



# HANDBOOK

For Victims of Superstorm Sandy

Prepared by  
McCarter & English, LLP  
Four Gateway Center  
100 Mulberry Street  
Newark, NJ 07102

For distribution by the

New Jersey State Bar Association and Volunteer Lawyers for Justice.

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## I. INTRODUCTION.

Far too many New Jersey residents experienced the destruction caused by Superstorm Sandy and its aftermath. This Handbook, prepared by the law firm of McCarter & English, LLP as a service to the New Jersey Bar Association and Volunteer Lawyers for Justice, is intended as a reference guide to those affected by the Superstorm. The victims of Sandy face a wide variety of legal issues, and this Handbook attempts to survey those issues that arise most often. Although the Handbook cannot explore all issues completely or touch on every point that may arise, we have made considerable efforts to determine what issues are most relevant to the victims of the Superstorm and its aftermath. Please note that this Handbook is current as of November 19, 2012, but by the time you read this material, the federal, state and county governments may have adopted additional measures to assist victims of Sandy.

Every effort has been made to set forth the complex issues in an easy-to-read format for the benefit of laypersons and lawyers alike. However, this Handbook cannot answer all of the questions you undoubtedly have in the wake of the Superstorm. Rather, it is intended to identify the issues that many victims will need to consider, and to point you in the right direction. Much of the information presented in the Handbook is general, and you may well need to contact federal, state, city or county officials, local aid organizations, or even seek legal representation in order to obtain more specific information about your individual concerns.

**Disclaimer:** McCarter & English, LLP makes available this Handbook for general purposes only. It was compiled from numerous sources. Although the authors intend the information contained herein to be helpful, we cannot warrant that it is accurate or complete, particularly since circumstances may change after this Handbook is disseminated. Also, the Handbook is intended to be general in nature, and does not provide information applicable to any individual's unique factual or legal situation. It is thus important to note that this Handbook does not constitute legal advice and should not be relied upon as legal advice.

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## II. EMERGENCY ASSISTANCE.

### A. Shelters And Services.

- **The American Red Cross** operates shelters to help victims of Superstorm Sandy. Emergency food, clothing, and emotional support is also made available, as well as services to locate a lost loved one and special services for military families. To locate the nearest shelter, visit <http://app.redcross.org/nss-app>, or call 1-800-RED-CROSS (733-2767), or text Shelter and your zip code to 43362 (4FEMA) (e.g., "Shelter 07946).
- **NJ Helps** is a free and easy guide to help you identify programs and assistance for which you and your family may be eligible. To begin the screening process visit <http://www.mynjhelps.com/>.

### B. FEMA Housing Portal For Temporary Housing.

- The FEMA Housing Portal helps those who have been displaced by a disaster to find a rental unit in your area. The Portal is available at <http://asd.fema.gov/inter/hportal/home.htm>.

**C. Food Banks.**

- The Community Food Bank of New Jersey is distributing food to those displaced by Sandy. Call (908) 355-3663 for information. To find a local food bank, visit [www.njfoodbank.org/find-help](http://www.njfoodbank.org/find-help).

**III. LEGAL ASSISTANCE**

- For legal assistance with issues related to Superstorm Sandy, contact:
  - The New Jersey Bar Association hotline: 1-888-541-1900.
  - Legal Services of New Jersey: 1-888-576-5529, or visit [www.lsnjlaw.org](http://www.lsnjlaw.org).

**IV. REPLACING LOST INCOME.**

**A. Disaster Unemployment Insurance (DUA)**

**1. What is DUA?**

- DUA is a federal program that provides payments to people in federally declared disaster areas who have lost work or income as a direct result of the disaster.
- If you can collect regular unemployment benefits, you cannot collect DUA.

**2. What is the Deadline to Apply?**

- February 4, 2013.

