q.2 Who should be contacted after a disaster to help locate state or county assistance?

The chief elected official of the local municipality (i.e. mayor, city manager, etc.) should be contacted to be alerted of the disaster situation. If needed, they will be able to contact county emergency management for further assistance. Every local and county government varies in its ability to facilitate disaster assistance resources.

Additionally, each county in Wisconsin has its own emergency management director who works under Wisconsin Emergency Management (WEM). WEM coordinates the obtaining of appropriate state agency assistance and resources.

The contact information for your county's emergency management director can be found at <http://emergencymanagement.wi.gov/docview.asp?docid=16073&locid=18>.

Wisconsin Emergency Management can be contacted directly at (608) 242-3232 (for routine business) or for 24-hour emergency assistance at 1-800-943-0003.

Q.3 What state disaster assistance programs are available for the public sector (i.e. state, county, or local governments)?

Wisconsin Disaster Fund (established by 2005 Wisconsin Act 269)

The purpose of the fund is to help county, local and tribal units of government recoup costs incurred in responding to and recovering from natural disasters. The state contributes 70% of the costs, with the local government applicant contributing the

remaining 30%. The fund does not cover losses suffered by individuals, businesses or the agricultural sector, or those that should have been covered by insurance. It also does not provide management or administrative costs for the state or local government applicants.

Eligibility Requirements

In order to qualify for assistance from the Wisconsin Disaster Fund a county must have been denied federal disaster assistance or not meet specified state and county thresholds established by FEMA for the public assistance program (damage incurred to publicly owned facilities and equipment and/or costs incurred in responding to the disaster.) These thresholds are updated by FEMA each October to reflect increases in the Consumer Price Index. For federal fiscal year 2009 (October 1, 2008 to September 30, 2009) the state threshold for public assistance losses is \$1.31 per capita and the county threshold is \$3.28 per capita.

If no request for federal assistance is made, the Wisconsin Disaster Fund can be made available to counties that have at least one jurisdiction that has incurred costs that meet the FEMA county threshold. Only those jurisdictions that meet the threshold can obtain assistance. Jurisdictions will be required to have declared a disaster or state of emergency in order to qualify. All requests for assistance must go through the county emergency management director to the Administrator of Wisconsin Emergency Management. (See <http://emergencymanagement.wi.gov/docview.asp?docid=9919&locid=18>)

Find the contact information for each county's emergency management director at <http://emergencymanagement.wi.gov/docview.asp?docid=16073&locid=18>.

Contact Information

Wisconsin Emergency Management's Diane Kleiboer or Dave LaWall at (608) 242-3232.

Community Development Block Grant Emergency Assistance Program (CDBG-EAP) - Public Facilities

This program is administered by the Wisconsin Department of Commerce and can be made available after any disaster occurrence. The program makes grants available to local units of government to repair municipal public facilities damaged as a result of natural or manmade disaster including infrastructural repairs as streets and sidewalks.

Eligibility Requirements

Wisconsin Emergency Management (WEM) notifies the program coordinator at the Department of Commerce of the disaster occurrence and the coordinator subsequently works with the affected county emergency management director or appropriate local official to begin the application process.

The eligibility is dependent on damage incurred and disaster declarations. For example, in the case of the storms and flooding during the summer of 2008, the cities, towns, counties and villages within the 31 Wisconsin counties included in the federal disaster declaration were eligible.

Contact Information

The Wisconsin Department of Commerce's Jim Frymark at (608) 266-2742.

More information available at <http://commerce.wi.gov/CD/cd-boh-eap.html>.

Flood Damage Aid Program - Wisconsin Statute § 86.34

The purpose of the program is to assist local governments with replacing or improving roads and roadway structures that have had major damage caused by flooding, by providing help to defray the costs of repairing any public highway, street, alley, or bridge not located on the State Trunk Highway system.

Eligibility Requirements

For road damages to be eligible, the road must have been closed or rendered impassable due to a flood. However, when water is over the road and it forces closure, it does not automatically make the resultant damages eligible. Typical damages considered eligible are:

- Roadbed and/or culvert washouts,
- Structure failures or undermining,
- Pavement (driving surface) undermining (to a significant safety level),
- Embankment failures, major shoulder washouts, and curb and gutter or storm sewer facility damages that cause a loss of roadbed integrity, and
- Debris removal costs if the road is damaged.

“Heavy maintenance” damages are **not** eligible. These include:

- Partial loss or marring of road surface material,
- Minor shoulder washouts or embankment failures,
- Minor damages to curb and gutter or storm sewer facilities,
- Ditch erosion or cleaning, and
- Debris removal, if there is no damage to the roadway.

Municipal utilities are not eligible unless they are an integrated part of a road, as in the case of a combination storm/sanitary sewer.

Also see Flood Damage Aid Program: “Eligibility and Requirements” at <http://www.dot.wisconsin.gov/localgov/highways/docs/flood-infopacket.pdf>.

Contact Information

The Department of Transportation has designated Regional Flood Contacts. The Regional Flood Contact for each county can be viewed at <http://www.dot.wisconsin.gov/localgov/docs/flood.pdf>.

The Flood Damage Aid Program Manager: Janice Watzke at (608) 266-9497 or by email: janice.watzke@dot.wi.gov

For more information see: <http://www.dot.wisconsin.gov/localgov/highways/flood.htm>

Q.4 What state disaster assistance programs are available for the private sector (i.e. individuals or businesses)?

Community Development Block Grant Emergency Assistance Program (CDBG-EAP) - Housing: Wisconsin Statute § 560.9809

The program makes grants to low-to-moderate income households (preference given to households with incomes at or below 80% of the county median) to restore their homes to pre-disaster condition. Repairs for disaster related damage to a dwelling unit, including repair or replacement of plumbing, heating, and electrical systems. If the dwelling is unable to be repaired funds may be used for acquisition and demolition of dwellings. Additionally, funds may be used for down-payment and closing cost assistance for the purchase of replacement dwellings, however assistance is limited to 50% of the pre-market equalized assessed value.

Businesses which suffered damage to their structure or equipment and loss of revenue as direct result of the disaster may also benefit. (See <http://www.commerce.state.wi.us/CD/cd-boh-eap.html>.)

Eligibility Requirements

Must be a resident or business of the municipality awarded CDBG-EAP funds. (See Question 3 for municipality eligibility requirements.)

CDBG-EAP funds cannot be used for repairs not directly related to the disaster. Also, repairs or other costs covered by insurance or other federal or state insurance will not be eligible. Funds will not be available for replacement of furniture, food, clothing or other personal items.

Contact Information

Wisconsin Department of Commerce's Caryn Stone at (608) 267-3682.

For more information see: <http://www.commerce.state.wi.us/CD/cd-boh-eap.html>.

Wisconsin Housing & Economic Development Authority (WHEDA)

WHEDA provides grants to assist with emergency housing needs. However, grants usually go to the Red Cross or the Salvation Army to help offset the costs they've incurred in meeting the immediate housing needs of disaster victims. Other types of housing resources can also be made available to individuals based on housing needs and the availability of other resources.

Eligibility Requirements

Wisconsin Emergency Management coordinates with WHEDA who directly makes grant assistance available. Assistance is dependent on resources available and WEM's determination of need.

Contact Information

WHEDA can be contacted at their Madison office at (608) 226-7884 or toll free at 1-800-334-6873.

WHEDA's Milwaukee office can be contact at (414) 227-4039 or toll free at 1-800-628-4833.

Or by email at info@wheda.com.

For more information visit <http://www.wheda.com>.

Q.5 What other local services are available?

American Red Cross

The American Red Cross has 16 regional chapters located throughout the state. They assist in finding a shelter, obtaining emergency food and water, and other disaster relief.

To locate the nearest Red Cross chapter use the chapter locator at <http://www.redcross.org/where/chapts.asp> or call 1-800-REDCROSS (1-800-733-2767).

The Salvation Army of Wisconsin and Upper Michigan

The Salvation Army's Disaster Services team is prepared to respond to a disaster immediately anywhere in Wisconsin and Upper Michigan. The Army has several emergency services vehicles that can provide meals on site as well as act as a communications center to coordinate relief efforts. They pride themselves for being the first on the scene and not leaving until the community is back on its feet.

The Wisconsin and Upper Michigan Division of the Salvation Army services over 26 communities across the region. Find the nearest Salvation Army location at http://www.usc.salvationarmy.org/usc/www_usc_wum.nsf/vw-dynamic-arrays/737E1E668797C05780256ED0004FB768?openDocument.

County Services

Each county in Wisconsin has different disaster assistance services available. Visit your county website for services and contact information. You can find your county's website by selecting from the list provided at http://www.wisconsin.gov/state/core/wisconsin_counties.html.

Some counties such as Dane County provide voluntary registry services for individuals to identify themselves as a person who would need assistance in the event of a disaster. See http://www.co.dane.wi.us/emergency/disaster_assistance.aspx.

Remember each county has its own WEM director whose contact information can be found at <http://emergencymanagement.wi.gov/docview.asp?docid=16073&locid=18>.

Helpful WEM Information Resources

Local Emergency Management Information:

<http://emergencymanagement.wi.gov/category.asp?linkcatid=87&linkid=34&locid=18>

Disaster Response in Wisconsin (pamphlet):

<http://emergencymanagement.wi.gov/docview.asp?docid=10449&locid=18>

C. HOUSING ISSUES

Q.1 May I terminate my lease because of the disaster?

It is important to review the terms of the lease for provisions which relate to disaster because some leases provide for termination in the event of a disaster, often referred to as “fire, flood or other casualty.” Pursuant to Wisconsin Statute § 704.07(4), if the disaster renders the premises untenantable, the tenant may remove from the premises, unless the landlord promptly makes repairs and/or eliminates the hazardous condition. Further, § 704.07(4) states that a “tenant may remove [from the premises] if the inconvenience to the tenant by reason of the nature and period of repair, rebuilding or elimination would impose undue hardship on the tenant.” *Id.*

Q.2 Do I have to pay rent if my place becomes uninhabitable because of the disaster?

No, the tenant is not liable for any rent after the rental unit is rendered untenantable, if the tenant removes from the premises. Wis. Stat. § 704.07(4). If a tenant chooses to stay in the premises, rent abates to the “extent the tenant is deprived of the full normal use of the premises.” *Id.*

Q.3 May I withhold payment of rent because of the disaster or because the landlord has failed to timely repair the dwelling after the disaster?

Yes, however, a tenant may not withhold the full amount of rent if tenant remains in possession. Wis. Stat. § 704.07(4). If a tenant chooses to stay in the rental unit, rent abates to the “extent the tenant is deprived of the full normal use of the premises.” *Id.* If the disaster renders the premises untenantable and the tenant removes from the premises, the tenant will not be liable for rent after the premises becomes untenantable, and landlord must refund advance payment of rent “apportioned to the period after the premises become untenantable.” *Id.*

You should also reference your local housing and tenant/landlord ordinances for specific procedures regarding maintenance requirements, condemnation procedures and rent abatement provisions.

Q.4 Do I have to keep paying rent to my landlord while I am not living at my rental unit?

No, if you are not residing on the premises because the rental unit is currently untenantable, you are not liable for rent during the time the unit is untenantable and you are you not residing there. Wis. Stat. § 704.07(4).

Q.5 What may happen and what should I do if I cannot pay the rent for my dwelling because of job or salary interruptions following the disaster?

First, discuss your hardship with your landlord, and if possible, negotiate a payment plan in writing. Do not commit to paying the landlord money that you do not have, however, and make sure that the payment terms are realistic given your income disruption.

In the event of a rent default by a tenant with a lease for one year or less or a year-to-year tenant, the landlord must give the tenant a 5-day written notice to pay rent or vacate. Wis. Stat. § 704.17(2)(a). If possible, the tenant should pay the rent due within the notice period to cure the lease violation. Make sure to get a written receipt for rent paid. If rent is not paid within the notice period, the tenancy is terminated. *Id.* For a month-to-month tenancy, the landlord may give a 5-day notice with a right to cure or a 14-day notice without the right to cure. Wis. Stat. § 704.17(1). If the tenant continues to occupy the premises after the lease has been properly terminated, the landlord is entitled to claim double daily rent. Wis. Stat. § 704.27. If the tenant pays rent after the expiration of the notice period, the tenant should get a written statement from the landlord that he/she will not pursue an eviction action; otherwise the landlord may accept the rent and still be entitled to evict the tenant.

The tenant may be eligible for emergency assistance pursuant to Wis. Stat. § 49.138 (1m). The tenant should contact the Department of Human Services in the tenant's county to apply for emergency assistance.

Temporary government rent assistance may also be available from the Federal Emergency Management Agency (FEMA) or other governmental agencies.

Q.6 Is my landlord allowed to rent my rental unit to someone else while I am gone?

Your tenancy should not be terminated unless you abandon the unit, the unit is totally destroyed, or your lease provides for termination in the event of a disaster. It is important to communicate with your landlord, in writing, regarding your intent to return to the premises when it is properly rehabilitated and tenantable. If you abandon the unit, your landlord has the right to re-rent the premises to the extent it is fit for occupancy.

Q.7 My apartment is so bad I cannot live in it and I am going to move. I want my security deposit returned - what are my rights?

Your landlord must return your deposit within 21 days after you move out or send you a letter, by certified mail, explaining why the landlord is withholding from your deposit and accounting for every deduction the landlord made against your security deposit. Wis. Admin. Code § ATCP 134.08 (3)(c) and (4). It is important to provide your landlord with your forwarding address in writing for this purpose. If your landlord improperly withheld your security deposit in violation of ATCP 134, and you bring a successful action against your landlord in Small Claims court, you may be able to recover twice the amount of the deposit plus reasonable attorney's fees pursuant to Wis. Stat. § 100.20(5).

Q.8 My landlord told me to move out because the dwelling is totally unusable after the disaster. Do I have to move out?

You must remove from the property if it has been declared unfit for human occupancy and your removal is required by order from a local inspection official or a court of law.

Q.9 My landlord told me to move out the next day because he wants the dwelling for his family members who lost their homes during the disaster. He told me if I did not move out, he would 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 not “totally destroyed” and the landlord cannot terminate the lease.

If the landlord unlawfully locks you out, you should contact local law enforcement and a lawyer. If you are low-income, you can contact the UW Law School’s Neighborhood Law Project at (608) 262-1002 or Legal Action of Wisconsin at its Madison office at (608) 256-3304.

Q.10 What should I do if I am served with an eviction lawsuit?

If an eviction lawsuit is served on you, you should carefully read the Summons and Complaint and find your deadline for filing an answer and/or appearing in court. You can defend yourself in court or contact a lawyer for representation. If you do not follow the requirements for answering the Complaint and disputing the landlord’s grounds for eviction, a default judgment for eviction may be entered against you. Many Small Claims forms, including a sample Small Claims answer and counterclaim, can be found at the Wisconsin Courts website at <http://wicourts.gov/forms1/circuit.htm>. Remember, anytime you file something to the court, you must also send a copy to the plaintiff, or the plaintiff’s attorney, if the plaintiff has one.

Q.11 How may I recover my personal property from the leased premises?

You should communicate with your landlord and local government officials regarding when you may return to recover your property. The sooner you can obtain your property, the more likely you are to recover it and obtain useful evidence of property damage. It is important that you provide your current address to your landlord in writing.

If you intend to return when the property is properly repaired, you may leave your property at the unit. If you do not intend to remove and are vacating the premises permanently, your landlord may not dispose of your property without first providing written notice of the intent to dispose of the property by sale or otherwise, if the tenant fails to repossess the property within thirty days. Wis. Stat. § 704.05(5). If you have permanently vacated, the landlord may store the property and put a lien on the property

for the cost of storage and removal, but the landlord must give you a notice within ten (10) days of the date the charges begin. *Id.* The landlord may not add money for damages to the unit or rent to the lien amount. *Id.* Your landlord must return medicine and medical equipment to you regardless of the lien. *Id.*

Q.12 May I recover damages against my landlord for injuries or property damage I suffered as a result of the disaster?

You cannot recover damages against your landlord that arise strictly as a result of a disaster. Generally speaking, a landlord has an obligation to make all repairs and do whatever is necessary to maintain the premises in a fit and habitable condition.

However, a landlord is relieved of that obligation if the landlord demonstrates affirmatively that he or she has exercised due diligence and effort to make the premises fit and habitable and that any failure by him or her to do so was due to circumstances reasonably beyond his or her control. Similarly, a landlord has an obligation to supply heat, water, hot water and other essential services. If, such services are no longer available as a result of a disaster, and your landlord has not deliberately or negligently failed to provide these services, you cannot recover from the landlord.

Q.13 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 disasters and failed to inform me?

If the landlord or seller made an affirmative misrepresentation concerning the possibility of flooding, the tenant or buyer may be able to sue the landlord or seller for fraud to recover 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 or seller 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 seller or landlord is not fraud. However, failure to disclose the possibility of flooding may, under certain circumstances, support a lawsuit against a landlord or seller who knew of past flooding or knew of the possibility of flooding. Active concealment of known past disaster could be the basis for lawsuit.

The tenant should look into existing insurance policy purchased by tenant and/or landlord for recovery.

Q.14 Can I recover damages against my landlord or the previous homeowner if they did not know about the possibility of flooding?

No. As a general rule, the tenant or buyer cannot recover from the landlord or previous owner a loss or damage from natural disasters if the landlord or previous owner knew

nothing about past similar disasters or the possibility of such disasters and did not tell the tenant or buyer that the property was not subject to flooding.

Q.15 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 disaster, 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.

Q.16 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 Needs Grant from FEMA to replace necessary items of personal property. You may apply for these benefits at the FEMA Disaster Recovery Center sites or by phone or online. 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.

Q.17 If my personal belongings are lost or damaged as a result of the disaster, may I recover 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.

Q.18 Is there any program available for me to recover the value of my lost personal property?

You may be eligible for compensation from FEMA. Absent insurance, FEMA rules are going to apply.

Q.19 What if I do not have any insurance on my property?

If you did not have renter's insurance, see if your landlord had insurance to cover your personal property. If your losses are not covered by any insurance policy, you may be able to get Individual and Household Program (IHP) money from FEMA to replace necessary items of personal property such as clothing, household items, furnishings and appliances. You may apply for these benefits through FEMA at 1-800-621-3362 (hearing/speech impaired 1-800-462-7585).

Q.20 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 of 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 caused the damage.

Q.21 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 onto 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 for the value of the property.

Q.22 My house was damaged and I cannot 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 damaged and you cannot live in it.

However, your lender may allow you to delay mortgage payments for several months after a disaster (although interest may continue to be added). A lender may 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 nearly always work with you. If your mortgage is FMHA-financed or FHA-insured and you fall behind in your payments because of circumstances beyond your control, you have special rights.

Q.23 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. You must, however, 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 and also pays an

amount every month toward the mortgage installments, which were delinquent prior to the bankruptcy. If you think you may want to file a Chapter 13 bankruptcy, you should consult an attorney.

Q.24 Can my mortgage holder foreclose on my home if I cannot make the payments?

Yes. The typical residential property mortgage does not provide for forbearance in the event of a disaster and allows the lender to foreclose following default.

A non-judicial foreclosure is a voluntary foreclosure and may be done by agreement between you and your lender whereby you give up all rights to your home.

In a voluntary foreclosure, if your house is sold by the lender and does not sell for the amount of the mortgage, you are not responsible to pay your lender the difference.

Correspondingly, if your house sells for more than the amount of the mortgage, the lender is not obligated to give you the difference.

A judicial foreclosure is a forced foreclosure and may be done only by order of the court. In a forced foreclosure, if your house sells for less than the amount of the mortgage, you are obligated to pay the lender the difference, unless the lender waives the deficiency.

D. MUNICIPAL LIABILITY

When a disaster happens it affects public transportation, power lines, streets and roadways, sewage systems, storm drains, firefighting, police activities and more, which are all a part of governmental activity. An injured citizen may seek to bring a claim against a municipality for what they believe is negligence.

The law in Wisconsin has been continually evolving with regard to municipal liability. In 1962, the Wisconsin Supreme Court found that in a claim for negligence, a municipality is no longer insulated from liability by sovereign immunity and that liability was the rule and immunity was the exception. *Holytz v. Milwaukee*, 17 Wis. 2d 26, 39, 115 N.W.2d 618, 625 (1962).

However, the legislature then enacted Wis. Stat. § 893.80(4) which states:

No suit may be brought against any volunteer fire company organized under ch. 213, political corporation, governmental subdivision or any agency thereof for the intentional torts of its officers, officials, agents or employees nor may any suit be brought against such corporation, subdivision or agency or volunteer fire company or against its officers, officials, agents or employees for acts done in the exercise of legislative, quasi-legislative, judicial or quasi-judicial functions.

The enactment of Wis. Stat. § 893.80(4) “immunizes against liability for legislative, quasi-legislative, judicial, and quasi-judicial acts . . .” *Lodl v. Progressive N. Ins. Co.*, 253 Wis. 2d 323, 334. When the courts have looked to interpret what specifically these types of acts are, they have been found to include “any act that involves the exercise of discretion and judgment.” *Id.*

On the contrary, courts have recognized that the second clause of § 893.80(4) affords no protection to a municipality for nondiscretionary or “ministerial” acts: “[a] ministerial act, in contrast to an immune discretionary act, involves a duty that ‘is absolute, certain and imperative, involving merely the performance of a specific task when the law imposes, prescribes and defines the time, mode and occasion for its performance with such certainty that nothing remains for judgment or discretion.’” *Milwaukee Metro. Sewerage Dist. v. City of Milwaukee*, 277 Wis. 2d 635, 673 (2005) quoting *Willow Creek Ranch, L.L.C. v. Town of Shelby*, 2000 WI 56, P27, 235 Wis. 2d 409, 611 N.W.2d 693 (quoting *C.L. v. Olson*, 143 Wis. 2d 701, 711-12, 422 N.W.2d 614 (1988) (quoting *Lister v. Bd. of Regents*, 72 Wis. 2d 282, 301, 240 N.W.2d 610 (1976))).

In a case involving the City of Milwaukee, the plaintiff alleged negligence and nuisance for the way in which the water system was repaired and replaced. The court found that “decisions regarding the adoption, design, and implementation of public works are discretionary, legislative or quasi-legislative acts subject to immunity.” *Milwaukee Metro. Sewerage Dist.*, 277 Wis. 2d at 678. “Approval of the design and construction of a [public work] are generally discretionary acts Even if the system is poorly designed,

a municipal government is immune for this discretionary act.” *Id. quoting Welch v. City of Appleton*, 2003 WI App 133, P13, 265 Wis. 2d 688, 666 N.W.2d 511. Therefore, the court found that the city was “immune from suit relating to its decisions concerning the adoption of a waterworks system, the selection of the specific type of pipe, the placement of the pipe in the ground, and the continued existence of such pipe. These are discretionary legislative decisions.” *Id.* at 678.

Therefore, with regard to any claim against a municipality for negligence in terms of a disaster, an analysis regarding the action taken by the municipality needs to be undertaken.

Q.1 Can I sue the local government for damages caused by the disaster?

Possibly. Contact an attorney who is assisting with issues regarding the disaster. The attorney would likely need to go through an analysis to determine, based on the information above, whether the municipality was acting in a discretionary manner or if the act was ministerial, in other words, an act that is absolute or certain and involves the performance of a specific task so that nothing remains for judgment or discretion.

Q.2 The municipality was doing sewer repairs in my neighborhood and the pumps they installed failed, flooding my home. Now what?

Contact the municipality and alert it to the problem. The municipality will likely send someone to assist with the problem.

Q.3 What type of notice is required to file a claim?

When deciding to pursue a claim against a municipality, you must provide notice. A sample notice of claim against the State of Wisconsin can be found at http://www.doj.state.wi.us/docs/injury_and_claim_form.pdf and below, as Exhibit #1. A Notice of Claim against the State of Wisconsin is governed by Wis. Stats. § 893.82.

A notice of claim against a municipality is governed by Wis. Stats. § 893.80, which requires individuals pursuing a claim against governmental bodies or officers, agents or employees to serve written notice of the circumstances of the claim within 120 days after the event that gives rise to the claim. An example of a Notice of Claim to a municipality is below as Exhibit 2. Be sure to contact your municipality to see if it has a specific form you should use.

Wis. Stat. § 893.80 includes a two-part procedural notice requirement: (a) timely notice of the event giving rise to the claim, and (b) a written itemization of the claim. Each must be provided if the claimant pursues a governmental entity, a division or agency (including Fire Departments and Police Departments), or their officers, officials, agents or employees in a lawsuit. Failure to comply with these provisions can result in the claim being barred.

Wis. Stat. § 893.80(1)(a) mandates that notice of the injury must be given to the municipal entity and the employee involved. The notice must identify the circumstances and must be presented within 120 days of the injury.

Q.4 How do I give notice?

According to the League of Wisconsin Municipalities, there are two ways to fulfill the notice requirement:

- **Written Notice.** If written notice is served within 120 days after the event causing injury, the statutory requirements are fulfilled. Written notice should include the time, place and circumstances of the injury and have the name and address of the claimant. When the municipality receives such a notice, the circumstances of how it was “served” should be noted and it should be forwarded to the municipality’s insurer at the earliest opportunity.
- **Actual Notice.** Actual notice is the equivalent of actual knowledge; it is a “constructive” notice provision. Actual notice of the claim and the claimant is required. When a municipality learns of circumstances that can lead to a claim, this information should be collected and forwarded to the municipality’s insurer as soon as practical.

For claims of negligent inspection, the notice of injury must be within one year of the date the negligent act was discovered or reasonably should have been discovered.

§ 893.80(1)(b): Written Claim

Section 893.80(1)(b) requires that before a lawsuit can be filed a claim must be presented, considered and disallowed. All damages must be itemized in the written claim and the claim must be properly presented to the clerk.

If a city or village is presented with a claim, it is to be filed with the clerk and delivered to the comptroller for an examination within 30 days. The claim is then heard before the council or board.

Any claim against a municipality must list a specific dollar amount; vague statements such as “damages not to exceed x amount,” “damages up to x amount,” or “damages are in excess of x amount” do not fulfill the requirement. A claim must identify the claimant and the nature of the claim that is being asserted.

Exhibit 1

Wisconsin Department of Justice

DJ-LS-25 (Rev. 9/05)

STATE OF WISCONSIN

NOTICE OF INJURY AND CLAIM

Pursuant to Wis. Stat. Section 893.82

This notice must be served upon the Attorney General by certified mail within 120 days (180 days for medical malpractice claims) of the event giving rise to the claim for such injury, damage or death at 114 East, State Capitol, Post Office Box 7857, Madison, Wisconsin 53707-7857.

Claimant's Name	
Address	Phone
Time and Date of Occurrence	Location
Statement of Circumstances Giving Rise to the Claim for Such Injury, Damage or Death and Names of Persons Involved, Including Name(s) of State Officer(s), Agent(s) or Employee(s).	
(If additional space is needed, continue on backside of this notice form.)	

I certify that the above-described injury, damage or death actually occurred, that I have read the above foregoing notice of injury and claim, and that the same is true to my own knowledge except as to those matters stated upon information and belief and as to those matters, I believe the same to be true.

Date: _____

Signature of Claimant

Subscribed and sworn to before me

this ____ day of _____, 20____.

Notary Public, State of Wisconsin

My Commission: _____

Exhibit 2

NOTICE OF CLAIM

NAME _____

TELEPHONE NO. _____

ADDRESS _____ (street)

_____ (city, state, zip code)

CIRCUMSTANCES OF CLAIM: On the reverse side, describe the circumstances of your claim (attach additional sheets if necessary). For auto/property damages attach a copy of police report, if any; and a diagram of the accident scene including north, south, east or west. For personal injury indicate the nature of the injury; if medical attention was given, the name of the physician/immediate care/hospital. List the names and addresses of any witnesses to the incident/accident. Please be specific with the information provided.

Incident/Accident Information:

Date _____

Place _____

Time _____

(Circumstances of claim and witnesses on reverse)

Signed: _____ Date: _____

CLAIM FORM

Wisconsin law requires claims to be filed within certain statutes of limitations. You must comply with these time limits or any claim submitted will be denied.

Please provide copies of any bills supporting the amount of the claim. Attach two (2) estimates for claims involving auto/truck/property damage. The undersigned hereby makes a claim against the (Municipality) out of the circumstances described above. The claim is for relief in the form of money damages in the amount as indicated below and non-monetary relief as follows: _____.

Auto/truck: \$ _____ Personal Injury: \$ _____

Property: \$ _____ Other (specify:) \$ _____

Signed: _____ Date: _____

Address: _____ (street)

_____ (city, state, zip code)

Circumstances of claim (attach additional sheets if necessary):

Witnesses (names and addresses):

Procedure for filing claims:

1. Wisconsin law requires notices of claims and claims to be filed within certain statutes of limitations. You must comply with these time limits or any claim submitted will be denied. In most instances, a Notice of Claim must be filed within 120 days from the date of the incident or will be barred by the Statute of Limitations.
2. In order for the Municipality to make a determination regarding your claim, a Claim stating the specific damage(s) sought, circumstances surrounding the claim, and supporting documentation must be completed, dated, signed and submitted to the City Attorney’s office. This is the bottom portion of the form entitled “Claim Form”. *Until this portion is completed and submitted to the Municipality, no action will be taken.*

Investigation and determination can take several weeks or months depending on complexity. Often, a claimant must mitigate his/her damages prior to final determination.

3. Mail or submit claims to: City Attorney.

4. The City Risk Manager and/or the City's liability insurance carrier will then determine if your claim should be paid, compromised or disallowed. You will be notified by letter should the Municipality determine to pay or compromise your claim. If your claim is determined to be disallowed, the matter will be referred to the Common Council for formal disallowance in the normal course of business. You will be notified by letter of the Council's action.

5. This procedure is established by State Statutes to provide a mechanism for persons to recover damages in the event a municipality is responsible for an incident. This procedure is also designed to protect the municipality and its taxpayers from having to pay out inappropriate and/or nuisance claims.

E. INSURANCE ISSUES

This section is intended to provide guidance to common insurance questions following a disaster and answer questions about how to utilize insurance to maximize your ability to recover after a disaster. There is no way to deal with all of the questions that you will encounter in your particular situation. The advice contained in this section is general in nature and is not intended to provide any specific guidance to you. Remember, your insurance policy is a separate contract between you and your insurer that is subject to all of the terms and conditions of that policy. Any particular questions or issues about the terms of your policy will always have to be handled on an individual basis.

Introduction

Disasters are certainly a difficult situation for any person to recover from. However, most people have homeowners insurance or business property insurance, which can help with the financial recovery after a disaster. Indeed, most lenders require that you provide enough property insurance to cover the cost of the mortgaged value of the home.

Wisconsin typically does not have hurricanes, tidal waves, or earthquakes like many other parts of the United States. Thus, the comments on disasters in this section conceptualize damage from flooding and tornadoes, with an emphasis on flooding after 2008's Lake Delton flood tragedy.

Q.1 What is generally covered under my homeowner's policy?

Your homeowner's policy generally provides coverage for physical damage to your home, personal property, and other buildings on your property such as garages, barns, and sheds. Generally, the property coverage in your homeowner's policy is the most complex part of the policy and provides two broad coverages:

- (1) Payment for property damage caused by covered perils such as fire, wind and water that cause sudden and accidental damage to your property. Many property policies are "occurrence" policies, which typically mean that you are covered for losses that are sudden and accidental, but may not provide coverage for other types of losses. You should review the definitions section of your policy to see if this definition is consistent with the terms of your policy.

Your personal property is also generally covered anywhere in the world under this section of your homeowner's policy. However, you should be aware that most policies generally limit how much you may recover for your personal property that was damaged or destroyed when you away from home, or on high-priced items like jewelry, antiques, art, and electronics.

There may also be limitations on coverage for high-priced personal items. You should consider separately insuring these items for optimal coverage.

- (2) Payment for Additional Living Expenses (“ALEs”). ALEs typically pay for costs above your normal living expenses when a covered loss forces you to temporarily move away from your home. For example, many policies would provide payments for the costs of staying in a motel and eating at a restaurant expenses if your home is destroyed by a tornado. Be aware that there may be limits on the duration of time you will be compensated for ALEs, and there may be limits on the dollar amounts you will receive for ALEs. The best idea is to contact your insurer as early as you can to determine the level of coverage you have, which can inform your choice on how to best spend the money you will receive for ALEs.

Q.2 What is typically not covered under my homeowner’s policy?

There are generally four reasons why damages from a disaster would not be covered under a typical home property policy:

- (1) The event is not sudden or accidental. For example, many policies exclude coverage for damage caused by wear and tear, age, rotting, or lack of maintenance.
- (2) The damaged property is more appropriately covered by some other type of insurance. For example, your auto policy might provide better coverage for damage to your car in a disaster. The idea here is that the more appropriate insurance policy type should provide the most optimal coverage for the type of loss you have experienced.
- (3) The event is catastrophic in nature such as earthquakes, floods, war, or nuclear disasters. These are traditional exclusions or non-coverage areas, but there options to purchase additional insurance for flooding and earthquakes.
- (4) The event is a peril that the company does not want to cover for the premium charged, and is thus, excluded. For example, some companies will exclude coverage for losses caused by particularly dangerous activities.

If you have questions about what exclusions or limitations apply to your policy, you should contact your insurance agent. Each policy has its own exclusions that may or may not fit into the four mentioned areas. There may also be options to purchase additional coverage for areas of loss that you do not want to be excluded. Your insurer should be able to help guide you to the best method to buffer your risk from those losses.

In addition to exclusions, you should be aware that there are several types of uninsurable property, and information on insurability of a particular property may be obtained from your insurance agent or broker. Some examples of property that is typically uninsurable are buildings that are entirely over water, buildings that are mostly below the grounds such as gas storage tanks, and machinery out in the open.

Q.3 How much coverage do I need?

Only you can determine the level of coverage that you want relative to the amount that you are willing to pay in premium costs. Your insurance agent will be able to facilitate your investigation into this question. There is no right answer. However, the biggest reason that property owners cannot recover from their losses, even if there is coverage, is that they are underinsured. Although each consideration of the amount of coverage is unique to your situation, you should be aware of the basic types of replacement costs that insurance policies can provide to compensate you for your losses:

- (1) Actual Cash Value (“ACV”) replacement – this type of coverage pays the replacement cost less depreciation for your home. The idea with ACV is that you will receive compensation for the fair market value of your home immediately before the disaster. This is not the same compensation for the amount it would cost to buy your home new, today.
- (2) Replacement Cost – this type of coverage pays what it costs to rebuild or replace your property today with materials of like kind and quality. This coverage generally provides greater compensation than ACV because it does not reduce your recovery with depreciation. Be aware that many home property policies will only be obligated to pay for the replacement cost if the home is insured at 80%-90% of the replacement cost. If you are insured for less than 80%-90% of the replacement value, then your insurer may not be obligated to provide coverage for the total cost of the loss of your home. You will need to consult your policy to determine if any specific insurance levels are required to receive payment for replacement costs.
- (3) Guaranteed Replacement Cost (sometimes called extended replacement cost) – this coverage pays to replace your home even if it costs more than the policy limit. Many policies limit this coverage to a certain percentage of the cost above the policy limits. You will have to look at your policy to see if there is a limit, and what that limit is. You should be aware that there are likely other restrictions on your ability to recover beyond the policy limits. It is worth your time to investigate those issues.

To determine what type of replacement cost coverage you have, you should consult the “Loss Settlement” section of your property policy. This section will typically explain the way that your insurance payments are calculated. You should also check to see whether

your insurance policy offers inflation protection, which increases your insurance recover as inflation increases.

Your insurer should be able to assist you in determining the replacement coverage you have, and assist you in purchasing inflation protection if it is offered.

Most policies provide coverage for personal property loss at replacement cost. However, many policies allow you to increase this limit by paying additional premiums or to change the type of coverage you have. Work with your insurer to determine the appropriate level of coverage for your personal property under a property policy, and to determine if it is more appropriate to separately insure certain possessions.

You should also be aware that many policies limit coverage for your personal property to half of the building limit. Although you may be able to receive a higher amount of coverage for personal property, you should consider having specific insurance for specific high dollar items like art, antiques, and jewelry.

Q.4 Can I obtain immediate financial assistance from my homeowner's insurance company to pay for alternative living arrangements while I am displaced from my damaged or destroyed home?

Typically, yes. Many homeowners' policies provide payments for your living expenses following a disaster. These payments are usually part of your homeowner's policy coverage for ALEs. Your insurance company can tell you if you are entitled to these payments. You should check the payments that your insurer has paid or is willing to pay against the language in your policy to ensure that you are being properly compensated for these costs.

Many policies provide payment for your costs to stay in a hotel or temporary apartment immediately following the disaster. Many policies also offer advance money to purchase or repair major household items so you can remain in your home following losses from a disaster. Be aware that these payments are then added to your final settlement with the insurer. It is advisable to work with your insurer as quickly as you can to determine the level of compensation you will receive.

Q.5 Do I have to pay my insurance premiums in light of disaster damage?

Typically yes, you must continue to pay your monthly premium payments when they are due. In some instances your insurer may grant you an extension on payments due to the disaster. However, this would be the exception to the rule. Do not forget however, that the extension is only an extension on the time to pay---it does not excuse your need to pay. Your insurer will still expect full payment of the premiums despite the time extension.

Q.6 How can I preserve my claims and protect my right to repayment from insurance coverage?

The first thing to do is to call your insurance agent. Depending upon the size of the disaster, many agencies and companies will provide specialized or additional personnel to handle claims from the disaster. Calling your agent also ensures that you are reporting your loss as soon as you can after the disaster occurs. This will provide the best chance of quickly receiving money that you will need to pay for your losses after the disaster. After all, the insurance company cannot help you with claims they do not know about. You should contact your agent even if you think that damage you have experienced is less than the amount of your deductible. After a disaster has occurred, you may not know the full extent of your losses, and your insurer can assist you in determining the full extent of your losses.

It is also advisable to contact your insurer as soon as possible because there may be obligations to contact your insurer within a given amount of time under your policy. If you do not act quickly, you could be hampering your ability to receive needed money as quickly as you would like it.

You should also contact your agent to ensure that you have a copy of your policy, which may have been lost during the disaster. When you call an agent or when you are dealing with a representative who is assisting with insurance claims for a disaster, you should always ensure that you write down the name and number of the person that you talked to.

If your insurance company is providing a specialize set of representatives to a given disaster, the company may do this on the Internet, in person, by phone banks, or through other means. If you do not become aware of any specialized disaster response by your insurer, check the Wisconsin Office of the Commissioner of Insurance's website for information. In addition, this website can assist you in finding the contact information for your insurer if you have lost it from the disaster. (See <http://oci.wi.gov>; which also provides information in Spanish).

If you have an inventory of your personal property, you should provide this information to your insurer as soon as you are able to. This will maximize your ability to receive prompt payment to repair or replace these items.

Q.7 What if I live in a condominium or apartment?

If you live in a condominium that is affected by a disaster, then you will have to consider two different policies. The first will be the association policy, which typically covers the exterior and common areas of the condominium. The second is your personal condominium property policy that covers the interior of the unit as well as personal property. The typical condominium policy provides coverage that is similar to the typical homeowner's policy.

If you live in an apartment, your landlord's policy typically covers damage to the property. However, you are likely more concerned about your personal property, which is generally not covered under your landlord's policy. You should consider working with

an insurance agent to purchase renter's insurance, which can provide coverage for your personal belongings similar to a homeowner's policy.

Q.8 How do I get an insurance adjuster out to my home to assess the damage?

If an adjuster does not contact you, then you should contact your insurance company and notify them about the loss as soon as you are able to. If the insurance company does not appoint an adjuster to your claim, then you should request one, and follow up with a written request using certified mail. If your insurance company is not responsive and does not send an adjuster to work on your claim, you should contact the Wisconsin OCI and may need to consult an attorney.

Q.9 What can I do to prepare for the insurance adjuster?

In order to prepare for an adjuster to come out and evaluate your property, you should get as much information together as you are able to. You should also do your own investigation to determine where you believe there is damage to your property. In many cases, it will be impossible for you to determine what the scope of damages is, and your insurance adjuster should assist you in determining all of the areas of damage that have occurred because of the disaster.

Building Losses

The first step that you should undertake is to catalog and photograph all of the areas of obvious damages to all of the structures on your property. This will include taking pictures not only of your home, and the rooms in your home, but also outbuildings, sheds, and barns where appropriate. It is best to have a list of areas where you know there is damage before the adjuster arrives. That said, insurance adjusters are not experts in evaluating whether there is structural damage to your property. There may also be unobservable and hidden damage to your property. Because of the magnitude of a disaster, it is advisable to work with your insurance company to have an expert evaluate your property for structural damages. If your insurance company will not perform an evaluation, or if you want a separate investigation (which is your right), then you should have one performed by an independent expert. The costs of such an investigation may be covered by your policy.

In addition to investigating the structural elements of the property, you should also have systems such as the electrical and plumbing systems inspected in order to determine the extent to which they have been damaged by the disaster. This is particularly important because many insurance policies provide coverage for damage to systems even if there is limited or excluded coverage in other areas. Most insurers will pay for such inspections and may help facilitate such inspections.

If you are having difficulties with your property insurer conducting an inspection, you should consider contacting the Wisconsin OCI or working with an attorney to facilitate a proper inspection.

Personal Property Losses

The first thing that you should do, or should have done, in order to prepare for a meeting with the adjuster is to keep an inventory of all of your possessions prior the disaster occurring. This is the best way to ensure that you have basic information to provide to the insurance adjuster about what losses you have suffered. The Wisconsin OCI has a Personal Property Home Inventory worksheet on its website that you can download. (See http://oci.wi.gov/pub_list/pi-224.pdf). The important thing is to make an inventory and then update it as you acquire and get rid of certain possessions. The ideal inventory would have pictures of all of your possessions and a record of the brand name and model number of items where appropriate.

Although most business owners have some type of inventory, if you are like most homeowners, you do not have an inventory of your personal property. This means that you will have to attempt to substantiate your losses based on old receipts, bank statements, or other documentation of your personal property losses. If you have none of these, then you will have to rely on memory to provide a list of all of your possessions. In either case, your ability to receive a full recovery for your losses of personal property will likely be diminished. Making and updating an inventory is the best way to put yourself in a position where full compensation under the terms of your policy will be possible.

Although your property may be severely damaged, and in the case of a flood, severely smelly, you should NOT throw these items away until after the adjuster has seen and cataloged these items. If you do not save items for inspection, you may be waiving your ability to receive full coverage for your losses.

Remember that all of your belongings have a cost. If you lose all of your possessions in a flood or tornado, replacing all of those items can add up to a significant amount of money. Thus, it is imperative to have a complete list so you have the ability to recover for the loss of all your personal property. Even the ugly Christmas sweaters from wacky Aunt Jane have a value.

Q.10 What if I cannot wait for the insurance adjuster?

After a disaster you should generally complete, or have someone complete temporary repairs for the purpose of protecting your property from future damages. Most policies require you to “mitigate” damage, which means acting to ensure that the damage you have experienced does not get worse. Your duty to mitigate is only to take reasonable measures to protect the property, not extraordinary measures. You may also make emergency repairs as noted in Question 11. If you need to stay someplace besides your home, you should save your receipts for hotels, dining out, and replacement of personal hygiene items to submit to your insurer.

Q.11 Can I hire someone to make emergency repairs?

You can hire someone to make emergency repairs and should keep your receipts to provide them to the insurance company. You can also perform emergency repairs yourself but are advised to do so only if you are qualified. Be aware however, that while emergency repairs are typically available to mitigate damages from the loss, most policies do not allow you to make permanent fixes to your property until after an insurance adjuster has had an opportunity to review the damages. The adjuster may also need to evaluate the damage in conjunction with an expert to determine what repairs are even required.

Q.12 A contractor told me he can do the job faster if I just sign my insurance check over to him. Is that a good idea?

This is probably not a good idea. Although most contractors are reputable, last year's flooding in Wisconsin showed that there are a select few contractors who prey on disaster victims in order to take insurance monies without performing any work on the home. Many times, this harms the homeowner even worse than the disaster itself.

Also, some mortgage lenders have specific requirements on how insurance proceeds are disbursed that may prevent you from signing over a check to a contractor.

In addition, this type of practice by a contractor may be prohibited by the Wisconsin Home Improvement Practices Act. This act generally forbids prepayment of work and does not allow contractors to take advantage of homeowners who are receiving home renovation services. The contractor's action may also constitute a crime. (See Wisconsin Administrative Code ATCP 110.)

The best case scenario is to get a number of bids from qualified and licensed contractors to perform the work. For more information on contractors, contact the Better Business Bureau or your local chamber of commerce.

Q.13 What if the insurance company offers to settle?

Insurance companies divide your claims into (1) claims for the property damage to your home and (2) claims for the things in your house---your personal property. You may also be entitled to reimbursement for ALEs as noted above in this section.

The division is important because the payment scheme is different between the two coverages. The check for your coverage for personal property damage will typically be made out to you, while the payment for damages to your home may be made to your lender if there is a mortgage on your house.

If you have received an advance check immediately after the disaster to cover ALEs and items such as clothing, it is vital to keep all of the receipts for these monies because they will likely be deducted from the final settlement with the insurance company.

If you have forgotten something on your claim you should not accept any check that is for “final payment” for your claim. Wisconsin law does not permit any check to indicate final payment unless the policy limits have been paid or the claim is being disputed. There are also instances where your insurer will be obligated to pay the policy limits on your behalf. If you have forgotten an item but already accepted a check, then you should contact your insurance agent. The insurance company should continue to pay for these items up to the policy limit. Although it is possible for an insurance company to reopen a claim for additional payment, it is advisable to avoid this situation by filing as accurate a claim as possible based on an inventory and accurate assessment of your property losses.