**3. Am I Eligible?**

- You are eligible if: (a) you are out of work or suffered a loss of income as a “direct result” of a Superstorm Sandy, (b) you do not qualify for regular unemployment insurance, and (c) you are ready, willing, and able to work.
- You may qualify even if you do not qualify for regular unemployment insurance.
- Examples of qualifying circumstances include:
  - (a) You were injured in the storm and are unable to work, whether you are an employee or self-employed; (b) your workplace (including a farm) was damaged, destroyed, or you cannot get there because of the storm; (c) your transportation to work is unavailable because of the storm; (d) you cannot reach your job because doing so would require travel through the affected area; (e) you were about to begin work, but could not do so because of the storm; (f) most of your income comes from areas affected by the storm, whether you are an employee or self-employed, and your business or farm income is down as a result of the storm; (g) businesses may qualify if the level of income is significantly diminished as a direct result of the storm; (h) farmers who are involved in more than one type of farming may be eligible for partial payments.

**4. What benefits are provided?**

- DUA benefits are paid weekly or bi-weekly, equaling the same weekly benefits that you would have been entitled to had you qualified for regular unemployment insurance (UI)
- DUA benefits cannot be less than one-half of the average weekly UI benefits; the minimum benefit is \$197/week and the maximum is \$611/week.
- Benefits for part-time workers are pro-rated based on the hours worked as a percent of a 40-hour work week.
- Benefits are reduced by other wage-loss compensation, including private insurance, Supplemental Unemployment Benefits, worker’s compensation, and a pro-rated amount of a retirement pension or annuity.
- The maximum payment period is 26 weeks. But, benefits cannot extend beyond the period when the disaster officially ends, which is six months from the date the federal disaster was declared (October 30, 2012).
- Benefits cease when the recipient returns to work or self-employment or beyond the period when the individual’s unemployment is no longer directly related to the disaster.
- For more information, visit <http://lwd.dol.state.nj.us/labor/ui/aftrfile/dua.html> and <http://lwd.dol.state.nj.us/labor/lwdhome/content/SandyHelpCenter.html>

## 5. How do I apply?

- You must first file a regular unemployment insurance claim. Make clear that you lost income as a result of Sandy. To do so visit <http://www.njuifile.net/>. Internet claims are processed faster, but you can call the New Jersey Department of Labor & Workforce Development:
  - North Jersey: 201-601-4100; Central Jersey: 732-761-2020; South Jersey: 856-507-2340; Out of State: 888-795-6672
- Before applying for DUA, call FEMA at 1-800-621-FEMA for a registration number.
- The DUA application is available at <http://lwd.dol.state.nj.us/labor/ui/aftrfile/dua.html> (click on “DUA Application Packet”).
- Income Verification: You must provide proof of employment and earnings within 21 days of filing the application. If you are self-employed, copies of tax returns must be submitted as proof of earnings.
  - If such documentation is unavailable, a sworn statement including other forms of verification can be submitted and interim DUA payments made while documentation is gathered. Failure to submit documentation may result in payments that can later be recovered by the State. If the necessary documents were lost in the storm, notify the DUA specialist you deal with about that issue.

## 6. What do I need to do after I apply?

- If you are found eligible for DUA, you must actively seek work and accept suitable work offered to you, unless you were injured in the storm and are thus unable to work.
- You must also certify that for every week you collect DUA, your unemployment continues to be the direct result of the storm. You should certify in this way every week, even if you have not yet received DUA payments.

## V. DISASTER ASSISTANCE

- FEMA provides money and services to people in the disaster area when losses are not covered by insurance and property has been damaged as a direct result of the disaster.

### A. FEMA Sites.

- FEMA operates “Disaster Recovery Centers” (DRCs) throughout the state to assist individuals, households and businesses affected by Superstorm Sandy. Locations of DRCs can be found here: <http://www.fema.gov/disaster-recovery-centers>.
- When a disaster victim visits a DRC, he or she will be greeted by a FEMA employee who will ensure he or she is registered with FEMA before speaking to organizations on site at the DRC.
- At the DRC, visitors can: receive information about different types of disaster assistance and help in applying for assistance.

### B. FEMA “Individual And Households” Grant Program.

- The Individuals and Households Grants Program offers two forms of assistance for individuals and families who experienced property damage in the storm that is not covered by insurance. Visit [http://www.fema.gov/pdf/assistance/process/help\\_after\\_disaster\\_english.pdf](http://www.fema.gov/pdf/assistance/process/help_after_disaster_english.pdf) for more information.

#### 1. What is “Housing Needs” Assistance?

- Temporary Assistance: Financial assistance may be available for those who rented or owned, in order to rent a place to live or a government provided housing unit when rental properties are not available.
  - Generally, emergency rental assistance is available without a prior inspection of the property for two months, and may be extended based on a review of the application and inspection. The maximum duration of assistance is 20 months.
  - Amount of assistance varies based on geographic location and size of the rental.

- **Repair**: Financial assistance may be available to homeowners to repair damage to their primary residence caused by the disaster that is not covered by insurance. The goal is to make the home safe, sanitary and functional (*e.g.*, payment for a downed tree on the property that does not affect the safety of the house would not be covered).
  - If home repairs will exceed your FEMA grant allocation, you can apply for a Small Business Administration (SBA) loan– as describe below.
- **Replacement**: Financial assistance may be available to homeowners to replace their home destroyed in the disaster that is not covered by insurance.
- **Permanent or Semi-Permanent Housing Construction**: Direct assistance or money for the construction of a home. This type of assistance is provided only in insular areas, specified by FEMA, where no other type of housing assistance is possible.
- **Eligibility**: You must show that:
  - You have losses in an area that has been declared a disaster by the President;
  - You filed for insurance benefits and the damage to your property is not covered or your insurance settlement is insufficient to cover your losses;
  - You or someone who lives with you is a U.S. citizen, a non-citizen national, or a qualified alien;
  - You have a valid Social Security Number;
  - The home at issue is in the declared disaster area, and is where you usually live and where you were living at the time of the disaster; and
  - You are not able to live in your home now, you cannot get to your home due to the disaster, or your home requires repairs due to damage caused by the disaster.
- **Ineligibility**: You may not be eligible for “Housing Needs” assistance if:
  - You have other, adequate rent-free housing that you can use (*i.e.*, rental property that is not occupied);
  - The home at issue is a secondary or vacation residence;
  - Your expenses resulted only from leaving your home as a precaution and you were able to return to your home immediately after the incident;
  - You refused assistance from your insurance provider(s);
  - Your only losses are business losses (including farm business other than the farmhouse and self-employment) or items not covered by this program;
  - The home is located in a designated flood hazard area and your community is not participating in the National Flood Insurance Program. In this case, the flood damage would not be covered, but you may qualify for rental assistance and/or items not covered by flood insurance.

## 2. What is “Other Than Housing Needs” Assistance?

- Money may be available for necessary expenses and serious needs caused by the disaster:
  - Disaster-related expenses, including: medical and dental expenses; funeral and burial expenses; moving and storage expenses (to avoid additional damage to property while disaster-related repairs are being made to the home).
  - Clothing; household items (room furnishings, appliances); tools required for your job (specialized or protective clothing and equipment); necessary educational materials (computers, school books, supplies); Cleanup items (wet/dry vacuum, dehumidifier);
  - Fuels for primary heat source (heating oil, gas);
  - Disaster-related damage to a vehicle; and
  - Other necessary expenses or serious needs as determined by FEMA, or expenses that are authorized by law.
- **Eligibility**: You must show that:
  - You have losses in an area declared a disaster area by the President;
  - You have filed for insurance benefits and the damage to your property is not covered or your settlement will not cover your losses;
  - You or someone who lives with you is a U.S. citizen, a non-citizen national, or a qualified alien;
  - You have necessary expenses or serious needs because of the disaster; and

- You have not accepted assistance from other sources for which you are eligible, such as insurance proceeds or Small Business Administration disaster loans.

**3. How Do I Apply for These Forms of Relief?**

Apply online at [DisasterAssistance.gov](https://www.disasterassistance.gov), via a smartphone at [m.fema.gov](https://m.fema.gov); or by calling 1-800-621-3362, or TTY 1-800-462-7585.

**4. What Information Do I Need to Provide When Applying?**

- Your social security number. If you do not have one, your household still may be eligible for assistance if there is a minor child in the household who is a U.S. citizen, non-citizen national, or qualified alien with a social security number.
- Current and pre-disaster address and telephone number where you can be reached;
- Insurance information;
- Total household income;
- Routing and account number from your bank (only if you want to have disaster assistance transferred directly to your account); and
- A description of your losses that were caused by the disaster.