Before you sign any release or waiver and before cashing any check from an insurance company, which purports to be full and complete payment of your claim, you may want to consult an attorney. You should be aware that there are specific statutory criteria in order for there to be a final settlement of your claims, including time that payment is due by your insurer. If you have questions, you should consult an attorney to work through these legal issues. The Wisconsin OCI may also be able to assist you.

You need to be secure about the full amount of your damages and the full value of your claim before you settle your claim. Working with an attorney can give you guidance about aggregating the full value of your claim before you enter into a settlement with your insurer.

For further information, see Wisconsin Statutes §§ 628.46, 632.10, and 632.102. Also look at the Wisconsin OCI website at <http://oci.wi.gov>.

Q.14 What if the insurance company denies my claim or offers me less than I think I am entitled to receive?

If you have a dispute with your insurer, the first step to ensure that your dispute is handled is to get the insurance company’s reason in writing. At this time you may also wish to involve the Wisconsin Office of the Commissioner of Insurance or consult an attorney to assist you in working with through your dispute.

If your dispute escalates, you should consult an attorney. You should also be aware that your time to bring a claim against your insurer may be limited under your policy, but is generally at least one year under Wisconsin law. If you do not file a claim within the proper amount of time, then you may be prevented from bringing a claim against your insurer. Consulting an attorney can help protect your rights.

For further information, see Wisconsin Statute § 631.81. The Wisconsin OCI also has a complaint form available on its website at http://oci.wi.gov/com_form.htm.

Q.15 Is the damage to my home covered under my insurance policy?

In general, the purpose of your property policy is to cover damage to your home. The issue is what is covered under your property policy versus other types of policies, such as

a flood policy. The coverage that you have for damage to your home depends upon your policy. You will have to work with your insurer to determine your level of coverage. The coverage also depends upon the type of disaster that has occurred and the type of damage that you have experienced. As noted in the introduction, you should look to the terms of your policy to determine the particular way in which the damage to your home is covered. If you have purchased flood or earthquake insurance, then those policies may provide additional coverage to you. Flood and earthquake damage is typically not covered under a homeowner's policy.

Q.16 What if my insurance does not cover all of the damages to my home or personal property?

This may happen depending upon the amount of insurance that you have purchased, even if your carrier pays the full value of the policy. Unfortunately, too many persons find themselves underinsured after a disaster. There may be some potential to receive state or federal funding in certified disaster areas, but this is an exception to the rule.

You should be aware that most homeowner's policies do not cover the cost to bring your home up to code or to bring it in compliance with local ordinances. Bringing your home or other buildings up to code may be required after a disaster depending upon the extent of the damage and the particular laws of the municipality where you live. However, it is possible to purchase an endorsement from many companies that provides for this coverage. You will have to work with your insurer to determine if this coverage is right for you. Be aware that in some instances federal and state agencies may provide funding to local disaster areas to bring homes up to code. Again, this is an exception to the rule.

Q.17 Does my automobile insurance cover the damage to my car resulting from the disaster?

If you have sufficient auto coverage, then you may be covered. A typical auto policy with comprehensive coverage will provide coverage for damage to your car from a disaster. Be aware however, that your policy may contain exclusions, which will limit this coverage. You will have to work with your insurance agent to determine the level of coverage that is offered under your auto policy.

Q.18 Where can I live while my house is being repaired?

The question is not where you can live. The question is how you will be compensated for where you live under the ALEs coverage in your policy. You may live in a hotel, motel, apartment, in your house, or somewhere else. The answer to the question of how much compensation you will receive to defray these costs depends entirely upon the level of ALEs that are covered under your policy. You should be aware however, that there are typically limitations on how long your policy will provide coverage for ALEs before you are in a permanent dwelling place. There is also generally a limit on the amount of monthly expenses you will receive. If you are forced to temporarily inhabit a hotel or apartment, make sure to keep a record of your receipts to substantiate your expenses.

This will put you in the best position to be compensated for these costs by your insurer. Again, it is advisable to contact and work with your insurer first to see what you will be receiving under ALEs coverage. This may inform where you live while your house is being repaired.

Q.19 If a tree falls in my yard but does not damage my home or property, will insurance pay for clean up and removal?

In general the answer is no. Your home insurance generally only covers loss or damage to the dwelling and will not cover the tree falling. However, if the tree is on your house, deck, or a shed, then many policies provide payments for removal of the tree even if the property is not “damaged.” You will have to consult your policy to determine your coverage in these situations.

Q.20 If a neighbor’s tree falls on my property and hits my home, should my neighbor’s insurance pay?

The answer is no under the typical homeowner’s policy. Unless there is some reason the liability portion of your neighbor’s homeowner’s policy is triggered, then there is likely no coverage. Typically, damage to your property is covered under the property section of your homeowner’s policy, and damage to your neighbor’s property is covered under the property portion of their homeowner’s policy.

Q.21 If my business maintained vehicles, which were damaged as a result of the storms, is there coverage under my commercial auto policy?

Losses to business vehicles are usually excluded when the damage to such vehicles is from a disaster such as flood. However, there are many business policies that provide coverage and there are options to purchase additional coverage for these types of losses. You can work with your insurer to determine an appropriate level of coverage.

Q.22 My business property was damaged due to storms. Is there coverage under my commercial property policy for damage to the structure and for lost or damaged contents?

Commercial property policies typically pay for direct physical loss or damage to covered property, including business personal property located in or on the premises, resulting from a covered cause of loss. However, many property policies exclude damage caused by flooding, which generally includes surface water, waves, tides, tidal waves, overflow of a body of water. Many property policies also exclude damage caused by collapse. Your policy may or may not exclude these damages, and may have exceptions in certain instances that will lead to coverage despite the exclusion. If there is coverage under your policy, it may also provide payment for the expenses you will need to incur to remove debris from your property. You will have to look at your policy to determine what is covered.

Many policies offer specific coverage for destruction of non-tangible business property, but you will need to check your policy to determine whether you have this coverage.

Q.23 Am I entitled to replacement cost for covered property under my business commercial property policy?

The answer to this question depends upon the type of replacement cost coverage that you have under your policy. Many business property policies allow actual cash value replacement, which provides coverage for the depreciated cost of the property. However, most companies will allow you to purchase an endorsement that provides additional coverage on a replacement cost basis. The differences between these coverages are noted in question 3 above, and the terminology also applies to business property coverage.

Q.24 My business has not been operational since the disaster. Is there coverage for my lost business?

There is insurance coverage available for “business interruption” and “extra expense coverage” under many business owners’ policies. This coverage may allow you to recover the net profits and fixed charges and expenses that you would have earned had the disaster not destroyed your ability to conduct your business. Under some coverage forms, you may be able to recover the extra expenses of operating your business from the day of the disaster until your business is able to resume normal operations. Be aware that these payments may have time limits. You should investigate whether the time limits on compensation for these losses is acceptable to you depending upon the type of business you are engaged in.

Q.25 My broker told me that flood insurance or sewer backup was not available or was not needed for my home and now I have a loss. What can I do?

If your broker was wrong, there may be liability for that advice if flood insurance and sewer backup coverage was available for you. If you have experienced a loss without insurance, your options may be limited with respect to insurance. However, you should consult an attorney to determine what your rights are against your broker. Keep in mind for the future, too, your broker may not know about insurance, so contact and work with an insurance agent when purchasing a home or insuring a home you already own.

The bigger question and answer is whether you needed flood insurance in the first place and whether it was available to you. You should talk to your insurer about getting flood insurance. If you are uncomfortable with the advice your insurer is giving you, then you should get a second or third opinion from another insurance company about your flood insurance needs.

Homeowner’s insurance does not cover most flood damage. There may be coverage for flooding caused by broken pipes and intra-house issues but not for flooding from exterior sources. Coverage for flood damage is available for purchase through the National Flood Insurance Program (NFIP). The purpose of NFIP is to provide additional insurance for

floods to meet the rising costs of property damage associated with flooding. Be aware however, that flood insurance is specific coverage and limited to specific dollar amounts that you will need to examine when purchasing the insurance.

Flood insurance is not available everywhere. Participation in NFIP is based on an agreement between local communities and the federal government. If the community implements measures to provide reduced flooding risks, then the federal government will generally make flood insurance available for purchase in that area.

NFIP is administered through FEMA, but it is not the same as FEMA benefits. Flood insurance is a separately purchased private insurance policy. It is not purchased from the government. Your agent can tell you whether or not you have flood insurance or if you qualify for flood insurance.

If your home is located in a Special Flood Hazard Area (SFHA) then your lender will likely require flood insurance for your mortgage, and when increasing, extending, or renewing your mortgage loan. Keep in mind, though, that you will only be required to have flood insurance if a structure is in the SFHA, not the property. Be aware that if you do not provide the required SFHA insurance, your lender will purchase it for you at your cost.

As long as your community participates in NFIP, then you are eligible to purchase flood insurance regardless of whether your home has been previously flooded. You can also purchase flood insurance that provides coverage for more than the NFIP offers. You should contact your insurer to determine whether this type of coverage is appropriate for you.

What does flood insurance cover?

The standard flood policy provides coverage for only one building per policy. Thus, you may need multiple policies to be insured to the level you desire. The typical exception to this is 10% coverage for detached garages. However, the typical flood policy does not allow coverage for a house and detached garage in excess of the policy limits. There are also usually several criteria that must be satisfied to receive coverage for the garage.

Coverage for your personal property is not automatically included under the typical NFIP policy. If you would like coverage for these items, you should consult your insurance adjuster to determine the level of coverage that is right for you. You should be aware that there is typically a \$100,000 coverage limit for personal property under a residential policy and \$250,000 for a business property policy. There may also be limits on the specific amounts of coverage for each item of personal property that is lost. Again, if you have particularly valuable personal property, you should consider separately insuring that property.

Flood insurance does not cover ALEs and does not cover Loss of Use or Business Interruption. Flood insurance typically only covers direct physical loss to a structure.

Flood insurance also does not cover loss to decks, trees, and other landscaping or outdoor furniture. There may be some coverage under your homeowner's policy for loss or damage occurring as a result of a flood, but this depends upon the language of your policy.

Flood insurance provides replacement cost value for single-family dwellings and residential condominiums. This coverage is available when the property is insured for 80% of the replacement cost at the time of the loss. Be aware of this limit to ensure that you will be covered.

If you have a mobile home, you should know that most policies will only provide replacement cost coverage if you meet specific dimensional requirements for the size of the mobile home. You will have to work with your insurer to determine if you satisfy the size criteria. If you live in a condominium, you should be aware that losses are adjusted on a replacement cost basis for residential condominium buildings insured under the Residential Condominium Building Association Policy (RCBAP). RCBAP is specialized flood insurance for condominiums that is provided in conjunction with FEMA and NFIP.

Flood insurance may also provide you with up to \$1,000 of coverage for efforts you expend to prevent damage to your home before a flood arrives, such as sand bagging.

In addition to the structure, flood coverage typically covers the systems necessary to support the structure, such as the circuit breakers and the water heater. The NFIP encourages purchasing both building and contents coverage for optimal protection. You should be aware that flood insurance does not typically cover basement improvements, such as finished walls, floors, ceilings, and personal property that are kept in the basement. However, there is potential coverage for some of the items in your basement under your homeowner's policy so you should also review that policy for additional coverage in the event of a flood loss.

Coverage for land subsidence (collapse) due to flooding

There is typically coverage for damage caused by land subsidence if the damage is a direct result of flooding. If your property is near a lake, river, or stream, then you will likely be covered for land subsidence from water or waves that cause the land subsidence. The specific coverage you have depends upon the terms of your policy. You will need to investigate these issues on a case-by-case basis. The Lake Delton flood and collapse tragedy in 2008 shows that this is a major issue. It is and worth your time to investigate, especially if you are in a high-risk area.

Sewer backup

Flood insurance does not cover sewer backup. Flooding under an NFIP policy is typically defined as "the inundation or normally dry land by the overflow or rise of inland waters or the accumulation of storm water runoff." (See www.floodsmart.gov for more information on definitions in a flood insurance policy).

Sewer backup is also typically not covered under your homeowner's insurance policy. However, sewer backup coverage is largely available as an endorsement to your policy for an additional cost. You should talk to your insurer about this coverage if your policy does not contain it.

Flood damage from wind-driven rain

Typically, flood damage from wind-driven rain is not covered under a flood policy. When rain enters through a wind-damaged window or door, or comes through a hole in a wall or roof, the NFIP considers the resulting puddles and damage to be windstorm-related, not flood-related.

Flood insurance covers devastation caused by storm surge, wave wash, tidal waves or the overflow of any body of water over normal dry land areas. Although flood insurance specifically excludes wind and hail damage, most homeowner's insurance now covers these losses.

Considerations when purchasing flood insurance

The first thing you should do is to check out the NFIP website at <http://www.floodsmart.gov>. You can also call toll free at 1-888-379-9531. The website provides information for home owners, condominium owners, renters, and business owners. The website can also assist you in finding an insurance agent in your area. You should also be aware of the list of critical questions to ask your agent that are provided on the website as noted below and taken from that website:

- What flood zone do I live in? What is my property's flood risk?
- Is flood insurance mandatory for my property? Will the lender require it?
- Do I qualify for a Preferred Risk Policy?
- Does my community participate in the NFIP Community Rating System (CRS)?
- Does my community's CRS rating mean that I qualify for a CRS rating discount?
- What will and will not be covered in case of flood damage?
- How will my premium costs be affected if I get Building Only, Contents Only, or Building and Contents?
- How will my premium costs be affected if I choose a higher deductible?
- Are there additional expenses or fees I should be aware of?
- What is Replacement Cost Value and Actual Cash Value?
- If I have a claim, whom do I call?
- How will my policy be renewed?

When you are going to purchase flood insurance, you should remember that there is typically a 30-day effectiveness waiting period. Do not wait until the floodwaters are coming if you want flood insurance or think you want flood insurance. However, there

are altered periods of effectiveness if your lender requires flood insurance or if you are simply increasing the level of coverage you have under an existing flood policy.

Q.26 My mortgage company failed to pay my flood insurance premium so I found out that I did not have coverage anymore when I filed my claim after my home was flooded. What can I do?

This is a complicated issue. If there is a contract or requirement that your mortgage company pay for this insurance, and you provided payments through your mortgage for this insurance, then your mortgage company may be liable to you for damages. You will likely have to work with an attorney to determine what your rights are, and to determine the best way to resolve this issue.

Q.27 What do I do if I get mold in my house or business after a flood or other disaster?

The issue of mold and particularly toxigenic mold has become an increasingly serious and highly debated topic. Although many people are concerned with mold issues after a disaster, it is beyond the scope of this section. If you have a mold problem, or think you have a mold problem following a disaster, you should act as quickly as possible to determine the scope of the problem. You may then need to work with an attorney to determine your insurance coverage options to pay for mold remediation, and work with experts to determine whether mold remediation is even possible.

Other Resources

The Wisconsin Office of the Commissioner of Insurance (“OCI”) is a tremendous resource. Their website offers practical advice for consumers and also provides topic specific answers for many common (and many uncommon) questions. The OCI is also available to assist you with complaints or difficulties that you have with your insurer. You can see the information on the web at <http://oci.wi.gov> or contact them via phone at (800) 266-3585. You can get more information on flood insurance and other flood issues at www.floodsmart.gov, as well as by calling (800) 462-7585. There is also general insurance information available through the Insurance Information Institute at www.iii.org.

F. CONSUMER PROTECTION ISSUES

Q.1 What Wisconsin laws prohibit charging more for products during a disaster?

Wis. Stat. § 100.305 prohibits “price gouging” during an emergency. “Price gouging” is the practice of charging “unreasonably excessive prices” for goods and services during a time when an emergency disrupts normal business transactions. For example, gas stations that double the price of fuel following a flood may be engaging in price gouging.

The prohibition applies to “consumer goods and services . . . used primarily for personal, family or household purposes.” Wis. Stat. § 100.305(1)(a). The governor must certify, by executive order, that an emergency is disrupting business in the state or a part of the state. Emergencies include a tornado, flood, fire, storm or destructive act of nature; a disruption of energy supplies; a hostile action or a terrorist attack; and a strike or civil disorder. Wis. Stat. § 100.305(1)(b).

The Department of Agriculture, Trade and Consumer Protection (“DATCP”) also adopted rules that further define price gouging as selling consumer goods or services “in an emergency area during an emergency period at a price that is more than 15% above the highest price at which the seller” sold similar goods or services during the 60-days before the governor’s emergency declaration. ATCP 106.02(1). The DATCP rules provide an exemption for sellers that show the price does not exceed the cost of the goods plus a normal markup. ATCP 106.02(2)

DATCP and the Wisconsin Department of Justice enforce the price-gouging prohibition by issuing a warning or bringing a civil lawsuit to enjoin the seller’s action and seek a fine of up to \$10,000. Consumers that believe a seller is engaging in price gouging should report the practice to DATCP’s Consumer Protection Hotline at 1-800-422-7128.

Q.2 What protections do consumers have against home repair scams?

Chapter 110 of the Wisconsin Administrative Code requires home improvement contractors to engage in fair business practices. The code protects homeowners as well as tenants seeking repairs following a disaster from the practices of unscrupulous contractors.

Home repairs after a disaster are likely to be extensive and may exceed insurance coverage or be ineligible for FEMA funding. Unsavory home improvement contractors and salespersons may try to take advantage of distressed homeowners by cutting corners, charging unrealistic prices or offering unaffordable financing deals secured by a home. Subject to the price-gouging law, charging high prices for needed repairs likely does not violate the state’s home improvement laws; however, other aspects of the transaction are required to be fair.

Wisconsin’s home improvement laws protect many types of work, require honesty

Almost any type of repair or remodeling work on existing homes is covered by the state's home improvement laws including, but not limited to, basements, roofs, driveways, sidewalks, garages, floor coverings, heating and air conditioning and landscaping. *See* ATCP 110.01(2). Construction of a new home is not covered.

ATCP 110.02 lists prohibited practices and includes a catchall provision that prohibits "any false, deceptive or misleading representation in order to induce any person to enter into a home improvement contract." The prohibited practices include:

- Lying about products or materials, including the brand or quality
- Discouraging a customer from using less-expensive products
- Switching materials
- Coercing a customer into buying higher-priced materials by telling them the agreed upon, less-expense materials are unavailable
- Lying about the contractor's identity, such as pretending to be a government inspector
- Offering phony financing deals or fake specials
- Requesting that a customer sign a statement the project is completed before the project is finished
- Accepting final payment before the project is completed
- Failing to disclose installation and delivery charges
- Representing that the down payment is the entire amount due
- Failing to accurately disclose financing charges, interest charges or any costs that are a customer's responsibility *before* the customer signs a contract
- Representing that the contractor is the only party that can provide financing
- Starting work or delivering materials before the contract is finalized to pressure a customer to enter into a contract
- Making derogatory comments about a competitor's services
- Misrepresenting that a home is in a dangerous condition or needs repairs
- Failing to provide lien waivers in writing or advise customers of the right to receive lien waivers

Always request lien waivers

A lien waiver prevents another party from putting a lien on a home if the contractor fails to pay for materials or fails to pay a subcontractor. Anytime a customer pays a contractor, the contractor is required to give the customer a lien waiver. That said, customers should know to ask for lien waivers. For example, without a lien waiver, a homeowner who paid a contractor completely for a new roof could have a lien placed on his home by shingle supplier if the contractor did not pay for the shingles.

Written contract typically required

Warranties on the work, services, products or materials must be writing. The contract also must be in writing unless a contractor does not collect any payments until after the

work is completed. If any type of down payment or payment before completion of the work is required, the contract must be in writing. The contract also must be in writing if the contractor solicits the customer away from the contractor's place of business, including by mail, telephone or by promotional materials left at the customer's home.

A copy of the written contract must be provided to the customer before the work begins and the contract is required to include:

- The name and address of the seller
- A clear and concise description of the work to be done and the materials to be used
- The total price including all finance charges
- Start and stop dates
- A description of any mortgage or security interest to be taken in connection with the financing
- A statement of any guarantees or warranties
- A description of any other documents that make up the home improvement contract

Customer may have a right to cancel the contract

If a customer is solicited and signs a contract away from the contractor's regular place of business, the customer has a three business days to cancel under Wis. Stat. § 423.202, which applies to all "consumer approval transactions" including home-improvement contracts. *See* Wis. Stat. § 423.201, ATCP 110.08. A contractor or merchant subject to Chapter 423 must provide a customer with two copies of the notice of the right to cancel at the time the contract is signed. Wis. Stat. § 423.203. To cancel a sale, the notice must be in writing, signed, dated and mailed before midnight of the third business day after a customer receives the notice.

A home improvement contract can also be cancelled after three days if the customer has paid but not yet received goods or services in a timely manner or in the time specified in the contract. ATCP 110.07. The customer may cancel the contract, demand the return of payments which have not been spent on the home improvement, and demand a written accounting of how any payments were used by the contractor. A sample written cancellation and demand for an accounting is available at

<http://www.datcp.state.wi.us/cp/consumerinfo/cp/factsheets/pdf/HI-CancellationNotice453.pdf>. After a customer delivers a written demand, the contractor has 15 days to return payments or 30 days to provide an accounting.

Resources available for victims of home improvement scams

DATCP's website provides additional fact sheets on home improvement and other consumer scams at <http://www.datcp.state.wi.us/cp/consumerinfo/cp/factsheets/index.jsp>. Customers can file a complaint with DATCP's Bureau of Consumer Protection by calling 1-800-422-7128 for information or going online at <http://www.datcp.state.wi.us/cp/consumerinfo/cp/complaint-form/CPComplaintForm.jsp>.

Finally, an individual that feels he or she has been the victim of a home improvement scam should consult a consumer law attorney. Many violations of Wisconsin's home improvement laws are subject to fee-shifting provisions, which allow attorneys to recover fees when a consumer brings a successful claim. An individual in need of a referral to a consumer law attorney can call the State Bar's Lawyer Referral and Information Service at 1-800-362-9082 from 8 a.m. to 5 p.m. on weekdays or visit the online referral service at <http://www.legalexplorer.com/lawyer/lawyer.asp>.

Q.3 What is a home equity scam?

Home equity is the difference between the value of a home and any mortgages or liens on the property. For example, if a home is valued at \$150,000 and the mortgage on the home is for \$100,000, the homeowner has \$50,000 in equity.

Home equity scams are designed to strip homeowners of their equity through needless refinancing or multiple refinancings with high loan processing fees or costs charged in connection with each refinancing. Following an emergency, a consumer may fall behind on mortgage payments, payments to creditors or have medical bills or other expenses. This is often when a financing company, mortgage rescue operation or credit repair business may offer bogus or even fraudulent assistance to desperate consumers.

Equity-stripping scams vary in complexity

DATCP warns about several types of equity-stripping scams in an information sheet available at http://www.datcp.state.wi.us/cp/consumerinfo/cp/factsheets/home_equity.jsp, including:

- Hidden-loan terms, such as a balloon payment, which requires payment of the full principal in one lump sum payment
- Loan flipping that involves multiple refinancings with little to no benefit to the borrower while each refinancing decreases a home's equity because the lender pockets loan fees each time
- Home-improvement loans from a contractor that promises financing but asks you to sign a home equity loan instead

Other scams target distressed homeowners that have fallen behind on mortgage payments and may already be in foreclosure, including:

- Phantom-help scams where the helper offers to "save your home" but really charges inflated fees for simple phone calls and paperwork, if the scammer provides any assistance at all
- Bait-and-switch scams that involve convincing homeowners to refinance but then switching the documents so that homeowners sign over the deeds to their homes instead
- Lease-buy back fraud where a scammer obtains title to a home through false promises to buy the home and lease it back to a homeowner after the

- homeowner's financial troubles have passed; however, high transactional fees associated with the sale in a lease-buy back scam strip a home of its equity
- Bailout scams that involve the transfer of the home's title without any sale to a person, often a friend or family member, that has gained the trust of a troubled or elderly homeowner

Consumers have rights to cancel home-refinancing loans

Some home equity scams involving refinancing may be subject to cancellation under the federal Truth in Lending Act, which provides borrowers with a three-day period to rescind or cancel a loan refinancing a principal residence. *See* 15 U.S.C. § 1635(a). A borrower can change his mind and cancel the loan for any reason if the borrower does so before midnight of the third business day following the signing of the loan papers. Business days include Saturdays, but not Sundays or legal public holidays.

Lenders are also required to give borrowers information about the right to cancel the transaction as well as key information about the loan, including the annual percentage rate, finance charge, amount financed and payment schedule. A lender's failure to provide notice of the right to rescind the loan or provide accurate information about the loan terms may extend the time for a borrower to cancel the loan up to three years. *See* 15 U.S.C. § 1635(f); 12 C.F.R. § 226.23(a)(3).

Canceling the loan cancels the security interest, i.e. the mortgage, and the creditor is required to return any money the borrower paid within 20 days of cancellation; however, the borrower is also required to return the creditor's money after the creditor has released the security interest and returned the borrower's money. Some courts require the borrower to be able to return the creditor's money before requiring the creditor to release the security interest and return the borrower's money. For that reason, borrowers that think they may have a right to rescind after the three-day period has passed should consult a consumer law attorney.

Seeking help early makes consumers less vulnerable to home equity scams

The U.S. Department of Housing and Urban Development ("HUD") offers tips for avoiding predatory lending at <http://www.hud.gov/offices/hsg/sfh/buying/loanfraud.cfm>, including:

- Avoid lenders and loan brokers that encourage consumers to put any false information on a loan application, such as overstating income, because lying on a mortgage application can result in criminal fraud charges
- Be realistic about whether the payment and loan amounts are affordable
- Never sign a blank document or a document with information to be filled in after signing
- Seek assistance from a HUD-approved counseling agency by calling 1-800-569-4287 or online at http://www.hud.gov/offices/hsg/sfh/hcc/hcc_home.cfm

For consumers who are already behind on mortgage payments or facing foreclosure, the Homeowner's HOPE Hotline at 1-888-895-HOPE (4673) can also provide referrals to housing counselors. A housing counselor can assist consumers with negotiating with a mortgage company or discuss other options for avoiding foreclosure. The Hope Now website at <http://www.hopenow.com/> also provides additional resources for homeowners.

Consumers who believe they fell for a scam should contact DATCP's Division of Consumer Protection at 1-800-422-7128, consult an attorney and make a report to local law enforcement.

Q.4 What protections do consumers have from creditors and debt collectors?

Disasters may also cause a financial crisis for victims that fall behind on their bills. Consumers should contact creditors as soon as possible and explain their circumstances. Some creditors may provide additional time to pay or agree to a payment plan.

If all creditors cannot be paid, consumers should prioritize their debts and put their health and homes first. This may mean not paying some creditors. Generally, consumers should prioritize debts as follows: (1) food, housing and utilities; (2) car payments if the car is needed for a job or health reasons; (3) child support and tax obligations; (4) loans with household goods as the collateral; and (4) loans without collateral like credit cards and medical bills.

A non-profit credit counseling agency can also assist struggling consumers with negotiating with creditors as well as working out a budget. A list of U.S. Department of Justice approved credit-counseling agencies is available at http://www.usdoj.gov/ust/eo/bapcpa/ccde/cc_approved.htm.

Beware of television or telemarketing offers that promise to get consumers out of debt quickly or assist with consolidating debt. Some of these may be scams that accept a consumer's money but provide little or no assistance. Companies offering debt adjustment services are required to be licensed with the Wisconsin Department of Financial Institutions. *See* Wis. Stat. § 218.02. Consumers can check whether an agency is licensed at http://www.wdfi.org/fi/lfs/licensee_lists/ and file complaints against dishonest practices or unlicensed businesses at http://www.wdfi.org/contact_us/ComplaintDefault.htm.

If a consumer debt remains unpaid for a period of time, the debt likely will be assigned (turned over) to a debt collection agency. If that happens, the law provides consumers with important protections. Please note that many of these rules apply only to a debt collector hired by a creditor. If a creditor is collecting a debt owed directly to it, many of these rules do not apply.

Debtors can request verification

Under the federal Fair Debt Collection Practices Act, a debtor has a right to obtain "verification" of the debt and to dispute any portion of the debt. Verification includes

providing a copy of any judgment obtained against the consumer. A judgment is a determination by a court, in a lawsuit, that the consumer owes a sum of money to someone else. If the debt has not been reduced to a court judgment, verification will include providing the debtor the name and address of the original creditor if different from the present creditor.

Law prohibits unsavory collection practices

In any communication with a debtor, collectors must identify themselves by their name and may not use an alias or false name. They must also accurately identify the agency that they represent.

The Wisconsin Consumer Act (Chapters 421 to 427 of the Wisconsin Statutes) also specifically prohibits a number of practices. For example, **the original creditor or his or her debt collector may not:** **1)** use or threaten force or violence against a debtor, his or her dependents, or property; **2)** threaten criminal prosecution; **3)** contact an employer and tell the employer about the debt; **4)** communicate with such frequency or at such unusual hours as can reasonably be expected to threaten or harass; **5)** claim, attempt, or threaten to enforce a right with knowledge or reason to know that the right does not exist. Federal law provides that a debt collector shall assume that a convenient time for communicating with a consumer is after 8:00 a.m. and before 9:00 p.m.

The use of obscene, profane, or threatening language is prohibited. Similarly, the use of any false representation or deceptive means to collect or attempt to collect any debt or obtain information concerning a consumer is prohibited. Please note, a creditor who advises a consumer or debtor that if certain payments are not made within a particular time, the debt may be forwarded to an attorney for legal processing may not be violating the law but may only be indicating available legal processes. If a creditor or collection agency indicates that a particular debtor may be taken to court, though, and that step is not taken, this may violate the false or misleading representation provision mentioned above.

Keep track of contacts with creditors and debt collectors

Consumers should keep a detailed record of all contacts with creditors or debt collectors, including saving all e-mails, letters and envelopes. This will help a consumer remember what has been said between the parties. In addition, the record may assist consumers who are harassed or otherwise treated unlawfully by a creditor or debt collector to file a lawsuit.

Keep a record of all **telephone** contacts, including:

- the full name of the person on the phone;
- the company for which he or she works;
- the creditor's name;
- the date, time, and place the call was received or made;
- and a summary of the conversation.

Some annoying contacts may be stopped

Consumers do not have to accept continued telephone calls or written communications from a debt collection agency. Federal law provides that if consumers notify the debt collector that they wish the debt collector to cease further communication with respect to the debt (except to advise a consumer that further collection efforts are being terminated or that specific remedies, including a lawsuit, may follow), the contacts must stop.

A consumer may want to negotiate with a creditor or debt collector to work out an installment payment agreement. If the creditor is willing to do this, the agreement should be put in writing, signed by both parties, and the consumer should keep a copy. If payments are made according to the agreement, collection efforts should stop. If the consumer violates the agreement, the creditor will likely continue collection efforts, which may include a lawsuit and eventual garnishment of wages or bank accounts.

Some consumers believe that as long as some payment is made on a bill, a creditor or collection agency may not undertake collection efforts or sue the consumer. Generally, this is not true. Unless a consumer and a creditor enter a payment agreement and the payments are current, a creditor may bring legal action at any time permitted by law for the total amount owed.

Consumers may be entitled to damages for unlawful collection practices

If the Wisconsin Consumer Act has been violated, the injured consumer may recover actual damages, which may include damages caused by emotional distress or mental anguish. If the transaction involved a finance charge, alternative damages of twice the finance charge, up to \$1,000, may be awarded. In some cases, a consumer may also be able to keep collateral subject to a consumer loan and sue for actual damages.

Should a debt collector fail to comply with the provisions of federal law, that collector is liable for any actual damages sustained by a consumer, together with reasonable attorney's fees. A consumer subject to illegal behavior by a debt collection agency should contact a private consumer attorney. Look at the ads in the yellow pages under "Consumer Law Attorneys." Look for ads indicating no charge for initial consultation. The State Bar Lawyer Referral and Information Service at (608) 257-4666 (in Dane County) or (800) 362-9082 (statewide) can also provide names of consumer law attorneys.

Q.5 When can wages be garnished to pay a debt?

After a creditor has obtained a judgment in court against a debtor for a debt, the creditor can attempt to garnish the wages of the debtor. Wisconsin law places limits on the amount of money that can be garnished in a pay period. It is important to understand how the procedure works in to protect wages from being improperly garnished. Some protections under the law require the debtor to take steps to notify an employer and the creditor that wages may be exempt from garnishment.

Procedure requires a debtor to respond to stop or limit garnishment

A garnishment proceeding begins after a creditor obtains a judgment. The creditor files a garnishment notice and the court issues papers to be served on the debtor and the debtor's

employer (called the garnishee). The papers given to the garnishee require the debtor's wages be garnished beginning in the pay period following receipt of the garnishment notice. If the debtor takes no action, the garnishment will begin at that time.

The papers served on the debtor explain some of the possible defenses to the garnishment and include a worksheet for the debtor to determine whether household income is below the federal poverty level. If the debtor believes that some or all of the wages claimed by the creditor are protected, an answer (a form included with the other papers served on the debtor) must be filed with the garnishee (debtor's employer) at any time after the garnishment starts, but it should be filed as soon as possible.

The garnishee (debtor's employer) must mail a copy of the debtor's answer to the creditor within three business days after receiving it. If a creditor disagrees with the debtor's answer, the creditor must request a court hearing. The court will then decide how much of the debtor's wages are exempt.

A garnishment continues for each pay period that begins within 13 weeks after the notice of garnishment was served on the garnishee. The garnished wages must be mailed to the creditor between five and ten business days after the payday. If the debtor and creditor agree in writing, a garnishment can be extended for additional 13-week periods. A debtor may want to agree to this to avoid additional court costs and fees that would be added to the debt if the creditor had to pay an additional fee to the court to begin a new garnishment.

Some wages are exempt from garnishment

Generally, up to 20% of a debtor's net wages can be garnished under Wisconsin law. Also, only one creditor can garnish a debtor's wages at a time. If part of a debtor's income is withheld for child support, the combination of support and garnishment can only be 25% of the debtor's net wages. If the debtor's household income is below the federal poverty level, all wages are exempt. If the garnishment would put the household income total under the federal poverty level, only income in excess of the federal poverty level is subject to garnishment. If a debtor does not qualify for a complete exemption, the debtor can seek relief by requesting a hearing and showing that the garnishment would result in the debtor and his or her family not being able to maintain the "necessities of life" (examples: rent, food, utilities, medical needs).

Debtors who have been receiving or have been determined eligible for any need-based public assistance (examples: W-2, Food Stamps, Medical Assistance, SSI) within six months prior to a garnishment are protected from garnishment.

These exemptions and defenses must be raised by the debtor by using the answer form attached to the notice of garnishment. The employer will simply garnish 20% of the net pay unless the debtor raises a defense on the answer form.

Employers cannot retaliate against garnished employees

An employer cannot fire a debtor, charge a fee, or take any adverse action because of a garnishment. If an employer does fire a debtor, the worker can sue for reinstatement, back wages and benefits, restoration of seniority, and attorney's fees.

Consumers with questions about garnishment should contact an attorney.

Q.6 What consumer assets are not subject to collection?

The federal government and each state have statutes that protect and preserve certain types of a debtor's property and assets from creditor collection actions. Such creditor collection actions include garnishment, execution, assignment, or attachment. Property that is excluded from the creditor's collection action is considered "exempt."

Whether or not property is exempt depends on the debtor's circumstances, such as his or her marital status and number of dependents, and circumstances surrounding the debt, such as how the debt occurred and if there is a mortgage or a security interest in the property.

To claim an exemption, the debtor must inform the creditor, or creditor's agent or attorney, of the specific property in which the debtor takes an exemption. The request for exemption must be made before the disposition of the property by sale or by court order. The request can be made orally or in writing. Since no record may be made of a phone call, be sure to call and write. Keep a copy of your written claim for your records. Also, keep a written record of persons contacted, the date and time of contact, and what was said.

Below is a list of some of the more common exemptions that consumers may claim; however, this list is not complete and debtors should contact a lawyer to determine if their property and assets are exempt. Please note, that for married couples, the exemption applies to each individual in the marriage with the exception of the homestead exemption, which is limited to \$40,000 total. Common exemptions include:

- Burial Plots under Wis. Stat. § 815.18(3)(a). Cemetery lots, aboveground burial facilities, burial monuments, tombstones, coffins, or other articles for the burial of the dead owned by the debtor and intended for the burial of the debtor or the debtor's family.
- Business and Farm Property under Wis. Stat. § 815.18(3)(b). Equipment, inventory, farm products, and professional books used in the business of the debtor or the business of a dependent of the debtor, not to exceed \$7,500 in aggregate value.
- Consumer Goods under Wis. Stat. § 815.18(3)(d). Household goods, furnishings, wearing apparel, keepsakes, jewelry and other articles of personal adornment, appliances, books, musical instruments, firearms, sporting goods, animals, and other tangible personal property held primarily for the personal, family, or

household use of the debtor or dependent of the debtor, not to exceed \$5,000 in total value.

- Homestead under Wis. Stat. § 815.20. The limit of the homestead exemption is \$40,000 per single individual or married couple. An exempt homestead means a dwelling, including a building, condominium, mobile home, house trailer, or cooperative, and so much of the land surrounding it as is reasonably necessary use as a home, but not less than 0.25 acre, if available, and not exceeding 40 acres.
- Motor Vehicles under Wis. Stat. § 815.18(3)(g). Motor vehicles not to exceed \$1,200 in total value, although any unused value for consumer goods may be added to the value of the motor vehicle exemption.
- Public Benefits under Wis. Stat. § 49.96. All Wisconsin Works (W-2), Kinship Care, county cash assistance, and state Supplemental Security Income payments.
- Retirement Benefits under Wis. Stat. § 815.18(3)(j). Retirement benefits (i.e. pensions, disability benefits, profit sharing plans, individual retirement accounts) are exempt completely if they comply with the provisions of the Internal Revenue Code. *See* Wis. Stat. §§ 62.63(4), 815.18(13)(h), and 815.18(13)(hm) for information about city and county retirement benefits.
- Savings Accounts under Wis. Stat. § 815.18(3)(k). Personal depository accounts with a total value of \$1,000.
- Social Security Disability Benefits under Wis. Stat. § 815.18(3)(ds). All moneys received or receivable by a person as federal disability insurance benefits under 42 U.S.C. §§ 401 to 433, including Social Security Disability Insurance and Supplemental Security Income.
- Support Payments under Wis. Stat. § 815.18(3)(c). Alimony, child support, family support, maintenance, or separate maintenance payments to the extent reasonably necessary for the support of the debtor and the debtor's dependents.
- Unemployment Insurance under Wis. Stat. § 108.13. Unemployment benefits are not assignable to a creditor.
- Veteran Benefits under Wis. Stat. §§ 815.18(3)(n) and 45.03(8)(b). All money received by a person as a pension, compensation, or insurance benefit from the U.S. government on account of military or naval service and all benefits and aid provided by the Wisconsin Department of Veterans Affairs.
- Wages under Wis. Stat. § 815.18(3)(h). 75% of the debtor's net income for each one-week pay period. The exemption is limited to the extent reasonably necessary for the support of the debtor and the debtor's dependents but to not less than 30 times the greater of the state or federal minimum wage. In addition, in a

debt arising from a consumer credit transaction or in a garnishment action, 80% of a debtor's net earnings is protected. Please also see discussion on garnishment for information on when all of a debtor's income is exempt from garnishment.

Q.7 What can a consumer do about information on a credit report?

Rebuilding after a disaster may also include rebuilding a credit report, especially if a consumer fell behind on payments to creditors in the months or even years after the disaster. Credit reports include information on a consumer's payment history on past bills, unpaid debts, bankruptcy, lawsuits filed on debts, and arrests.

Consumers have rights to review and correct information on credit reports

Under the federal Fair Credit Reporting Act, 15 U.S.C. § 1681, consumers have a right to find out information in their credit file and to make sure that the information is accurate. The three nationwide credit reporting companies must provide consumers with a free copy of their reports once every twelve (12) months, if a consumer requests them. Call (877) 322-8228 or visit www.annualcreditreport.com to order the free reports.

Whenever a creditor denies an application for credit, the consumer has a right to find out why. The creditor must give specific reasons so that the consumer knows the exact reason for the denial and can determine whether it was based on accurate information. If the denial was based on information from a credit reporting company, the creditor must give the name and address of the company. If the information was not from a credit reporting company, the creditor must explain the nature of the information that led to the denial of credit.

If credit is denied, obtain information from the creditor before contacting a credit reporting company. It may be easier to deal directly with the creditor to correct any errors; however, it is also important to contact the credit reporting company that provided the inaccurate information and correct its records so that the problem does not reoccur in the future.

If the credit reporting company does not agree to change a report, a consumer has a right to submit a summary of what is incorrect. The company can limit the summary to no more than 100 words so stick to the disputed items and include only the most important information supporting why the report is inaccurate.

The length of time that unfavorable information can be included in a credit report is limited. Information about a bankruptcy can be reported for **ten years**. Information about a lawsuit or judgment can stay in a report for as long as the statute of limitations on the claim or judgment or for **seven years**, whichever is longer. Any other unfavorable information can be reported for **seven years**.

Consumers have remedies for violations of credit reporting laws

If a credit reporting company violates the credit reporting law, a consumer can sue and collect actual damages and attorney's fees. If the violation was willful rather than negligent,

a court can also award the consumer punitive damages. If someone uses false pretenses to obtain a report, or if a credit reporting company discloses information from a file to someone who has no authority to obtain it, the consumer may also be entitled to damages.

Contact an attorney or the Federal Trade Commission (FTC) for more information. The FTC can be reached at (877) FTC-HELP or www.ftc.gov.

Beware of credit repair organizations

Businesses that offer to help correct or improve a credit rating sometimes do little or nothing for consumers. Consumers should be able to correct any credit report problems on their own and consumers have the right to get all information in credit reports just by asking.

Credit repair organizations must provide consumers with “Consumer Credit File Rights under State and Federal Law” before consumers sign a written contract. No services shall be performed until three days after the contract is signed, and consumers are free to cancel the contract, without penalty, within those three days.

If there is unfavorable information in a credit report that is accurate, a credit reporting company may keep the information in the report for the allowed time period, and there is nothing that a consumer or a correction service can do to require a company to remove it.

Q.7 What about bankruptcy?

Although bankruptcy is often viewed as a last resort, if a consumer’s debts are uncontrollable following a disaster, bankruptcy may provide relief and give a consumer a fresh start. Bankruptcy does not cancel all debts and, depending on the type of bankruptcy, consumers may be required to stay in a payment plan for several years. Individuals wishing to file bankruptcy should contact an attorney that specializes in this area. The State Bar Lawyer Referral and Information Service at 1-800-362-9082 can provide names of bankruptcy attorneys.

Also see the section in this manual called Personal Bankruptcy Issues.

G. PERSONAL BANKRUPTCY ISSUES

A decision to file for bankruptcy should be made only after determining that bankruptcy is the best way to deal with your financial problems. This section cannot explain every aspect of the bankruptcy process. If you still have questions after reading it, you should speak with an attorney familiar with bankruptcy or a paralegal working for an attorney.

Q.1 What is bankruptcy?

Bankruptcy is a legal proceeding in which a person who cannot pay his or her bills can get a fresh financial start. The right to file for bankruptcy is provided by federal law, and all bankruptcy cases are handled in federal court. Filing bankruptcy immediately stops all of your creditors from seeking to collect debts from you, at least until your debts are sorted out according to the law.

Q.2 What different types of bankruptcy cases should I consider?

There are four types of bankruptcy cases provided under the law:

- Chapter 7 is known as “straight” bankruptcy or “liquidation.” It requires a debtor to give up property which exceeds certain limits called “exemptions,” so the property can be sold to pay creditors.
- Chapter 11, known as “reorganization,” is used by businesses and a few individual debtors whose debts are very large.
- Chapter 12 is reserved for family farmers and fishermen.
- Chapter 13 is called “debt adjustment.” It requires a debtor to file a plan to pay debts (or parts of debts) from current income over a period of 3 to 5 years.

Most people filing bankruptcy will want to file under either chapter 7 or chapter 13. Either type of case may be filed individually or by a married couple filing jointly.

If your income is above the median income for a family the size of your household in your state, you may have to file a chapter 13 case (the Wisconsin median family income for a family of 4 in 2008 was approximately \$74,885). A higher-income consumer must fill out “means test” forms requiring detailed information about income and expenses. If, under standards in the law, the consumer is found to have a certain amount left over that could be paid to unsecured creditors, the bankruptcy court may decide that the consumer cannot file a chapter 7 case, unless there are special extenuating circumstances.

Chapter 7 (Straight Bankruptcy)

In a bankruptcy case under chapter 7, you file a petition asking the court to discharge your debts. The basic idea in a chapter 7 bankruptcy is to wipe out (discharge) your debts in exchange for your giving up property, except for “exempt” property which the law allows you to keep. In most cases, all of your property will be exempt. Property which is not exempt is sold, with the money distributed to creditors.

If you want to keep property like a home or a car and are behind on the payments on a mortgage or car loan, a chapter 7 case probably will not be the right choice for you. That is because chapter 7 bankruptcy does not eliminate the right of mortgage holders or car loan creditors to take your property to cover your debt.

Chapter 13 (Reorganization)

In a chapter 13 case, you file a “plan” showing how you will pay off some of your past-due and current debts over three to five years. The most important thing about a chapter 13 case is that it will allow you to keep valuable property--especially your home and car--which might otherwise be lost, if you can make the payments which the bankruptcy law requires to be made to your creditors. In most cases, these payments will be at least as much as your regular monthly payments on your mortgage or car loan, with some extra payment to get caught up on the amount you have fallen behind.

You should consider filing a chapter 13 plan if you:

- own your home and are in danger of losing it because of money problems;
- are behind on secured debt payments, but can catch up if given some time;
- have valuable property which is not exempt, but you can afford to pay creditors from your income over time.