**C. What Happens After I Apply For Assistance?**

- You will receive a FEMA application number – write it down and keep it for future reference.
- FEMA will also mail you: (1) a copy of your application; and (2) a guide after you apply for relief which will provide you with additional information about the aid.
- It is recommended that you create an account online so you can check the status of your application and also keep FEMA updated on any changes in your contact information.
- Keep a log of all calls made to FEMA, including the badge number of the customer service representative and a brief description of the outcome of the call.
- After you complete your application, you should send FEMA the information the agency will subsequently request. Documentation that you should send to FEMA includes the following:
  - Documentation indicating that you do not have insurance coverage for the damages incurred OR documentation indicating that your insurance will not cover the claim OR documentation of the final loss paid.
  - Receipts for medical expenses, dental expenses, storage costs, *etc.*
  - If you had to secure alternative housing, a copy of the lease (a written lease is required) and documentation of rent paid.
- All documentation and correspondence sent to FEMA should include on every page the applicant's full name, FEMA registration number, disaster number, date and place of birth, damaged dwelling address, and current address.
- Documentation can be sent:
  - Fax to: 1-800-827-8112, Attn: FEMA; or
  - Mail to: FEMA, National Processing Service Center, P.O. Box 10055, Hyattsville, MD 20782-7055.
- FEMA will usually respond in no more than 30 days. Possible responses are: (1) a call from an inspector for a home inspection; (2) a denial notice; (3) a grant notice; or (4) a request for additional information.
- Home inspection: A FEMA inspection is required for a property loss claim; generally within 10 to 15 days of the application. Requirements include:
  - You (the applicant) or person at least 18 years of age who lived in the household must be present.
  - You must provide (a) proof of ownership (for homeowners) or of occupancy (for tenants); (b) picture identification and (c) sign a form authorizing FEMA to verify that the information you provided is correct.

**D. What Can I Spend the Funds On?**

- If you receive Housing Needs Assistance, then you can spend the money on the following:
  - (a) Temporary housing; (b) Repairing damage to your primary residence that wasn't covered by insurance in order to make your house safe, sanitary, and functional; (c) Replacement of your home if it was destroyed; and (d) Permanent or semi-permanent housing construction
  - If you receive "Other than Housing Needs Assistance," then you can spend the money on necessary expenses and serious needs caused by the disaster, including the items listed under Section V.B.2, directly above.

**E. How Do I Obtain Additional Months Of Rental Assistance Beyond What FEMA Granted?**

- FEMA usually grants between one and three months of rental assistance at a time. Because FEMA expects all recipients to obtain and occupy permanent housing at the earliest possible time, a person applying for continued assistance must provide documentation showing that he or she is making efforts to obtain permanent housing at each recertification.
- If you were a tenant before Sandy, keep records showing that alternative housing that is appropriate in size and cost was unavailable or that a good faith search did not generate a lease. Include a log of your apartment search, including each address and telephone number called, whether you viewed the apartment, and the reason you did not lease each unit.
- If you were a homeowner before the disaster and are working on home repairs, keep records showing that you expect repairs to take an additional specified number of months.
- If you are applying for additional months of rental assistance, you must submit rent receipts showing that you have exhausted FEMA rent funds received and provide documentation of continuing need. FEMA demands a written lease, so insist on obtaining one from your landlord. FEMA is most likely to cover rent payments only, not utilities, so try to secure an apartment that include utilities in the monthly rental charge.
- With each FEMA notice of rental assistance, you will receive a recertification form. Applicants for continuing assistance must submit that form with supporting documentation within 90 days of receiving the notice. Failure to do so may result in the loss of assistance.

**F. What If Circumstances Prevented Me From Applying Before The Registration Filing Deadline?**

- You may attempt a late registration within 60 days after the filing deadline, which is December 31, 2012. 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. It is fairly difficult to obtain approval for a late application.

**G. What If My Information Changed After I Applied?**

- If any of your application information has changed, you may either update the information on your online account, or call the FEMA Helpline at 1-800-621-3362 or TTY 1-800-462-7585 (for people with speech or hearing disabilities).

**H. Can I get FEMA Assistance If My Vacation/Second Home Was Damaged?**

- Damages to a secondary or vacation home are not compensable. However, if you own a secondary home that is rented or occupied by a family member, you may be eligible for assistance from the U.S. Small Business Administration (SBA). See Section V.K of this manual for more information on SBA assistance.