You will need to have enough income in chapter 13 to pay for your necessities and to keep up with the required payments as they come due.

Q.3 What is involved in the bankruptcy process?

Each person filing for bankruptcy must obtain a certificate of pre-bankruptcy credit counseling from a government approved agency 180 days prior to filing the bankruptcy. Prior to taking the credit counseling course one should compile a list of debts owed to each creditor, along with a list of household expenses calculated on a monthly basis. One should also make a list of all income received within the six calendar months prior to filing bankruptcy. Based on a review of household size, income and expenses the credit counselor will determine if a repayment plan is possible, or if bankruptcy relief is the more practical option.

Those who seek bankruptcy relief must file with the federal court a signed petition, certificate of credit counseling, bankruptcy schedules, statement of financial affairs, statement of debtor(s)' intention regarding secured debts, statement of current monthly income, and statement of social security number, notice of available bankruptcy chapters to individual consumer debtor, and a creditor address matrix. The day these documents are filed with the federal court is known as “the date of petition.” On this date a case number is assigned to the bankruptcy filing. This case number should be referenced at all times when referring to the bankruptcy.

One's bankruptcy schedules must list all real estate and personal property owned on the date of the filing of the petition, the state or federal law exemption claimed to limit creditor access to the property described, along with the name and address of every creditor, and monthly income and expenses. If the person filing for bankruptcy has a co-signer related to any debt or is a co-signer on a debt that status must be listed. Those who file for bankruptcy must also list leases and contracts existing as of the date of petition.

Once the bankruptcy petition has been filed, the debtor must obtain a certificate of financial management or debtor education from a government-approved agency and file the same with the bankruptcy court. The government approved agency will require the bankruptcy case number to issue the certificate of financial management or debtor education.

In a Chapter 7 or Chapter 13 case, the court will appoint a trustee. This individual will review the documents associated with the bankruptcy filing to ensure proper identity of those requesting bankruptcy relief, compliance with bankruptcy procedures, and proper treatment of creditors. Those filing bankruptcy will have a hearing with the trustee commonly referred to as the "meeting of creditors." This hearing is usually 4 to 5 weeks after the date of petition. Typically, there are 4 to 5 hearings scheduled every 30 minutes. At these hearings the debtors are placed under oath and asked to verify their identities, provide verification of social security number and government-issued photo identification. Debtors are also asked to verify their household size, monthly income, monthly expenses and last 2 to 4 years of property ownership and financial history.

If there is secured collateral involved in the bankruptcy, such as a car or home, the debtor must act on their statement of intention regarding secured debts. If the intention is to keep the collateral and to continue making the contractual payments, the debtor and secured creditor must complete a reaffirmation agreement and file the same with the court. If there is a question as to the feasibility of the debtor's ability to make monthly payments, the court will request a hearing to determine if the reaffirmation agreement should be approved. If the debtor's intent is to surrender the collateral, such as a car, the debtor should make efforts to contact the creditor to determine the method of returning the collateral. Many times the secured creditor will file a motion for relief from the automatic stay with the bankruptcy court to allow them to secure their collateral if the debtor's intention was to surrender the same.

After the hearing, the trustee will seek to recover and sell the nonexempt property in the bankruptcy estate, recover preferential payments to creditors, and avoid fraudulent transfers. The proceeds recovered by the trustee are distributed to the debtor's creditors. About 4 months after the meeting, the debtor will receive his/her discharge of debts.

In addition, a debtor in Chapter 13 must file a repayment plan that obligates him/her to pay some or all of the debt over a 3-5 year period. Debtors make payments directly to the Chapter 13 trustee. The trustee then pays creditors according to the terms of the plan. When creditors have been repaid according to the plan, a debtor will not have to pay any remaining balances related to dischargeable debts listed in the bankruptcy.

Q.4 What does bankruptcy cost?

Bankruptcy court filing fees are currently \$299.00 for a Chapter 7 bankruptcy filing, and \$274 for a Chapter 13 bankruptcy filing. It is possible to pay these with cash, certified check, or money order. Filing fees may also be paid in 4 installments. There is a process to request filing fee waiver for the indigent. Government-approved credit counseling and financial management course fees vary by provider. Attorney fees also vary.

Q.5 Which debts are not discharged in bankruptcy?

In general, debtors cannot obtain a discharge for: (1) back alimony and support, (2) student loans, (3) damages resulting from driving under the influence, (4) court-ordered restitution or criminal fines included in the sentence for conviction of a crime, (5) debts incurred by fraud, (6) damages for willful and malicious injury to someone else's person or property, and (7) certain taxes and tax penalties. There are exceptions to these rules, though, so be sure to consult an attorney.

Q.6 Does a bankruptcy filing stop a wage garnishment?

Yes. As of the date of filing the bankruptcy, often called the "date of petition," creditors can no longer commence or continue collection of debts that incurred prior to the filing of the bankruptcy. It is beneficial to provide your employer, human resource department, or the local court or collection agency a copy of the Notice of Bankruptcy 341 Meeting of Creditors, as this notice verifies your date of filing and the bankruptcy case number.

Q.7 What is a discharge in bankruptcy?

A "discharge" in bankruptcy means that the debtor is legally free and clear of any obligation to repay certain debts incurred prior to the filing of the bankruptcy. Creditors no longer have any right to collect the debt. The debtor no longer has any obligation to repay it.

Q.8 How can I escape from my student loan debt?

Generally student loans are not covered by the bankruptcy discharge. Student loans are dischargeable only on a showing of "undue hardship." In order to pursue a determination of "undue hardship," the debtor must file an adversary proceeding with the bankruptcy court. This is an additional procedure beyond the basic bankruptcy filing. The undue hardship standard is very hard to meet and there is currently no statute of limitations for the collection of student loan debt.

Q.9 Can I repay a creditor if I want to - even after bankruptcy?

Yes. You can voluntarily repay a debt even if it would be discharged by your bankruptcy.

Q.10 What is the automatic stay?

The “automatic stay” prevents a creditor from continuing to enforce a claim against a debtor during the life of the bankruptcy case. This means that creditors cannot: (1) file a new lawsuit, or continue a lawsuit that had already been filed; (2) send collection letters; (3) refuse to issue a transcript of school records; or (4) cancel your driver’s license.

Q.11 I'm married. Can I file by myself?

Yes, but your spouse will still be liable for any joint debts, or debts incurred after the date of marriage which provided a benefit to the household. The non-filing spouse will also still have to disclose income records for the 6 months prior to the date of petition, tax records, and will have to disclose interests in real estate and personal property. If you file together you will be able to increase exemption amounts.

Q.12 Where do I file if I have not lived in the same state or district for the last 6 months?

A bankruptcy case should be filed where the debtor has lived “for the one hundred and eighty days immediately preceding” the filing “or for a longer portion of such one-hundred-and-eighty-day period.” This means that the case should be filed in the bankruptcy district in which the debtor has lived for the greater portion of the last six months.

Q.13 If I am going through a divorce, how will my ex-spouse or filing bankruptcy affect our divorce settlement?

It is important to contact a family lawyer and a bankruptcy lawyer if you are contemplating filing a bankruptcy in conjunction with a divorce to ensure desired outcomes for all parties. The language used in property settlement agreements to allocate debt has implications as to the debt’s discharge or a spouse’s claims in bankruptcy or family court. Items classified as Domestic Support Obligations (DSO) cannot be discharged in bankruptcy. A person who files for Chapter 7 bankruptcy cannot discharge alimony, maintenance, and/or support debts.

The eligibility of an individual or husband and wife to file Chapter 7 bankruptcy depends on their level of income and household size. Divorce and custody placement sometimes drastically change one or both parties’ ability to file for Chapter 7 bankruptcy relief. Once the divorce is final it is not possible to file a joint bankruptcy to preserve the larger household size and higher income qualification standards. If filing jointly, the parties must be able to agree as to the valuation and exemption of assets within the bankruptcy case.

Q.14 Will my retirement plan be protected?

Yes, if the funds are in a qualified account. Retirement plans that are ERISA qualified are protected and are not included as property of the bankruptcy estate. Pensions are also exempt. Wisconsin law exempts retirement, pension, disability, death benefit, stock bonus, profit-sharing plan, annuity, individual retirement account, individual retirement annuity, Keogh, 401-K or similar plans or contracts providing benefits by reason of age, illness, disability, death or length of service.

Q.15 What effect does bankruptcy have on child support?

Any back payments owed for child support cannot be discharged in a bankruptcy proceeding.

Q.16 Do co-signers or co-debtors receive a discharge?

No, unless they file a separate bankruptcy. The creditor will still have the ability to pursue them for the deficiency or remaining balance of the co-signed debt. If the debtor reaffirms the co-signed debt and continues to make payments as required, there should be no consequence to the co-signer or co-debtor.

Q.17 Will my filing bankruptcy stop a foreclosure?

Filing a Chapter 7 bankruptcy temporarily stops the creditor's right to foreclose. The creditor must file a motion for relief from the automatic stay to proceed with the state court foreclosure action. If bankruptcy was filed after foreclosure redemption period but prior to sheriff sale, the creditor will have to reschedule the sheriff sale and provide statutory required notice period. Chapter 13 bankruptcy is used by people who have income and believe that they will be able to pay current mortgage payments, and over 3 to 5 years, pay the past due amount to reinstate the mortgage.

Q.18 Is it possible for me to be denied a bankruptcy discharge?

Yes. The court can determine you are not eligible for a bankruptcy discharge if you have filed a Chapter 7 bankruptcy in the last 8 years, if you have fraudulently transferred assets, if you have been discovered hiding assets, if you disobey an order of the bankruptcy court, if you have made charges or incurred debt in the ninety days prior to filing the bankruptcy without the intent to repay the debt, or provided false financial statements or information to obtain credit.

Q.19 Will bankruptcy affect my credit?

There is no clear answer to this question. Unfortunately, if you are behind on your bills, your credit may already be bad. Bankruptcy will probably not make things any worse.

The fact that you have filed a bankruptcy can appear on your credit record for 10 years. Because bankruptcy wipes out your old debts, you are likely to be in a better position to pay your current bills, and you may be able to get new credit.

Q.20 Can I own anything after bankruptcy?

Yes. Many people believe they cannot own anything for a period of time after filing for bankruptcy. This is not true. You can keep your exempt property and anything you obtain after the bankruptcy is filed. However, if you receive an inheritance, a property settlement, or life insurance benefits within 180 days after filing for bankruptcy, that money or property may have to be paid to your creditors if the property or money is not exempt.

Q.21 What if my documents were destroyed in a natural disaster?

If you no longer have copies of your tax filings necessary for the bankruptcy filing you can obtain a tax transcript report from the Internal Revenue Service. Please visit www.irs.gov.

If you no longer have copies of pay stubs or income records to determine the last 6 months of income, please contact your human resources office or former employer. If the records are not available, but you are able to determine amounts of income based on bank statements or other deposit records, it is possible to create an affidavit of income to be filed with the bankruptcy court.

If you no longer have billing statements or correspondence records for creditors, please obtain copies of your credit report from the three credit bureaus. Each person is entitled to 1 free credit report each year from each bureau to verify accuracy. Please visit www.annualcreditreport.com or call (877) 322-8228 to order the reports.

Q.22 Where can I get more help to file a bankruptcy?

For more frequently asked questions and answers, please visit: http://www.wiw.uscourts.gov/bankruptcy/faq_list.htm

There is a Bankruptcy Help Desk at the U.S. Courthouse, 517 E. Wisconsin Avenue, Milwaukee, WI, operating on Thursdays, 9:00 a.m. to 10:30 a.m., Room 133B.

H. EMPLOYMENT ISSUES

Wisconsin 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 call Wisconsin Workforce Development at (608) 266-1340.

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. Wisconsin law establishes time limits for notifying your employer and for seeking recovery for such benefits. Generally, you must notify your employer of the injury within 30 days and must file a claim within 2 years. If you have been injured at work, you should seek legal advice at once.

Unemployment Compensation

If a person became unemployed because (a) his or her employer's business was destroyed or closed due to the disaster; (b) his or her house or car was destroyed; or (c) the person was no longer able to get work due to the disaster, he or she may be entitled to receive unemployment compensation benefits.

Wisconsin Unemployment Compensation Benefits may be applied for online at Wisconsin Workforce Development's website at: <https://ucclaim-wi.org/InternetInitialClaims/default.asp> or by phone at 1-800-822-5246.

As referenced above in the FEMA section, if a victim is not eligible for Wisconsin Unemployment Compensation, he or she may be entitled to Disaster Unemployment Assistance under the United States Department of Labor. 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 Department of Labor provisions as soon as possible, as there is a

waiting period for receipt of benefits. They can do this by contacting the Wisconsin Workforce Development-Unemployment Insurance Office at the phone number listed above. For general Unemployment Compensation information, contact Wisconsin Workforce Development-Unemployment Compensation by telephone at 1-800-494-4944, or online at <http://www.dwd.state.wi.us/uiben/>.

Disaster victims seeking information on unemployment benefits and disaster unemployment benefits may also call 1-888-258-9966. Online information is available at <http://www.wisconsinjobcenter.org/directory/>, or, disaster victims may apply at any Wisconsin Job Center location.

Q.1 What is an employer's obligation in regards to termination of employees?

There is no federal or state law that obligates an employer not to terminate employees if an employee's home, vehicle, personal possessions, etc. were affected and/or destroyed during a recent tornado, flood or other natural disaster.

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

The shutdown of an employer's enterprise would trigger the elimination of group insurance coverage for covered employees and dependents. This would obligate the company or firm to send notices to the ex-employees advising them of their conversion rights (the right to convert the group coverage to an individual coverage) pursuant to a federal statute known as "COBRA." In the usual case, COBRA permits the ex-employee to continue the same coverage in an individual policy for up to 18 months.

Q.3 What can employers do about the payment of employees' salaries?

An option to an employer would be to place employees on administrative leave status while the office regroups. This would relieve the employer or company of the obligation to pay salaries. So long as the employer continued to pay the premium for group medical coverages, the employees would still have those coverages.

Q.4 Does Wisconsin have any legal restrictions against firing, suspending or disciplining employees?

There are no legal restrictions specifically concerning disasters. See question #1.

Wisconsin 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 for no reason at all (unless there is an employment contract or union protections) or for any reason (except, an employer may not discriminate or take adverse employment action against any employee on the basis of the employee's age, ancestry, arrest record, color, conviction record, creed, disability, genetic testing, honesty testing, marital status, military service, national origin, pregnancy or childbirth, race, religion, sex, sexual orientation, and use or nonuse of lawful products off employer's premises during non-

working hours). 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.5 Does Wisconsin have a whistleblower's law?

All employers in Wisconsin are subject to Wisconsin Statutes § 111.322(2m), which prevents employers from taking adverse employment action or engaging in discrimination against employees for "whistleblowing." This whistleblower protection is a classified exception to the at will employment status. Once an employee has the right or obligation to take action, the employer cannot punish the employee for taking that action. This includes (but is not limited to) reporting or filing a claim of discrimination, or reporting an observed action of discrimination. Numerous Federal laws also protect "whistleblowers."

Examples of "whistleblower" protection includes:

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

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

Q.6 What are the exceptions to Wisconsin's employment-at-will doctrine?

- Discrimination based on age, ancestry, arrest record, color, conviction record, creed, disability, genetic testing, honesty testing, marital status, military service, national origin, pregnancy or childbirth, race, religion, sex, sexual orientation, and use or nonuse of lawful products off employer's premises during non-working hours;
- Harassment based on any of the above characteristics;
- Discrimination or harassment based on your association with someone with any of the above characteristics;
- Retaliation because you have opposed or made a complaint about illegal discrimination or harassment; and
- Retaliation because you have done something that you are legally obligated or entitled to do.

DEADLINES: Employees cannot protect their rights unless they take some kind of action, like filing a complaint or a lawsuit, within a reasonable time frame after something bad happens at work. Deadlines for taking action on employment law cases vary by the type of case. In general claims must be filed within 300 days of the bad action, although exceptions apply to this rule, which can both shorten and extend this

deadline. Therefore, employees should act as soon as possible to make sure they are not left without a remedy.

In Wisconsin claims may be filed by contacting the Wisconsin Department of Workforce Development- Equal Rights Division at (608) 266-6860 or completing a discrimination or retaliation form online at:

http://www.dwd.state.wi.us/er/discrimination_civil_rights/how_to_file_cr_complaint.htm

You may also file a claim with the Federal Equal Employment Opportunity Commission (EEOC). Information for filing a claim with the EEOC is available at:

http://www.eeoc.gov/charge/overview_charge_filing.html or by contacting the Wisconsin EEOC office by phone at 1-800-669-4000.

Employees who believe they may have been subject to discrimination or retaliation are advised to seek legal counsel as soon as possible after the incident to avoid an expiration of time limits.

Q.7 When should final paychecks be issued in the case of employers who are closing their businesses as a result of the disaster?

When the employment of an employee is suspended or terminated, the employer shall pay all wages earned, less any lawful deductions, by the employee up to the time of the suspension or termination not later than the next regular payday for the pay period in which the wages were earned, unless the employee was on a commission basis, or falls under one of the statutory exceptions in Wisconsin Statutes §109.03(1).

In the event the employer is closing or liquidating their business, the employer is to pay the employee all wages earned within twenty-four hours of the employment separation. If vacations are due an employee under an agreement with the employer, or under a policy of the employer establishing pro rata vacation accrued, the increment shall be in proportion to the fraction of the year in which the employee was actually employed, and the employee shall be paid for its accrued vacation and sick leave.

Q.8 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. UI benefits are paid as a matter of past employment and legal entitlement -- not on the basis of need.

Q.9 How do I qualify for unemployment insurance benefits?

The law sets qualifying requirements in three main areas: your past wages, 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. You must have earned at least 35 times your weekly benefit rate set forth in Wisconsin Statutes § 108.05(1) which must include at least 4 times your weekly benefit rate in one or more quarters outside the quarter in your base period where you had the highest base period wages. The base period wages are the earnings paid to you in 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. You may be eligible for benefits if discharged for misconduct or other reasons, after re-establishing particular qualifications. Individuals who are unemployed for an event that is their fault are advised to seek legal counsel to review their benefits eligibility or speak with a benefits specialist at the Unemployment Compensation Department. A natural disaster qualifies as a no fault cause for termination.

Ongoing availability and work search: You must be physically able and available to work. You must also be actively seeking work. If you are temporarily laid off and have a definite return-to-work date, your work search requirements may be waived.

Q.10 How do I file for unemployment insurance?

To file a claim for unemployment insurance, you may file with the Wisconsin Department of Workforce Development- Unemployment Insurance online at: <http://unemployment.wisconsin.gov> or by calling from a touch tone phone, 1-800-822-5246. Before filing a claim, you will need the following information:

- Your social security number;
- The name, address and telephone number of every employer you have worked for in the last 18 months, the reason you are no longer working for each employer, and the beginning and ending dates that you worked for each employer;
- An Alien Registration Number, if you are not a U.S. citizen;
- A Personal Identification Number (PIN); [Your PIN is a 4 digit number that you make up before you apply and use throughout the claim process. Be sure to pick a number you will remember and do not share your pin number with anyone other than unemployment insurance department.] and
- The name and local number of your union hall, if you are a union member.

Do not delay in filing your application because you may lose benefits if you are not allowed to back date your application.

You can also go to the website <http://www.dwd.state.wi.us/uiben/> or call 1-800-494-4944. There is also a guide entitled “Handbook for Claimants” available for review at <http://www.dwd.state.wi.us/uiben/handbook/>

Q.11 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 Workforce Development Center closest to your current place of residence. Personnel in that office will assist you in determining against which state you should file. There is a Workforce Development Center or a State Employment Office in nearly every large town in the United States.

Q.12 What are the minimum and maximum amounts of UI benefits?

The minimum weekly benefit amount of UI in Wisconsin is \$54.00. The maximum is currently \$363.00. Your weekly benefit amount could be anywhere in this range, depending upon the total amount of wages paid to you during your base period. The total amount of unemployment insurance benefits payable to you would be 26 times your weekly benefit amount.

Q.13 Are UI benefits taxable?

Yes. Any UI benefits you receive are taxable income. You will be issued Form 1099G at the end of January 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're 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 State Tax Office when you file your tax returns.

Q.14 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 may be authorized. Persons who become unemployed as a result of the disaster, and who do not qualify for regular UI benefits, may file for DUA.

You must first be determined ineligible for UI benefits before you can be considered for DUA. Should a disaster be declared in your area, your local news media will provide information on how to obtain this assistance. You may also contact Wisconsin's Department of Workforce Development-Job Center at 1-888-258-9966 or online at <http://www.wisconsinjobcenter.org/directory/>

Q.15 Can I recover disaster unemployment benefits or assistance?

Disaster Unemployment Assistance 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 Disaster Unemployment Assistance, 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 the State as an agent of the federal government.

Q.16 Who qualifies for Disaster Unemployment Assistance?

To qualify, your employment or self-employment must have been lost or interrupted as a direct result of a major disaster and you must have been determined not eligible for regular state unemployment insurance. Payment will be made to unemployed U.S. nationals and qualified aliens, who as a direct result of a major disaster:

- No longer have a job.
- Are unable to reach the place of work.
- Were to commence work and do not have a job or are unable to reach the job.
- Have become the breadwinner for the household because the head of household has died or become incapacitated. (If you became a breadwinner due to the death of a self-employed individual, you are considered an unemployed worker for DUA purposes).
- Cannot work because of a disaster-incurred injury.

Q.17 What benefits are available?

Disaster Unemployment Assistance is available to individuals for weeks of unemployment beginning after the date the major disaster began and for up to 26 weeks after the major disaster was declared by the President, as long as their unemployment continues to be a result of the major disaster. The maximum weekly benefit amount is determined under the provisions of the state law for unemployment insurance in the state where the disaster occurred (see above).

Q.18 How do I file a claim?

Applications for Disaster Unemployment Assistance are available by contacting the Wisconsin Department of Workforce Development Job Center at 1-888-258-9966 or online at <http://www.wisconsinjobcenter.org/directory/>.

I. SOCIAL SECURITY, BANKING, AND FINANCIAL ISSUES

Social Security Benefits

The Social Security Administration attempts to ensure that all Social Security Benefit Checks are received by all beneficiaries affected by disasters. 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 a day. If you are deaf or hard of hearing, call the 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, they should apply for benefits at the nearest Social Security office. You can start an application by calling the Social Security Administration's toll free telephone number 1-800-772-1213. You can also apply online at www.ssa.gov/onlineservices/. Once Social Security 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 and you think they are eligible, you should file a request for reconsideration within 60 days of the date of the initial decision. If they are denied again, you should request a hearing and contact Legal Action of Wisconsin, Inc. or Wisconsin Judicare, Inc. to see if you can get legal assistance.

The applicant may also be eligible for other kinds of Social Security or SSI benefits on his or her account, on the account of another if they want to retire or they are an aged or disabled widow or widower, or on the account of another if they are the dependent family member of a disabled, retired or deceased worker. If you think you are eligible for any of these benefits, you should contact the Social Security Administration and apply.