**I. FEMA Denials: What If My Application Is Denied In Full Or Part?**

- Denial letters will include a coded reason for the denial. For more information on the code used in your letter, visit <http://www.fema.gov/why-am-i-not-eligible-assistance>. Reasons include: (a) Lack of a necessary signature; (b) another member of the household is already receiving assistance; (c) insurance coverage is sufficient; (d) noncompliance with flood insurance requirements; or (e) insufficient damage.

- You may appeal a denial of benefits, the amount, or other adverse actions by FEMA. To do so, submit an appeal as soon as possible; the appeal must be postmarked no later than 60 days from the date of the denial letter.
  - Two levels of administrative appeals, then possible action in federal court.
  - FEMA will consider three appeals, and then close the case.
- All appeals must be submitted in writing by the applicant (best) or authorized representative (who can help write the appeal even if the applicant is signing it).
- Include a statement explaining why decision is not correct, providing as much documentation as possible to support your claim (*i.e.*, contractor's estimate for repairs, pictures, receipts for expenditures, insurance correspondence). It is a good idea to have the statement notarized.
- Label all pages with your name, the disaster number, your registration number, you pre- and post-disaster addresses, your telephone number, and your place of birth.
- Appeals can be sent by fax to: FEMA – Appeals Officer, 1-800-827-8112. Alternatively, they can be mailed to: FEMA – Appeals Officer, National Processing Service Center, P.O. Box 10055, Hyattsville, MD 20782-8055.
- FEMA will resolve the first level appeal in no more than 60 days.

**J. FEMA Can Recoup Payments.**

- FEMA can seek to recover or recoup payments if: (a) funds should not have been granted; (b) funds were used for an unauthorized purpose; (c) funds were intended as a bridge until other proceeds are available (*i.e.*, while waiting for insurance proceeds).
- Victims have been able to apply for a “hardship waiver” of recoupment after past disasters, but this program has not been amended to include Sandy victims.

**K. Small Business Administration (SBA Loans) For Individuals And Small Businesses.**

**1. What is the SBA Loan Program?**

- SBA provides low interest disaster loans to homeowners, renters, businesses and private, nonprofit organizations to repair or replace real estate, personal property, machinery, and equipment, inventory and business assets damaged or destroyed in a disaster declared by the President.
- Personal Property: Renters and homeowners may borrow up to \$40,000 in personal property loans to repair or replace possessions damaged or destroyed in the disaster, including furniture, cars, appliance, and clothing.
- Homeowner Loans: Real property loans of up to \$200,000 are available to repair or restore a primary residence to pre-disaster state. Insurance payments will be deducted from the total damage to determine the loan amount.
  - Loans may not be used for “improvements” on the home unless required by local building authority/building code.
  - Loans can be increased by up to 20% of the total amount of the damage to real estate for improvements that lessen the risk of damage by future disaster.
  - Primary homes only; not available for vacation homes.
- Business Loans: Available to non-farm businesses, and some private nonprofit organizations; maximum amount is \$2 million.
  - To be used for replacement/restoration of damaged property to the pre-disaster state. Qualifying property includes real property, equipment, fixtures, inventory, and leasehold improvements made prior to the disaster.
- For applicants who cannot obtain a loan elsewhere, the rate will not exceed 4%, and 8% for those who can obtain a loan elsewhere.
- Repayment terms are long-term, in many cases up to 30 years.
- The SBA disaster relief program is not an immediate emergency relief program; it is loan program to help in your long-term rebuilding and repair efforts.

**2. How Do I Apply for an SBA Loan?**

- First, register with FEMA to obtain a FEMA Registration Number by calling 1-800-621-3362, or (TTY) 1-800-462-7585 for those with speech or hearing disabilities.