Social Security Cards and Payments

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 1-800-772-1213 or log onto www.ssa.gov. If you are deaf or hard of hearing, call the toll-free TTY number, 1-800-325-0778, between 7 a.m. and 7 p.m. Monday through Friday. You may want to think about having your checks directly deposited into a checking or savings account in the future.

If you lost your Social Security card, you will need to contact the Social Security Administration to apply for a new card. It is not always necessary to have your Social Security card with you to verify your identity. Knowing your Social Security number is what is important. There is a form that people must fill out with their background information in order to get a new card. For more information, log onto www.ssa.gov/replace_sscard.html.

Banking/FDIC Issues

Q.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, they will cash your checks. If you do not, banks will not cash your checks unless a special arrangement exists.

Q.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 disasters. 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.

Q.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.

Q.4 I am no longer working due to the storm and don't 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 they 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. The FDIC usually encourages financial institutions to work with borrowers who are experiencing difficulties beyond their control because of damage caused by disasters.

Q.5 I need longer term financing until insurance checks come in and I can find another job. Will banks help?

We understand that not all banks provide short-term, unsecured loans, but regulators have encouraged banks to consider making loans on a short-term basis to help consumers.

Q.6 Where can I find a list of banks that are working with displaced people?

The FDIC is encouraging depository institutions in the affected disaster areas to meet the financial service needs of their communities. This includes extending repayment terms, restructuring existing loans or easing terms for new loans. FDIC is not currently

maintaining a list of banks working with displaced people. You can contact your bank directly to see if they have adopted a policy for assisting displaced people.

Q.7 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.

Q.8 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.

Q.9 I am worried about ID theft since my home was severely damaged during the storm 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: 1-888-766-0008

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

TransUnion: 1-800-680-7289

Q.10 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.

Q.11 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.

J. EDUCATIONAL RIGHTS OF CHILDREN AFFECTED BY A DISASTER

Children and youth who lose their homes as a result of a disaster may qualify for federally mandated special educational rights under the McKinney-Vento Homeless Assistance Act, 42 U.S.C. §11431 *et seq.*, because the disaster has left them homeless. These rights include being allowed to either immediately enroll in public schools in the area they are now living or continue in and be transported to their school of origin, as well as the right not to be segregated from other students on the basis of their homelessness and the right to comparable educational opportunities to non-homeless students.

Q.1 Who qualifies as a homeless child?

The McKinney-Vento Act defines homeless children and youth as individuals who lack a fixed, regular, and adequate night-time residence. The term includes children and youth who:

- share the housing of other persons due to the loss of housing, economic hardship, or a similar reason;
- are living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations;
- are living in emergency or transitional shelters;
- are abandoned in hospitals;
- are awaiting foster care placement;
- have a primary night-time residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings;
- are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings;
- migratory children who qualify as homeless because they are living in circumstances described above.

See 42 U.S.C. § 11434a(2).

Q.2 Can a family be homeless due to a disaster and not be eligible for services under the McKinney-Vento Homeless Education Assistance Act?

There is nothing in the statute that pertains expressly to natural disasters, and the definition of homeless children and youth does not expressly or impliedly exclude victims of natural disasters or other catastrophes. The Department of Education instructs local educational agencies (LEAs) to determine eligibility for McKinney-Vento services on a case-by-case basis, taking into consideration the services available through various other sources that exist to provide assistance to disaster victims.

Generally, the McKinney-Vento Act applies to families and unaccompanied children and youth who cannot afford housing on their own. While a student may lose a home due to a fire or natural disaster, the Wisconsin Department of Public Instruction's website states

that a student may not be considered eligible for McKinney-Vento services if the family can afford to pay (through wages, savings, insurance, or other resources) for alternative shelter such as a motel, hotel, or apartment. Advocates should rely on the definition of homeless child or youth, the impact of the disruption or displacement on the particular child, and the purpose of the act, though, to secure the benefits of the act for victims of disasters.

Q.3 Is there a time limit on how long a child or youth can be considered homeless?

No, there is no specific time limit on homelessness. Whether a child or youth meets the definition of homelessness depends upon the living situation and the individual circumstances. It is a case-specific inquiry. Due to the extremely limited incomes of most families experiencing homelessness (on average, less than half the federal poverty line) and the severe shortage of affordable housing across the country, experiences of homelessness can sometimes last an extended period of time.

Q.4 What factors should be considered for keeping children at their regular school?

Students must be allowed to attend their regular school “to the extent feasible.” A child’s regularly attended school is called the “school of origin.” Changing schools significantly impedes students’ academic and social growth. Factors that may be considered include: the age of the child or youth; the impact the commute may have on the student’s education; personal safety issues; the students’ need for special instruction; length of anticipated stay in temporary shelter or other temporary location; and time remaining in the school year. There may be other student-centered factors not enumerated here that will help determine feasibility. Above all, feasibility is a child-centered decision. Note, though, that the requirement for keeping the child in the school of origin does not apply if doing so is contrary to the wishes of the parent or guardian.

Q.5 What if, as a parent or guardian, I do not agree with the school’s decision as to what school my homeless child must attend?

The parent or guardian does have a procedural process in which a decision can be appealed. The school district must provide a written explanation, including a statement regarding the right to appeal, if the district sends the child to a school other than the school of origin or school requested by the parent or guardian. If there is a dispute as to the child’s placement/enrollment, the child must be immediately enrolled in the school in which enrollment is sought by the parent pending resolution of the dispute. The school placement of a homeless child must be made without regard to whether the child lives with the homeless parent or is temporarily living elsewhere.

Q.6 I do not have my child’s school records. Can I enroll them in another school without the records?

The school selected under the McKinney-Vento Homeless Assistance Act cannot deny the homeless child enrollment pending the production of records that are normally required for enrollment (e.g. previous academic records, medical records, proof of residency). The homeless child must be enrolled immediately and the enrolling school must contact the last school attended by the child to obtain records.

Q.7 Under what circumstances must a school district provide transportation to school for students experiencing homelessness?

The McKinney-Vento Act requires school districts to provide transportation for students experiencing homelessness. School districts must provide transportation to the school of origin upon the request of a parent or guardian. See 42 U.S.C. § 11432(g)(1)(J)(iii).

Q.8 Can a school district pay parents to transport their children?

Yes. School districts may reimburse parents or youth who have cars and are able to provide transportation, as a cost-effective means to meet the district's obligation.

Q.9 What obligations do private schools have under the McKinney-Vento Act? If the school of origin is a private school, must the student be allowed to continue attending?

The McKinney-Vento Act does not apply to schools that are entirely privately funded. Therefore, private schools are not required to allow children to continue to attend or to provide transportation. Public schools should offer McKinney-Vento services to students experiencing homelessness who are attending private schools.

Q.10 Do students receiving special education who are homeless have the right to remain in their school of origin?

Yes. The McKinney-Vento Act applies to students receiving special education services the same way it applies to other students. Therefore, a student receiving special education who is homeless must remain in the school of origin, unless it is not feasible or against the parent's/guardian's wishes. More often than not, the feasibility equation will weigh in favor of keeping a special education student in the same school because changing schools and educational programs can be particularly detrimental to students with special needs. Of course, if the distance is such that the commute would be more detrimental than changing schools would be, then the student may have to change schools.

There are additional legal requirements under the Individuals with Disabilities Education Act (IDEA), 20 U.S.C. §§1400 et seq., that might come into play. However, IDEA does not supersede the McKinney-Vento Act; a special education student retains all McKinney-Vento rights.

Q.11 Are all homeless children and youth eligible to receive free school meals?

Yes. Homeless children and youth are eligible to receive free school lunch immediately upon their enrollment and/or identification as being in a homeless situation. Meals can and should begin immediately.

Q.12 Where can I find the McKinney-Vento Homeless Assistance Act and guidance?

See 42 U.S.C. §§ 11431-11435 for the language of the Act. The U.S. Department of Education gives guidance in interpreting the Act and that can be found at <http://www.ed.gov/programs/homeless/guidance.pdf>.

Wisconsin Resources

Mary Maronek

Wisconsin Department of Public Instruction (DPI)
Education for Homeless Children and Youth Program
125 S. Webster Street
Madison, WI 53707
(608) 261-6322

mary.maronek@dpi.state.wi.us

<http://www.dpi.state.wi.us/homeless/index.html>

See the above website for a directory of Homeless Liaisons in each school district.

Other sources of information on the McKinney-Vento Homeless Assistance Act

- National Center on Homelessness and Poverty
www.nlchp.org
(202) 638-2535
- National Association for the Education of Homeless Children and Youth
www.naehcy.org
(763) 545-0064
- National Center for Homeless Education
www.serve.org/nche
(800) 308-2145

K. HEALTHCARE ISSUES

Disasters, such as flooding, can have a serious impact on public and individual health and safety. The clean-up following a disaster can have an even greater impact if not performed safely. For that reason, the following focuses on these safety issues.

The Wisconsin Department of Health Services has issued Health and Safety Tips, which can be found at: <http://dhs.wisconsin.gov/eh/DisasterHealthSafety/flooding.htm#Injury>

They have also issues Health and Safety Guidance for Flood Recovery, compiling information about flood recovery. The information focuses on community respirator use, how to properly fit a N95 respirator, and a mold fact sheet and contractor list. You can find this at

<http://dhs.wisconsin.gov/eh/DisasterHealthSafety/DPHFloodRecoveryGuidance2008.pdf>

Q.1 What should I do after a flood/flash flood?

- If you are forced to leave your home due to a natural or man made disaster here are recommended steps to take before doing so.
 - Make sure gas stoves are turned off before you leave.
 - If you leave your house for an alternative shelter during the winter, leave a faucet on at the end of your water service line so a trickle of water is coming out of the faucet. This should prevent your water line from freezing.
 - If you leave your house, remember to take any medications or special diet supplements with you.
 - If you know of people that are out of town during a natural gas evacuation, please contact the local authorities. These homes need to be checked for pets, etc.
 - If you leave your home, be sure and let relatives know where you are going.
- Seek necessary medical care at the nearest hospital or clinic. Contaminated flood waters lead to a greater possibility of infection. Severe injuries will require medical attention.
- Help a neighbor who may require special assistance--infants, elderly people, and people with disabilities. Elderly people and people with disabilities may require additional assistance. People who care for them or who have large families may need additional assistance in emergency situations.
- Avoid disaster areas. Your presence might hamper rescue and other emergency operations, and put you at further risk from the residual effects of floods, such as contaminated waters, crumbled roads, landslides, mudflows, and other hazards.
- Continue to listen to a NOAA Weather Radio or local radio or television stations and return home only when authorities indicate it is safe to do so. Flood dangers do not end when the water begins to recede; there may be flood-related hazards within your

community, which you could hear about from local broadcasts.

- Stay out of any building if flood waters remain around the building. Flood waters often undermine foundations, causing sinking, floors can crack or break and buildings can collapse.
- Avoid entering ANY building (home, business, or other) before local officials have said it is safe to do so. Buildings may have hidden damage that makes them unsafe. Gas leaks or electric or waterline damage can create additional problems.
- Report broken utility lines to the appropriate authorities. Reporting potential hazards will get the utilities turned off as quickly as possible, preventing further hazard and injury. Check with your utility company now about where broken lines should be reported.
- Avoid smoking inside buildings. Smoking in confined areas can cause fires.
- When entering buildings, use extreme caution. Building damage may have occurred where you least expect it. Watch carefully every step you take.
- Wear sturdy shoes. The most common injury following a disaster is cut feet.
- Use battery-powered lanterns or flashlights when examining buildings. Battery-powered lighting is the safest and easiest, preventing fire hazard for the user, occupants, and building.
- Examine walls, floors, doors, staircases, and windows to make sure that the building is not in danger of collapsing.
- Inspect foundations for cracks or other damage. Cracks and damage to a foundation can render a building uninhabitable.
- Look for fire hazards. There may be broken or leaking gas lines, flooded electrical circuits, or submerged furnaces or electrical appliances. Flammable or explosive materials may travel from upstream. Fire is the most frequent hazard following floods.
- Check for gas leaks. If you smell gas or hear a blowing or hissing noise, open a window and quickly leave the building. Turn off the gas at the outside main valve if you can and call the gas company from a neighbor's home. If you turn off the gas for any reason, it must be turned back on by a professional.
- Look for electrical system damage. If you see sparks or broken or frayed wires, or if you smell burning insulation, turn off the electricity at the main fuse box or circuit breaker. If you have to step in water to get to the fuse box or circuit breaker, call an electrician first for advice. Electrical equipment should be checked and dried before

being returned to service.

- Check for sewage and waterline damage. If you suspect sewage lines are damaged, avoid using the toilets and call a plumber. If water pipes are damaged, contact the water company and avoid using water from the tap. You can obtain safe water from undamaged water heaters or by melting ice cubes.
- Watch out for animals, especially poisonous snakes or rabid animals, which may have come into buildings. Use a stick to poke through debris. Flood waters flush snakes and many animals out of their homes.
- Watch for loose plaster, drywall, and ceilings that could fall.
- Take pictures of the damage, both of the building and its contents, for insurance claims.

After returning home

- Throw away food that has come in contact with flood waters. Some canned foods may be salvageable. If the cans are dented or damaged, throw them away. Food contaminated by flood waters can cause severe infections.
- If water is of questionable purity, boil or add bleach, and distill drinking water before using. Wells inundated by flood waters should be pumped out and the water tested for purity before drinking. If in doubt, call your local public health authority. Ill health effects often occur when people drink water contaminated with bacteria and germs.
- Pump out flooded basements gradually (about one-third of the water per day) to avoid structural damage. If the water is pumped completely in a short period of time, pressure from water-saturated soil on the outside could cause basement walls to collapse.
- Service damaged septic tanks, cesspools, pits, and leaching systems as soon as possible. Damaged sewage systems are health hazards.
- Persons with respiratory health problems (e.g., asthma, emphysema) should NOT perform the clean-up. Children and pets should not be allowed in these areas.

Natural Gas Safety

- If on entering your home, you notice a natural gas odor, do NOT enter. Immediately call your local utility company.
- Wait for the utility company or a heating contractor to re-light all pilots in your gas-fired appliances.
- While waiting for your furnace to be re-lighted, do NOT use other heating sources such as gas space heaters, grills, or other appliances that can give off dangerous

fumes. Carbon Monoxide produced by gas appliances is dangerous and can be fatal.

Electrical Safety

- If you decide to use electric heaters, be careful to place them away from items that can burn. Because of possible fire hazards, do not leave heaters unattended.
- If you have electrical problems, call the local utility company.

Water Safety

- Broken water pipes may have created puddles in your home. Do not use electrical appliances while standing in water because there is a danger of electric shock or electrocution.
- In case of water damage, contact your [local public health department](#) for a list of plumbers and a flood brochure.
- Turn on and run faucets for at least five minutes before using water for drinking or food preparation. If a "boil water" notice is issued, follow any directions given by the Department of Natural Resources. Additional information about [drinking water](#) is available.
- If you receive a cut or puncture wound while cleaning your home, tetanus shots are available through the Local Public Health Department.

Q.2 Do I need to get any vaccines before I return to clean up my home, which sustained damage in the disaster?

It depends. Check with your Department of Public Health to determine whether they have issued any warning for such risk factors as tetanus or hepatitis A.

In cases where you or a family member have sustained a cut or skin abrasion, first check your immunization records. If you are unsure or have not received a tetanus booster in the last five years, see your medical provider. A more likely threat during flooding exists in regard to personal injury, especially carbon monoxide poisoning. People must exercise caution, wash hands regularly with soap and clean water for at least 20 seconds, and seek medical attention if you experience symptoms of carbon monoxide poisoning, such as headache, dizziness, weakness, or nausea.

Q.3 How should I clean up mold in my home?

The federal Centers for Disease Control and Prevention (CDC) has issued guidelines for the safe and effective cleanup of household mold, which many will experience after a flood. Persons with respiratory health problems (e.g., asthma, emphysema) should NOT perform the clean-up. Children and pets should not be allowed in these areas.

Please view the mold removal and cleanup guidelines at:
<http://www.bt.cdc.gov/disasters/pdf/flyer-get-rid-of-mold.pdf>

And in Spanish at: <http://www.bt.cdc.gov/disasters/espanol/pdf/flyer-get-rid-of-mold-spanish.pdf>

There is also a 15 page easy-to-read document on the EPA's website about cleaning your house after a flood at: http://www.epa.gov/mold/flood/flood_booklet_en.pdf

And in Spanish at: http://www.epa.gov/mold/flood/flood_booklet_sp.pdf

There is more information about flood clean-up at:

<http://www.epa.gov/mold/flood/index.html>

<http://www.epa.gov/naturalevents/flooding.html#flooding>

Q.4 I need to enroll my child at a new school following my family's evacuation and do not have the immunization records or birth certificate he/she will need to do so. Where can I obtain one?

You should be able to obtain a copy of your children's immunization records from their doctor.

There is a federal law that requires a school to enroll a child, even without proof of immunization, proof of residency, or birth certificates, if the child is considered to be homeless. "Homeless" is defined in the McKinney-Vento Act (42 USC 11434a) as including "sharing the housing of other persons due to loss of housing, economic hardship or a similar reason, living in motels, hotels, trailer parks, or camping grounds due to lack of alternative adequate accommodations, and living in emergency or transitional shelters," in addition to other situations.

In order to obtain a new copy of your child's birth certificate, Wisconsin law requires that applications for copies of birth certificates include both a signature and the appropriate fees. You can apply for a copy of a birth certificate three ways: [in person](#), [by mail](#), or [by fax](#).

- **In Person:** You can apply in person for a copy of a birth certificate at your county of birth and also in Madison. 1 West Wilson Street, Room 158, in Madison, Wisconsin. The office is open from 8:00 A.M. until 4:15 P.M. (C.S.T.), Monday through Friday, excluding legal holidays.

See the Wisconsin Department of Health Services website for more information, <http://dhs.wisconsin.gov/vitalrecords/birth.htm>

Q.5 I evacuated from the flood and now I have no means of paying for my prescription medications - what can I do?

For all Medicare Part D prescription benefit plans, the federal Department of Health and Human Services has waived the rules that prevent early refills of prescriptions. This should enable patients to get refills before the 30 days have passed. You may also want to see if your physician can give you free samples of medications. You can also try going

to a Free Medical Clinic in your area to see if they can give you free samples of medications.

Another option is to request prescription assistance from a pharmaceutical company. See <https://www.pparx.org/Intro.php>

Q.6 Where can I take my pet or pick up my pet?

- Surrender an Animal

The Wisconsin Humane Society offers resources and education to help you maintain the treasured bond that you have with your animal companions. But, they understand that there are circumstances that prevent you from being able to keep your animal and are willing to help.

When you bring your animal in to the Wisconsin Humane Society for surrender, he or she will receive a health and temperament evaluation. There is no time or space limit at the shelter, which means that if your animal is selected for adoption, he or she will remain with the Humane Society until a new, loving home is found. Be aware, an animal that has been friendly to you may react differently under the stress of being around strangers and other animals.

The Humane Society provides the following information: In order to help your animal remain healthy, both at home and for surrender, we suggest that you complete the following activities prior to coming to the shelter: complete and submit a [dog surrender profile](#) or [cat surrender profile](#) online; make sure your animal is clean and well groomed, with nails trimmed; your animal should be free of parasites, such as fleas and ear mites; your animal should be current on vaccinations, including distemper, rabies and kennel cough for dogs; tests for feline leukemia and heartworm should be recent; and your animal should be social and easy to handle.

At the time of surrender, you should bring in all medical records for your animal as well a photo ID for yourself. The minimum fees for surrendering animals are listed below. It costs the Wisconsin Humane Society at least \$150 to provide care for each animal that comes to us, so you are welcome to leave more than the minimum fee. Please make arrangements with WHS staff if you are unable to afford the fees.

Animal Surrendered	Single Animal (Fee Per Animal)	Multiple Animals (Fee Applied to Group)
Dogs	\$35.00	\$70.00
Cats	\$35.00	\$70.00
Rabbits	\$25.00	\$40.00
Small animals	\$10.00	\$25.00
Exotics	\$50.00	\$75.00

There are some circumstances where animals cannot be placed for adoption. These include: when animals show signs of aggressive or unsociable behavior during the administration of a nationally recognized temperament test. Some animals that you know to be friendly may not react well to the stress of being handled by strangers in a shelter environment.

When a veterinarian, after an examination, determines that the animal is physically unsuitable for adoption.

If you change your mind after surrendering your animal to the Wisconsin Humane Society, you can call us at 414-ANIMALS to discuss your options. If your animal is available, and it is in the best interest of the animal, you may reclaim him or her. The minimum fee for reclaiming an animal is \$75 and it can be more if boarding and medical fees are assessed. This cost is in addition to the original surrender fee.

We recommend that you explore solutions to the problems you face with your animal prior to surrender. The Wisconsin Humane Society has many resources to help you keep your animal in your home. For more information visit- <http://www.wihumane.org/>

- Help Us Find L.O.S.T. Animals

The Wisconsin Humane Society has launched L.O.S.T. (Locate Our Stray Today) as a service for those who have lost animals and for people who want to help animals to find their way home. L.O.S.T. is a web-based neighborhood animal watch program designed to bring neighbors together to reunite animals with their families as quickly as possible.

To see a listing of animals that are lost and listed on our service, please visit <http://www.wihumane.org/>. If you find one of the animals in our alert service, we ask that you contain the animal and email us at lost@wihumane.org immediately, so we can contact the owner.

- Find Your L.O.S.T. Animal

If you have lost your companion animal, visit <http://savinglives.wihumane.org/>. There is no fee for this service.

When an animal is lost, the Wisconsin Humane Society will send an alert, within 24 hours, to anyone in your area who has signed up to participate in the L.O.S.T. program.

This service does not take the place of reporting and looking for your animal at your local animal control facility. They are the experts and in most communities they have trained personnel and vehicles to pick up and keep your animal safe.

In Milwaukee County, be sure to report that your animal is missing to Milwaukee Area Domestic Animal Control as soon as possible. MADACC is responsible for picking up and holding stray animals. Visiting their facility is the best way to find out if your animal is there. They are located at 3839 W. Burnham Street in West Milwaukee. You can also go to their website at www.madacc.com or call them at 414-649-8640.

In Ozaukee County, call the Ozaukee Humane Society at 262-377-7580 or email info@ozaukeehumane.org to report that your animal is missing. To see a list of lost and stray animals staying at the Ozaukee Humane Society, please visit www.ozaukeehumane.org.

In Waukesha County, the Humane Animal Welfare Society at www.hawspets.org and Elmbrook Humane Society www.ebhs.org takes in strays depending on location.

In Washington County, the Washington County Humane Society works with stray animals at www.washingtoncountyhumane.org

Racine County residents should contact Countryside Humane Society to report their animal missing at www.countrysidehumanesociety.org

For other city and county humane services, go to Petfinder.com to look for an agency in your community.

There are things that you can do right away to improve your chances of finding your animal. For information on go to <http://www.wihumane.org/default.aspx>.

Q.7 My family member was in a hospital before the storm and we need to know where he/she was evacuated. How can we find out?

In the event of a disaster, please visit this website: <http://emergencymanagement.wi.gov/>

It is likely the website will have information regarding a help line set-up to locate family members in hospitals.

Q.8 Are there exceptions to the HIPAA (Health Insurance Portability and Accountability Act of 1996) requirements in the event of a disaster?

As you may know, HIPAA established fairly stringent privacy and disclosure requirements for health care providers. There are certain exceptions to these requirements in the event of a disaster. The following provides a summary of what patient information can be shared in order to assist disaster relief efforts:

- Treatment. Health care providers can share patient information as necessary to provide treatment. Treatment includes
 - sharing information with other providers (including hospitals and clinics),
 - referring patients for treatment (including linking patients with available providers in areas where the patients have relocated), and
 - coordinating patient care with others (such as emergency relief workers or others than can help in finding patients appropriate health services.

Providers can also share patient information to the extent necessary to seek payment for these health care services

- Notification. Health care providers can share patient information as necessary to identify, locate and notify family members, guardians, or anyone else responsible for the individual's care of the individual's location, general condition, or death.

The health care provider should get verbal permission from individuals, when possible; but, if the individual is incapacitated or not available, providers may share information for these purposes if, in their professional judgment, doing so is in the patient's best interest.

Thus, when necessary, the hospital may notify the police, the press, or the public at large to the extent necessary to help locate, identify or otherwise notify family members and others as to the location and general condition of their loved ones.

Additionally, it is unnecessary to obtain a patient's permission to share information with disaster relief organizations, like the American Red Cross, who are authorized by law or by their charters to assist in disaster relief efforts, if doing so would interfere with the organization's ability to respond to the emergency.

- Imminent Danger. Providers can share patient information with anyone as necessary to prevent or lessen a serious and imminent threat to the health and safety of a person or the public – consistent with applicable law and the provider's standards of ethical conflict.
- Facility Directory. Health care facilities maintaining a directory of patients can tell people who call or ask about individuals whether the individual is at the facility, their location in the facility, and general condition.

L. WILLS AND ESTATES

The death or incapacity of a loved one, family member or friend is an extremely stressful and emotional event and can be a significant source of confusion if you are not aware of the probate processes and procedures. In Wisconsin, the probate process and administration is highly governed by statute, specifically Wisconsin Statutes Chapters 851 through 882.

Q.1 A relative died as a result of the storm. What do we do about the estate?

A disaster leaves the people who live through it with decisions to make and papers to sign. The insurance company, city, state or other companies may need authorized signatures for estimates, clean up or for the delivery of any funds. An estate proceeding provides a court order to an individual to be able to take care of these issues as well as any other routine estate issues.

In Wisconsin, the process to be utilized depends on the documents that may or may not have been prepared before death.

1. Did the decedent leave a will?
2. Did the decedent have a revocable trust?
3. Did the decedent die leaving no will?
4. Did the decedent have less than \$50,000 in assets?

The answer to these questions determines the type of proceeding necessary and the type of authority that will be granted to an individual. The first step to determine the proceeding is to meet with an attorney.

Meeting with an Attorney

For your initial meeting with an attorney, it is necessary to provide the following information to allow the attorney to begin the probate process:

1. Whether the decedent had a will or revocable trust;
2. Biographical information of the decedent including the decedent's full name, address, date of birth, date of death, marital status, social security number and county of residence;
3. Biographical information of the person petitioning for administration including the petitioner's full name, address, date of birth, social security number, relationship to decedent and any relevant contact information (telephone numbers, fax numbers, email address, etc.);
4. Biographical information of decedent's heirs-at-law (intestate) and beneficiaries (testate) including full name, address, date of birth, social security number, relationship to decedent and any relevant contact information (telephone numbers, fax numbers, email address, etc.);

5. Information regarding the assets of the decedent including real estate, automobile or other vehicle titles, banking institutions and account statements, life insurance policy statements, IRAs, 401ks, pensions and other investment portfolios, contracts, rents, and any other document evidencing an ownership interest in any assets;
6. Information regarding the debts of the decedent including medical bills and expenses, funeral expenses, credit card statements, leases, promissory notes, or other contracts or documents evidencing the decedent's debts.

By providing the attorney with the before-mentioned information, the attorney can effectively begin to prepare and draft the initial probate opening documents in the respective forum. Understandably, of course, much of this information may have been lost in the disaster. If so, the order received in the probate process may help to recover some of this information.

If there was a *revocable trust*, there might not be a need for the probate process. If the trust was funded, the trustee of the trust will be granted authority to act by the document. The Trustee will determine what assets still exist, what tax liabilities exist, etc. The Trustee will take care of any ongoing issues to property that may be due to the disaster. The Trustee will ultimately make the final distribution of remaining property to the beneficiaries as outlined in the Trust document. If, however, the trust was not funded, probate will be necessary to appoint a Personal Representative to move the assets into the Trust.

If there was less than \$50,000, no probate is necessary. A *Transfer by Affidavit* form is all that is necessary to transfer the assets. This form and its instructions are available at <http://www.wicourts.gov/forms1/circuit.htm>. The process is also outlined at Wis. Stats. §§ 867.03 and 867.035. The form can also be used to transfer real estate owned by the decedent. However, if there is less than \$50,000 but there still needs to be a decision-maker regarding any property, a special administration or one of the small estate proceedings will need to be opened.

A *Special Administration* is a probate tool which can be used to provide limited authority for a special administrator to act on behalf of a decedent. A special administration may be utilized just to determine whether or not there are enough assets to open an estate, accept service of process for a foreclosure, manage an estate while litigation is pending, or locate beneficiaries. The statutes governing Special Administration are generally at Wis. Stats. §§ 867.07 through 867.21.

In most circumstances, however, there is over \$50,000 and someone must be named to administer the process. The other types of proceedings and documents to be filed are:

1. Informal Administration Wis. Stats. Chapter 865
 - a. Application for Informal Administration ;
 - b. Waiver and Consent Form or Notice to Interested Persons and Time Limit for Filing Claims;

- c. Consent to Serve (as Personal Representative);
 - d. Notice to Creditors;
 - e. Proof of Heirship;
 - f. Declination to Act (as Personal Representative), if necessary;
 - g. Statement of Informal Administration; and
 - h. Domiciliary Letters (to be issued by Court).
2. Formal Administration Wis. Stats. Chapter 856, Opening Estates
- a. Petition for Administration;
 - b. Waiver, Consent and Approval Form or Order Setting Time to Hear Petition for Administration and Heirship and Notice to Creditors;
 - c. Consent to Serve (as Personal Representative);
 - d. Notice to Creditors;
 - e. Proof of Heirship;
 - f. Declination to Act (as Personal Representative), if necessary;
 - g. Statement of Informal Administration; and
 - h. Domiciliary Letters (to be issued by Court).

Estate Process

Wisconsin's probate estate process is fairly streamlined. Each county follows the same procedures with few variations. After the initial meeting with the attorney, the correct process is chosen. If there is a will and all heirs are known and agree with one another, the informal process will be followed. If there is no will, but all heirs are known and agree with one another, the informal process will be followed. If there are any issues or causes for concern, formal administration is best. Examples of problems include: a need to have the will construed, the original will could not be located and the copy needs to be proven, the beneficiaries do not agree with one another, there is a disagreement regarding any of the assets, disputes regarding paternity of heirs, etc.

The estate process is outlined in the statutes from Chp. 851 through Chp. 863. Additional information for informal information is located in Chp. 865. The procedure generally is as follows:

1. The documents discussed above are drafted and filed with the court.
2. A hearing date will be set to review the will, documents and proof of heirship. Most counties allow the initial appointment of the personal representative by mail.
3. A date is set for the claims deadline. Notice must be published. Wis. Stat. § 859.01
4. The Inventory of all assets owned upon death must be filed within 6 months of the appointment of the Personal Representative. Wis. Stat. § 858.01.

5. The final personal tax return for the individual must be filed by April 15 of the year following the individual's death.
6. Any disclaimer and/or Estate tax return must be filed within nine months of the individual's death.
7. Gather all assets and pay all legitimate claims against the estate. Obtain and file receipts from claimants.
8. Prepare Final Accounting. File same.
9. Obtain Closing Certificate of fiduciaries.
10. After all assets are gathered, debts paid, closing certificate obtained and final accounting is approved, distributions may be made.
11. File receipts from the beneficiaries with the court. Obtain personal representative's statement to close from court.
12. Cancel any bond that personal representative may have needed.

Please keep in mind that the above is a very broad outline of the estate process. Each estate is different and will be handled differently. The court allows 12 months (18 months in Milwaukee County) to close an estate. If for some reason the estate cannot close in this timeframe, which in a disaster situation could happen, the court may allow additional time if a petition is filed. The Petition to request additional time to close an estate is also on the Wisconsin Courts website in the form directory, found at <http://www.wicourts.gov/forms1/circuit.htm>.

Personal Representative

The person named to act in a probate administration is called a Personal Representative. The court issues domiciliary letters so that the personal representative can effectively "step into the shoes" of the decedent. The personal representative is then responsible for collecting, managing, inventorying and possessing the decedent's assets. Further duties include using the decedent's assets to pay for administration expenses, funeral expenses, state and federal taxes, charges and claims against the estate. The personal representative must strictly adhere to the decedent's will and/or intestate statutes and must account for all transactions. Ultimately, this person is responsible for making final distributions to beneficiaries and/or heirs. The powers and duties of the Personal Representative are outlined in Wis. Stats. Chapter 857.

The State Bar of Wisconsin has a guide for Personal Representatives or attorneys to go into this process in more detail. The book is called Personal Representative's handbook. It was developed by the Real Property, Probate and Trust Law Section and spells out a

personal representative's basic responsibilities and tasks. The handbook explains basic legal concepts related to probate, clarifies the role of the attorney, provides an overall checklist of tasks to be accomplished, and details central tasks such as preparing an inventory, listing all claims, and maintaining financial records. This book is available for \$3 to State Bar members and \$4 for nonmembers, plus tax and shipping.

Debts of the Estate and Distributions

Often, people think they are being helpful when they pay bills for a deceased person. A person who was power of attorney might have continued to write checks or a Personal Representative just begins to pay bills as soon as he or she is able to. This is incorrect. A power of attorney's authority ends at the moment of death. No more checks should be written by the power of attorney after death. For the Personal Representative, Chapter 859 specifically outlines what gets paid, who gets paid and when it gets paid in an estate. There is a hierarchy of importance for bills in an estate. The pushiest collectors, often credit cards, are at the bottom of the hierarchy. It is important that the Personal Representative not pay someone at the bottom of the list and later not have enough money to pay someone at the top of the list. The hierarchy is as follows under Wis. Stat. § 859.25:

- a. costs and expenses of administration
- b. reasonable funeral and burial expenses
- c. provisions for the family under §§ 861.31, 861.33 and 861.35
- d. debts, charges or taxes
- e. wages to employees
- f. property assigned to a surviving spouse under § 861.41
- g. all other claims.

Beneficiaries will want their money right away. These individuals must wait until all of the other duties of the Personal Representative have been fulfilled. It would not be wise for a Personal Representative to pay a beneficiary and then not have enough money to pay a valid claim against the estate. In a disaster related probate, it may take some time to discover all of the assets and to pay for any necessary clean up.

Q.2 My original will and estate planning documents were destroyed in a disaster. What do I do?

There is only one original will. If the original was destroyed, you should redo the will. A copy of the other documents is usually sufficient, but an original is best in many circumstances. It would be best to redo the entire plan.

Many times, the attorney who prepared the documents will retain an original. You can contact that attorney to determine whether or not any original documents are in your file.

M. IMMIGRATION

Q.1 What immigration status do I need to file claims for UI, DUA and/or EDD?

Individuals who file claims for UI or DUA benefits must indicate their immigration status. Individuals must be able to present proof of INS work authorization. EDD requires proof of work authorization for the period during which the individual is collecting DUA and for the past "base period."

Q.2 What is the Legal Presence Requirement for Disaster Housing Assistance Eligibility?

In 1995, Congress passed legislation⁷ prohibiting non-emergency disaster assistance for all FEMA DHA Programs (Rental Assistance, Mortgage and Rental Assistance, Home Repair Assistance and Transient Accommodations) to persons not lawfully present in the United States. Prior law in 1994 had prohibited FEMA from providing Rental Assistance and Mortgage/Rental Assistance for more than 90 days to persons not lawfully present in the United States.

All applicants applying for FEMA DHA (beginning with FEMA-DR-1067, United States Virgin Islands, September 16, 1995) will be requested to sign a self-certifying declaration that they are a United States Citizen or National, Lawful Permanent Resident, or are otherwise lawfully present within the United States.

Q.3 What if I do not have any proof of my immigration status or if my immigration status is not legitimate?

In 1996, Section 401 of The Personal Responsibility and Work Opportunity Reconciliation Act 8, specified that all persons, regardless of their immigration status, are eligible for short-term, in-kind, non-cash disaster assistance. Moreover, the U.S. Attorney General has the authority to designate certain government-funded community programs or services or assistance necessary for the protection of life and safety for which all persons will be eligible, regardless of immigration status. As of the printing date of this publication, FEMA continues to follow the 1995 legislation referenced above for its non-cash disaster housing assistance programs.

Q.4 What are FEMA's citizenship/immigration requirements?

You must be a U.S. citizen, non-citizen national, or a qualified alien to qualify for a grant from FEMA's Individuals and Households Program. However, undocumented individuals can apply on behalf of their minor child who is a citizen and has a social security number. FEMA can provide information on how to obtain a social security number for a minor child. The minor child must live with the parent/guardian applying on his/her behalf.

The undocumented individual does not have to be a U.S. citizen, non-citizen national or a qualified alien for crisis counseling, disaster legal services or other short term, non-cash emergency assistance. Voluntary agencies provide help regardless of immigration status.

Q.5 Are aliens eligible for disaster assistance? Who is eligible for disaster assistance?

To be eligible for cash assistance from FEMA you must be a qualified alien. A qualified alien generally includes individuals who are lawful permanent residents (possessing an alien registration receipt card) or those with legal status due to asylum, refugee, parole (admission into the U.S. for humanitarian purposes), withholding of deportation, or domestic violence. Applicants should consult an immigration expert concerning whether or not their immigration status falls within the qualified alien category.

Q.6 Where do I go to replace my immigration documents?

If you are a permanent resident who needs to replace your green card, or 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 (<http://www.uscis.gov/portal/site/uscis>).

Q.7 Do I need to be a U.S. resident or citizen to apply for emergency disaster relief?

You can qualify for non-cash FEMA disaster programs even if you do not have a legal immigration status. Receipt of other benefits depends on immigration status.

Q.8 Will I be considered a public charge and denied residency if I apply for Emergency Disaster Relief?

No. Acceptance of Emergency Disaster Relief will not be considered public cash assistance preventing you from becoming a resident. You will not be classified as a public charge solely because you have accepted emergency disaster assistance.

Q.9 If I lost my "green card" in the disaster, how can I get a replacement?

You need to fill out a form I-90 and file it at your local immigration office. You can get the immigration form I-90 from INS by calling 1-800-870-3676.

Q.10 If I lost my work permit in the disaster, how can I get a replacement?

You need to fill out immigration form I-765. If you have a photocopy of your lost work permit, attach it to the I-765. Also include a photocopy of any applications or documents which entitle you to receive a work permit, such as application of asylum, suspension of deportation, or adjustment of status.

Q.11 Do I need to let INS or the immigration court know that I have moved as a result of the disaster?

If you have a pending case, you are required to inform the immigration court of any change in address or telephone within 5 days of moving.

N. REPLACING LOST DOCUMENTS

Q.1 My important documents were destroyed during the disaster. What do I do?

Financial records

Contact your bank directly for duplicates of your bank and investment-account records. The FDIC has encouraged banks to be accommodating following a disaster.

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 through its website at www.treasurydirect.gov.

Birth, death, marriage and divorce records

Birth, death and marriage certificates and divorce decrees are kept in the state where the event occurred. For Wisconsin residents, the Wisconsin Division of Health keeps such vital records. Records can be ordered online at <http://www.vitalrec.com/wi.html#State> or by mail by sending a written request to the following address.

Wisconsin Division of Health
Vital Records
1 West Wilson Street, Rm 158
P.O. Box 309
Madison, WI 53701
(608) 266-1371
Fax: (608) 255-2035

Records cost \$20.00 each plus shipping and credit card charges. To facilitate the request, the requesting party should provide as much information relevant to the particular request as possible, including: date of birth, place of birth, parents' full names, date of marriage, place of marriage, date of death, place of death, and requestor's reason for the order and/or relationship to the person whose record is being requested.

For additional information and instructions on obtaining birth, death and marriage certificates, visit the website at <http://www.vitalrec.com/wi.html#State>.

Additionally, birth, death and marriage certificates may be kept in the county where the event occurred. Contact the local county recorder for information on requesting a copy. Rates and fees for these certificates vary from county to county.

Divorce records certify that a divorce was recorded and contain other administrative material including divorce date and location. They are available in the same manner as birth, death and marriage certificates; however, divorce decrees, which contain the

substantive terms and conditions of the divorce ruling or agreement, are filed with the court in the county where the divorce occurred.

To obtain a copy, go to the county clerk of court where the divorce occurred and request a copy of the divorce decree. Research, copy, and delivery fees may vary from county to county. You will likely need to provide the clerk with names of the parties, the case number, and the date of the divorce decree.

Deeds

These records are kept in the county recorder, land records or register of deeds office in the county where the property is located. The title company that prepared an abstract when you purchased or refinanced the property may also be able to provide you with information about getting a copy of land records.

Food stamps

Special rules aid the food stamp office with helping disaster victims. Individuals who may not otherwise be eligible for food stamps may qualify if (i) such individuals were disaster victims, (ii) the disaster closed or destroyed stores or stopped the stores from getting supplies, (iii) such individual only needs food for a short time; and (iv) stores are now selling food again.

The food stamp office will also replace the actual value of food destroyed in a disaster, such as a flood, if you are currently on food stamps. You must report the destroyed food to the food stamp office within 10 days. It will verify what happened by contacting the Red Cross or sending someone to your home to verify your circumstances. The food stamp office can replace up to the maximum monthly food stamp allotment for your household size.

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, you may apply for a replacement card by filing a USCIS Form I-90 with the U.S. Citizenship and Immigration Services. For more information, visit its website at <http://www.uscis.gov/portal/site/uscis>.

Medicare/Medicaid cards

Go to the Social Security Administration office and request a replacement card. Visit <https://s044a90.ssa.gov/apps6a/IMRC/main.html> for more information.

Social Security cards, checks

If you depend on Social Security benefits, you will need to contact the Social Security Administration to verify your Social Security number and request a new card. For more

information, go to www.socialsecurity.gov/emergency or www.ssa.gov/replace_sscard.html. To replace a Social Security check, go to the nearest office of the Social Security Administration which can be located by calling 1-800-772-1213.

Credit cards

If credit cards are lost, you should call the bank that issued the card and get a new one as soon as possible. Be careful of identity theft as well. One way to combat identity theft is to put a fraud alert on an individual's credit report by contacting TransUnion (800-680-7289), Equifax (800-525-6285) or Experian (888-397-3742).

Tax returns

To obtain copies of your federal tax returns, contact the IRS Service Center at www.irs.gov or 1-800-829-1040. To obtain copies of your state tax returns, contact the State of Wisconsin Department of Revenue at <http://www.dor.state.wi.us/>

Wills and other estate planning documents

Normally, wills and other estate planning documents (also known as testamentary documents) are not enforceable unless you have executed original documents. If that 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 as a template for the new one, saving time and money.

If the testamentary document was created by an attorney, the attorney will likely have a copy in your client file or may have provided copies to heirs, those acting as a general or durable power of attorney, or your primary physician.

Whether you are able to obtain copies of testamentary document or not, contact your attorney to help you execute new originals of the documents. Wisconsin has strict laws to ensure the validity of testamentary documents, which is why it's important to consult an attorney to ensure that the documents are properly executed, witnessed, and/or notarized.

For instance, Wis. Stat. §853.03 requires that a will be:

- in writing (or typewritten)
- signed by the testator or testatrix
- declared by testator or testatrix to be his or her will; and
- it must be signed by at least 2 witnesses who signed within a reasonable time after
 - the signing of the will in the presence of the witness
 - the testator's implicit or explicit acknowledgement of testator's signature on the will, in the presence of the witness.
 - the testator's implicit or explicit acknowledgement of the will, in the conscious presence of the witness.

Many attorneys will only charge a nominal fee for re-executing testamentary documents when the attorneys are in possession of copies.

Government documents

For general information about how to get information or documents from any government agency call 1-800-688-9889 or TDD 1-800-326-2996 or check the government listings of the white pages of the phonebook to get addresses and local phone numbers. Many agencies have toll-free (800) lines which provide information on various services available, including how to replace lost documents.

Veterans Administration

Call 1-800-827-1000 to get information on document replacement and veteran's benefits during a disaster. The TDD number is 1-800-829-4833.

Passports and Department of State documents

Individuals with lost visas or passports may get replacement documents from the Department of State. Some local post offices and federal courthouses have the forms for passports.

Driver's license/vehicle registration/certificate of title

To replace a driver's license, vehicle registration or certificate of title, go to the nearest office of the Department of Motor Vehicles (DMV). If these items have expired, you may qualify for a penalty waiver or an extension. If known, it is helpful to have the vehicle identification number.

Insurance Documents

To obtain insurance policies, information about coverage and to make a claim, contact the insurance agent or insurance company directly. Most insurers and insurance industry groups set up special numbers for policy holders after a disaster. Call directory assistance at 1-800-555-1212 for the number of a particular insurance company.

Court records

First, determine the division or type of court where the action took place: county circuit court (general civil proceedings), probate (wills, adoptions, guardianships), family (dissolutions of marriage, custody decrees, parentage decrees, child support orders, restraining orders), juvenile (documents may be sealed), criminal, municipal (ordinance violations, parking tickets) or small claims court (evictions, matters involving less than \$5,000).

Contact the clerk's office of the appropriate court where the documents are on file. Call the clerk or the executive office of the courts to find the correct courthouse. Many counties have different physical locations for different court files. In some instances, an individual must locate the record on microfiche and must return to check out the file and obtain a copy.

Unemployment insurance

Check with the local office of the Wisconsin Department of Workforce Development for replacement information or documents.

O. RESOURCE AND REFERRAL GUIDE

Statewide:

FEMA (Federal Emergency Management Administration)

Phone: 1-800-621-3362 (Press 1 to apply for Disaster Assistance)

TTY (Hearing Impaired): 1-800-462-7585

Technical Assistance: 1-800-745-0243

Fax: 1-800-827-8112

On-line applications: <http://www.fema.gov/assistance/index.shtm>

Go to <https://asd.fema.gov/inter/locator/drcLocator.jsp> for closest Disaster Recovery Center, hours, and services.

Whenever possible, applicants are urged to make a phone or on-line applications rather than first going to a recovery center.

Disaster Unemployment Assistance

Wisconsin Department of Workforce Development

Phone: 1-888-258-9966

www.dwd.state.wi.us/dislocatedworker/

201 E. Washington Avenue

Madison, WI 53703

Disaster Unemployment Assistance 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. Apply at your local Wisconsin Job Center. You can find the local office by calling the number above.

Wisconsin Department of Agriculture, Trade and Consumer Protection

Phone: 1-800-422-7128

TDD: 1-608-224-5058

www.datcp.state.wi.us/core/consumerprotection/consumerprotection.jsp

2811 Agriculture Drive

PO Box 8911

Madison, WI 53708-8911

Processes complaints from consumer who believe they are getting scammed on repairs, replacing damaged property, etc.

State of Wisconsin Office of the Commissioner of Insurance

Phone: 1-608-266-3585, Madison; 1-800-236-8517, statewide

TDD: 711 (ask for 608-266-3586)

Fax: 1-608-266-9935

<http://oci.wi.gov/>

125 S. Webster Street

Madison, Wisconsin 53703-3474

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

Public Service Commission of Wisconsin

Phone: 1-888-816-3831 or 1-608-266-5481

TTY: 1-608-267-1479

Fax: 1-608-266-3957

<http://psc.wi.gov/>

610 North Whitney Way

PO Box 7854

Madison, Wisconsin 53707-7854

Processes complaints concerning utilities.

United Way

For local disaster information or assistance, call 211.

By County:

NOTE: The listings below are for each county's Emergency Management Coordinator, which is the centralized contact agency. For more information, contact the Wisconsin Emergency Management 24-hour duty officer at 1-800-943-0003.

1. ADAMS

Jane Grabarski

Adams County Emergency

402 Main Street

PO Box 144

Friendship, WI 53934-0144

emmgmt@co.adams.wi.us

W (608) 339-4248

F (608) 339-4299

4. BARRON

Randy C. Books

Barron County Emergency

1420 State Highway 25 North, Room
1525

Barron, WI 54812-3011

randy.books@co.barron.wi.us

W (715) 537-6595

F (715) 537-3228

2. ASHLAND

Dorothy Tank

Ashland County Emergency

220 6th Street East

Ashland, WI 54806

dorothy.tank@co.ashland.wi.us

W (715) 685-7640 ext. 456

F (715) 682-7039

5. BAYFIELD

Jan Victorson

Bayfield County Emergency

117 E. Sixth Street

PO Box 423

Washburn, WI 54891

jvictorson@bayfieldcounty.org

W (715) 373-6113

W (715) 373-6120

F (715) 373-6183

3. BAD RIVER BAND

Ralph Dashner

Bad River Band/Lake Superior

Maple Street, PO Box 39

Odanah, WI 54861

environmental@badriver.com

W (715) 682-7123

6. BROWN

Cullen Peltier
Brown County Emergency
300 E. Walnut Street
Green Bay, WI 54301
peltier_CS@co.brown.wi.us
W (920) 448-4270
F (920) 448-4206

7. BUFFALO

Steve Schiffli
Buffalo County Emergency
407 South 2nd Street
PO Box 517
Alma, WI 54610
stephen.schiffli@buffalocounty.com
W (608) 685-6298
F (608) 685-6213

8. BURNETT

Roberta Sichta
Burnett County Emergency
7410 County Road K Box 127
Siren, WI 54872
bsichta@burnettcounty.org
W (715) 349-2171
F (715) 349-2180

9. CALUMET

Matthew Marmor
Calumet County Emergency
206 Court Street
Chilton, WI 53014
marmor.matthew@co.calumet.wi.us
W (920) 849-1473
F (920) 849-1472

10. CHIPPEWA

Dennis Brown
Chippewa County Emergency
32 E. Spruce Street
Chippewa Falls, WI 54729
dbrown@co.chippewa.wi.us
W (715) 726-7727
W (715) 726-7728
F (715) 723-6471

11. CLARK

Jennifer Lord-Kouraichi
Clark County Emergency
517 Court Street, Room 306
Neillsville, WI 54456
jennifer.lordkouraichi@co.clark.wi.us
W (715) 743-5100
F (715) 743-4350

12. COLUMBIA

Patrick Beghin
Columbia County Emergency
711 E. Cook Street
PO Box 132
Portage, WI 53901
patrick.beghin@co.columbia.wi.us
W (608) 742-4166
F (608) 742-0598

13. CRAWFORD

Roger Martin
Crawford County Emergency
224 N. Beaumont Road
Prairie du Chien, WI 53821
W (608) 326-0266
F (608) 326-4782

14. DANE

Kathy M. Krusiec
Dane County Emergency
115 W. Doty Street, Room 2107
Madison, WI 53703-3202
krusiec@co.dane.wi.us
W (608) 266-4330
F (608) 266-4500

15. DODGE

Joe Meagher
Dodge County Emergency
124 West Street
Juneau, WI 53039
jmeagher@co.dodge.wi.us
W (920) 386-3993
F (920) 386-3994

16. DOOR

Ann DeMeuse
Door County Emergency
319 South 18th Avenue
Sturgeon Bay, WI 54235
ademeuse@co.door.wi.us
W (920) 746-7101
F (920) 743-4917

17. DOUGLAS

Keith Kesler
Douglas County Emergency
1316 N. 14th Street, Suite 10, Rm B-1
Superior, WI 54880-1674
kkesler@douglascountywi.org
W (715) 395-1391
F (715) 395-1398

18. DUNN

Bruce Brantner
Dunn County Emergency
615 Stokke Parkway, Suite G400
Menomonie, WI 54751
bbrantner@co.dunn.wi.us
W (715) 231-2981
F (715) 232-0433

19. EAU CLAIRE

Hal Swanstrom
Eau Claire County Emergency
721 Oxford Avenue, Room 1510
Eau Claire, WI 54703
hal.swanstrom@co.eauclaire.wi.us
W (715) 839-4736
F (715) 831-5802

20. FLORENCE

David Gribble
Florence County Emergency
501 Lake Avenue
PO Box 678
Florence, WI 54121-0678
dgribble@co.florence.wi.us
W (715) 528-3346
W (800) 235-9897
F (715) 528-5350

21. FOND DU LAC

Erin Gerred
Fond du Lac County Emergency
160 S. Macy Street
Fond du Lac, WI 54935
erin.gerred@fdlco.wi.us
W (920) 929-3288
F (920) 929-2912

22. FOREST

Teresa Huettl
Forest County Emergency
200 E. Madison
Crandon, WI 54520-1414
fcem@co.forest.wi.us
W (715) 478-3430
F (715) 478-3431

23. FOREST COUNTY

Linda Thomaschefskey
Forest County Potawatomi
PO Box 340
Crandon, WI 54520
lindat@fcpotawatomi.com
W (715) 478-7209
W (715) 478-4428
F (715) 478-4713

24. GRANT

Steve R. Braun
Grant County Emergency
1000 N. Adams Street
PO Box 506
Lancaster, WI 53813-0506
gcemds@pcii.net
W (608) 723-7171
F (608) 723-5159

25. GREEN

Keith Ingwell
Green County Emergency
1016 16th Avenue
Monroe, WI 53566
ingwlk@tds.net
W (608) 328-9416
F (608) 328-9414

26. GREEN LAKE

Gary V. Podoll
Green Lake County Emergency
108 North Capron Street
PO Box 272
Berlin, WI 54923
gpodoll@dotnet.com
W (920) 361-5416
F (920) 361-5405

27. HO-CHUNK

Nicholas Flugaur
Ho-Chunk Nation
W9814 Airport Road
PO Box 667
Black River Falls, WI 54615
nflugaur@ho-chunk.com
W (715) 284-5877 x.1153
F (715) 284-1520

28. IOWA (SW)

Kenneth Palzkill
Iowa County Emergency
222 N. Iowa Street
Dodgeville, WI 53533
ken.palzkill@iowacounty.org
W (608) 935-0329
F (608) 935-3024

29. IRON

Tom Schellinger
Iron County Emergency
300 Taconite Street
Hurley, WI 54534
tschellinger@ironcountywi.org
W (715) 561-3266
F (715) 561-2822

30. JACKSON

John Ross
Jackson County Emergency
30 North 3rd Street
Black River Falls, WI 54615
john.ross@co.jackson.wi.us
W (715) 284-0263
F (715) 284-0252

31. JEFFERSON

Donna C. Haugom
Jefferson County Emergency
320 S. Main Street, Room 204
Jefferson, WI 53549
dannah@co.jefferson.wi.us
W (920) 674-7450
F (920) 674-7585

32. JUNEAU

Gervase C. Thompson
Juneau County Emergency
200 Oak Street
Mauston, WI 53948
emjuneau@co.juneau.wi.us
W (608) 847-9393
F (608) 847-9501

33. KENOSHA

Bennett Schliesman
Kenosha County Emergency
1000 55th Street
Kenosha, WI 53140-3707
bschliesman@co.kenosha.wi.us
W (262) 605-7900
F (262) 605-7905

34. KEWAUNEE

Lori Hucek
Kewaunee County Emergency
416 Fremont Street
Algoma, WI 54201
hucekl@kewauneeco.org
W (920) 487-2940
F (920) 487-2963

35. LA CROSSE

Keith Butler
La Crosse County Emergency
333 Vine Street
La Crosse, WI 54601
butler.keith@co.la-crosse.wi.us
W (608) 789-4811
F (608) 785-5741

36. LAC COURTE ORIELLES

Eric Crowe
Lac Courte Orielles Band of Lake
8527 N. Trepania Road
Hayward, WI 54843
lcofirechief@charterinternet.com
W (715) 634-9800

37. LAFAYETTE

John Reichling
Lafayette County Emergency
138 W Catherine Street
PO Box 148
Darlington, WI 53530
ffreichling@yahoo.com
W (608) 776-4870
F (608) 776-4810

38. LANGLADE

Kathleen Hovland-Frisch
Langlade County Emergency
837 Clermont Street, Room 118
Antigo, WI 54409-1948
kfrisch@co.langlade.wi.us
W (715) 627-6257
F (715) 627-6260

39. LINCOLN

Brian M. Sladek
Lincoln County Emergency
1104 E. First Street
Merrill, WI 54452-2535
bsladek@co.lincoln.wi.us
W (715) 536-6228
F (715) 539-2719

40. MANITOWOC

Nancy H. Crowley
Manitowoc County Emergency
1025 S. Ninth Street
Manitowoc, WI 54220
nancycrowley@co.manitowoc.wi.us
W (920) 683-4207
F (920) 683-4568

41. MARATHON

Jerry Boettcher
Marathon County Emergency
500 Forest Street
Wausau, WI 54403-5568
jfboettcher@mail.co.marathon.wi.us
W (715) 261-1229
W (715) 261-1228
F (715) 849-7788

42. MARINETTE

Eric J. Burmeister
Marinette County Emergency
2161 University Drive
Marinette, WI 54143
egov@marinettecounty.com
W (715) 732-7660
W (715) 732-7666
F (715) 732-7326

43. MARQUETTE

Kristine Leverich
Marquette County Emergency
77 W. Park Street
PO Box 129
Montello, WI 53949
kleverich@co.marquette.wi.us
W (608) 297-9136 ext. 225
F (608) 297-7606

44. MENOMINEE

Shelley Williams
Menominee County Emergency
PO Box 279
Keshena, WI 54135
swilliams@co.menominee.wi.us
W (715) 799-5074
W (715) 799-5070
F (715) 799-1337

45. MENOMINEE INDIAN

Gary Schuettpelz
Menominee Indian Tribe
PO Box 910
Keshena, WI 54135
gschuettpelz@mitw.org
W (715) 799-6152
F (715) 799-1322

46. MILWAUKEE

Carl W. Stenbol
Milwaukee County Emergency
821 W. State Street, Room 304
Milwaukee, WI 53233-1476
cstenbol@milwcnty.com
W (414) 278-4709
F (414) 223-1265

47. MONROE

Cynthia Engelke
Monroe County Emergency
112 S. Court Street, Room 108
Sparta, WI 54656-1765
cengelke@co.monroe.wi.us
W (608) 269-8711
F (608) 269-8985

48. OCONTO

Patrick LeBreck
Oconto County Emergency
301 Washington Street
Oconto, WI 54153-1699
pat.lebreck@co.oconto.wi.us
W (920) 834-6850
F (920) 834-6805

49. ONEIDA

Kenneth S. Kortenhof
Oneida County Emergency
2000 E. Winnebago
Rhineland, WI 54501-0400
kkortenhof@co.oneida.wi.us
W (715) 361-5191
W (715) 361-5167
F (715) 361-5223

50. ONEIDA NATION

Martin Antone
Oneida Nation Emergency
N7210 Seminary Road
PO Box 365
Oneida, WI 54155
mantone@oneidanation.org
W (920) 869-4404

51. OUTAGAMIE

Christina Peters
Outagamie County Emergency
320 S. Walnut Street
Appleton, WI 54911
peterscm@co.outagamie.wi.us
W (920) 832-5148
F (920) 832-5848

52. OZAUKEE

William Stolte
Ozaukee County Emergency
1201 S. Spring Street
PO Box 994
Port Washington, WI 53074-0994
wstolte@waukeshacounty.gov
W (262) 238-8397
F (262) 238-7749

53. PEPIN

John Egli
Pepin County Emergency
740 7th Avenue West
PO Box 39
Durand, WI 54736
pepza@co.pepin.wi.us
W (715) 672-8897
F (715) 672-8677

54. PIERCE

Gary Brown
Pierce County Emergency
414 W. Main Street
PO Box 805
Ellsworth, WI 54011
gbrown@co.pierce.wi.us
W (715) 273-6751; W (715) 273-3531
F (715) 273-4047

55. POLK

Kathy Poirier
Polk County Emergency
1005 W. Main Street, Suite 900
Balsam Lake, WI 54810
kathyp@co.polk.wi.us
W (715) 485-9280
F (715) 485-8315

56. PORTAGE

Sandra Curtis
Portage County Emergency
1500 Strongs Avenue
Stevens Point, WI 54481
curtiss@co.portage.wi.us
W (715) 346-1398
W (715) 346-1400 Sheriff
F (715) 343-6232

57. PRICE

Jeffrey Hein
Price County Emergency
126 Cherry Street
Phillips, WI 54555
jeff.hein@co.price.wi.us
W (715) 339-5239
F (715) 339-3057

58. RACINE

David L. Maack
Racine County Emergency
717 Wisconsin Avenue
Racine, WI 53403
david.maack@goracine.org
W (262) 636-3515
F (262) 636-3505

59. RICHLAND

Darin Gudgeon
Richland County Emergency
181 W. Seminary Street
PO Box 251
Richland Center, WI 53581
gudgeond@co.richland.wi.us
W (608) 647-8187
F (608) 647-7151

60. ROCK

Shirley Connors
Rock County Emergency
PO Box 351
Janesville, WI 53547-0351
connors@co.rock.wi.us
W (608) 758-8440
F (608) 758-8401

61. RUSK

James B. Turner
Rusk County Emergency
311 Miner Avenue East
Ladysmith, WI 54848
jbt258@yahoo.com
W (715) 532-2121
F (715) 532-2248

62. SAINT CROIX

Jack Colvard
Saint Croix County Emergency
1101 Carmichael Road
Hudson, WI 54016
emergov1@co.saint-croix.wi.us
W (715) 386-4718
W (715) 386-4719
F (715) 386-4720

63. SAUK

Jeff Jelinek
Sauk County Emergency
510 Broadway Street
Baraboo, WI 53913
jjelinek@co.sauk.wi.us
W (608) 355-3200
F (608) 355-3299

64. SAWYER

Brian Cody
Sawyer County Emergency
10676 Nyman Avenue
PO Box 168
Hayward, WI 54843
emerg.govt@sawyercountygov.org
W (715) 634-2004
F (715) 634-6862

65. SHAWANO

Steven Haskell
Shawano County Emergency
311 N. Main Street
Shawano, WI 54166-2198
emmsteve@co.shawano.wi.us
W (715) 526-6774
W (715) 526-3111 dispatch
F (715) 524-5181

66. SHEBOYGAN

Steve Steinhardt
Sheboygan County Emergency
525 N. 6th Street
Sheboygan, WI 53081
steinscs@co.sheboygan.wi.us
W (920) 459-3360
F (920) 459-4305

67. SOKAOGON

Arlyn Ackley
Sokaogon Mole Lake Chippewa
3051 Sand Lake Road
Crandon, WI 54520
sccchair@newnorth.com
W (715) 478-7560

68. ST CROIX CHIPPEWA

Carol Buck
St. Croix Chippewa Indians
24663 Angeline Avenue
Webster, WI 54893
carolb@stcroixtribalcenter.com
W (715) 349-8638 7002
F (715) 349-8462

69. STOCKBRIDGE MUNSEE

Mike Micik
Stockbridge-Munsee Band
N8476 Moh He Con Nuck Road
PO Box 70
Bowler, WI 54416
mike.micik@mohican-nsn.gov
W (715) 793-4809

70. TAYLOR

Bill Breneman
Taylor County Emergency
224 S. 2nd Street
Medford, WI 54451
bill.breneman@co.taylor.wi.us
W (715) 748-2200 ext. 248
W (715) 748-3503
F (715) 748-3813

71. TREMPEALEAU

Lt. Brian Puent
Trempealeau County Emergency
36245 Main Street
PO Box 67
Whitehall, WI 54773
bpuent@trempeleaucounty.com
W (715) 538-2311 367
F (715) 538-4776

72. VERNON

Cindy Ackerman
Vernon County Emergency
E7410 County Road BB, Suite 5
Viroqua, WI 54665
cackerman@vernoncounty.org
W (608) 637-5267
F (608) 637-5502

73. VILAS

James P. Galloway
Vilas County Emergency
330 Court Street
Eagle River, WI 54521
jagall@co.vilas.wi.us
W (715) 479-3690
F (715) 479-6039

74. WALWORTH

Kevin Williams
Walworth County Emergency
1770 County Road NN
PO Box 1004
Elkhorn, WI 53121
kwilliam@co.walworth.wi.us
W (262) 741-4616
F (262) 741-4645

75. WASHBURN

Tim Wallace
Washburn County Emergency
10 Fourth Avenue
PO Box 429
Shell Lake, WI 54871
twallace@co.washburn.wi.us
W (715) 468-4730
F (715) 468-4715

76. WASHINGTON

Robert E. Schmid
Washington County Emergency
PO Box 1986
500 Schmidt Road
West Bend, WI 53095
rob.schmid@co.washington.wi.us
W (262) 335-4399
F (262) 335-4796

77. WAUKESHA

William Stolte
Waukesha County Emergency
1621 Woodburn Road
Waukesha, WI 53188
wstolte@waukeshacounty.gov
W (262) 548-7580
W (262) 446-5070
F (262) 548-7313

78. WAUPACA

Andrew Carlin
Waupaca County Emergency
1402 E. Royalton Street
Waupaca, WI 54981
acarli@co.waupaca.wi.us
W (715) 258-4464
F (715) 258-4474

79. WAUSHARA

Lynn Boening
Waushara County Emergency
430 E. Division Street
Wautoma, WI 54982-0341
lynnb.sheriff@co.waushara.wi.us
W (920) 787-6571
F (920) 787-7685

80. WINNEBAGO

Linda Kollmann
Winnebago County Emergency
4311 Jackson Street
Oshkosh, WI 54901
lkollmann@co.winnebago.wi.us
W (920) 236-7463
F (920) 303-3175

81. WOOD

Steve R. Kreuser
Wood County Emergency
400 Market Street
PO Box 8095
Wisconsin Rapids, WI 54495
skreuser@co.wood.wi.us
W (715) 421-8500
F (715) 421-8726

P. COURT CONTACTS AND COURT SCHEDULING ISSUES

If there has been a disaster in your area, the courts may be closed or have hours that are different than the regular schedule. *If you have a court hearing, you should always assume that the hearing is still on the schedule.* If you believe that the court may be closed or want to know if a court date was postponed or can be postponed because of problems you have suffered because of a disaster, contact the clerk of court for the court to which you are going. Most court contact information can be found in a telephone book, on your court papers, or by calling United Way at 211. If you are represented by a lawyer, you should also contact your lawyer.

The following is a list of clerks of circuit court only. This does not include municipal or federal court clerks.

CLERKS OF CIRCUIT COURT

ADAMS: (608) 339-4208

DOUGLAS: (715) 395-1469

ASHLAND: (715) 682-7016

DUNN: (715) 232-2611

BARRON: (715) 537-6265

EAU CLAIRE: (715) 839-4816

BAYFIELD: (715) 373-6108

FLORENCE: (715) 528-3205

BROWN: (920) 448-4155

FOND DU LAC: (920) 929-3040

BUFFALO: (608) 685-6212

FOREST: (715) 478-3323

BURNETT: (715) 349-2147

GRANT: (608) 723-2752

CALUMET: (920) 849-1414

GREEN: (608) 328-9433

CHIPPEWA: (715) 726-7758

GREEN LAKE: (920) 294-4145

CLARK: (715) 743-5181

IOWA: (608) 935-0395

COLUMBIA: (608) 742-9642

IRON: (715) 561-4084

CRAWFORD: (608) 326-0209

JACKSON: (715) 284-0208

DANE: (608) 266-4311

JEFFERSON: (920) 674-7150

DODGE: (920) 386-3570

JUNEAU: (608) 847-9356

DOOR: (920) 746-2205

KENOSHA: (262) 653-2664

KEWAUNEE: (920) 388-7144
LA CROSSE: (608) 785-9590
LAFAYETTE: (608) 776-4832
LANGLADE: (715) 627-6215
LINCOLN: (715) 536-0319
MANITOWOC: (920) 683-4030
MARATHON: (715) 261-1300
MARINETTE: (715) 732-7450
MARQUETTE: (608) 297-9136
MENOMINEE: (715) 799-3313
MILWAUKEE: (414) 278-5362
MONROE: (608) 269-8745
OCONTO: (920) 834-6857
ONEIDA: (715) 369-6120
OUTAGAMIE: (920) 832-5131
OZAUKEE: (262) 284-8409
PEPIN: (715) 672-8861
PIERCE: (715) 273-3531
POLK: (715) 485-9299
PORTAGE: (715) 346-1364
PRICE: (715) 339-2353
RACINE: (262) 636-3333
RICHLAND: (608) 647-3956
ROCK: (608) 743-2200
RUSK: (715) 532-2108
SAUK: (608) 355-3287
SAWYER: (715) 634-4887
SHAWANO: (715) 526-9347
SHEBOYGAN: (920) 459-3068
ST. CROIX: (715) 386-4630
TAYLOR: (715) 748-1428
TREMPEALEAU: (715) 538-2311
VERNON: (608) 637-5340
VILAS: (715) 479-3636
WALWORTH: (262) 741-7012
WASHBURN: (715) 468-4677
WASHINGTON: (262) 335-4341
WAUKESHA: (262) 896-8525
WAUPACA: (715) 258-6460
WAUSHARA: (920) 787-0441
WINNEBAGO: (920) 236-4848
WOOD: (715) 421-8490