- Call the SBA Customer Service Center to obtain a loan application: 1-800-659-2955; or (TTY) 1-800-877-8339 for people with speech or hearing disabilities. You can also email the SBA at [disastercustomerservice@sba.gov](mailto:disastercustomerservice@sba.gov). Finally, you can also apply in person at any FEMA Disaster Recovery Center and receive personal, one-on-one help from an SBA representative. To find a location, please contact SBA's Customer Service Center. Call 1-800-659-2955 (TTY: 1-800-877-8339) or e-mail [disastercustomerservice@sba.gov](mailto:disastercustomerservice@sba.gov).
- You will need the following information when you apply:
  - (a) Contact information; (b) Identity information (social security numbers / FEMA registration number); (c) Deed or lease information, if available;
  - (d) Insurance information, if applicable: name, address, and policy number;
  - (e) Financial information (income, creditors' names, payments, balances).
- For more information, visit [www.sba.gov/content/fact-sheet-homeowners-and-renters](http://www.sba.gov/content/fact-sheet-homeowners-and-renters).

### **3. How can I appeal an unfavorable SBA Loan decision?**

- Denials may be based on problems with credit history, or an inability to repay.
- Appeals go to the Office of Hearings and Appeals (OHA). Visit <http://www.sba.gov/oha> for more information.
- File your appeal, which is called a "request for reconsideration" by email, fax, mail, or delivery.
- Appeals must be submitted six months of the date of the denial letter.
- If filing by email, send the appeal to [ohafilings@sba.gov](mailto:ohafilings@sba.gov). Send any communication as an attached document. Note that some filings emailed to OHA have not been successfully transmitted due to the size or content of the email. The sender is responsible for ensuring transmission. Call 202-401-8200 to confirm receipt.
- If filing by fax, OHA's fax number is (202) 205-7059. If filing by mail or delivery, send or drop off the appeal to:
 

Docketing Clerk, Office of Hearings and Appeals, Small Business Administration, 8th Floor, 409 Third Street SW, Washington DC 20416.
- The second level appeal must be filed within 30 days of the decision on the request for reconsideration.

### **4. What Happens If I Misuse My SBA Loan Proceeds?**

- Misuse can result in SBA seeking to recover 1 ½ times the amount of the loan, and possible criminal penalties. If you receive a notice of misuse of funds, you must submit contrary evidence within 30 days of the date of the notice.

### **L. What If I Believe That Assistance I Am Offered Is Part A Scam?**

- Immediately contact the appropriate authorities.  
See <http://www.irs.gov/uac/Beware-of-Hurricane-Sandy-Scams> and <http://www.nj.com/business/index.ssf/2012/11/bamboozled-be-an-educated-post.html>

## **VI. FAMILY / MEDICAL ISSUES.**

### **A. Medical Care.**

- 1. For information about Medicare, Medicaid, or NJ FamilyCare, see Section XI.K.**
- 2. For information on the Emergency Prescription Drug Program, see Section XI.J.**
- 3. My child is living with a relative. Will my child be able to get medical care if I cannot be reached by telephone?**
  - You can sign an authorization that would permit the person taking care of your child to consent to medical treatment for your child.



4. **I have a child in my home who was placed by the Department of Social Services. What will happen during an emergency if the child requires medical care?**
    - You should contact the Agency that placed the child in your home for specific instructions as to how the child is to receive medical care during an emergency.
  5. **Are there medical concerns related to the flooding of my home?**
    - Maybe. Consult U.S. Consumer Product Safety Commission's "Safety Tips for Flood Victims," available at [www.cpsc.gov/cpscpub/pubs/fema/flood.html](http://www.cpsc.gov/cpscpub/pubs/fema/flood.html).
- B. Individuals With Disabilities.**
1. **Whom can I call for assistance with relocating a disabled relative?**
    - Call the New Jersey Department of Human Services at 888-285-3036; or visit <http://www.state.nj.us/humanservices/dds/home/>.
- C. Mental Health Issues.**
1. **Where can I go for counseling (grieving, stress, or mental health problems) caused or aggravated by the disaster or its aftermath.**
    - There are resources available to those experiencing emotional distress related to Sandy. The New Jersey Division of Mental Health Services-Disaster and Terrorism Branch in partnership with the Mental Health Association in New Jersey provide a toll-free counseling helpline. Call 1-877-294-HELP (4357), or TTY 877-294-4356. Visit <http://www.state.nj.us/humanservices/dmhs/disaster/> for more information.
  2. **Is it possible to do something about violence in our home?**
    - A natural disaster causes a great deal of stress, which can sometimes lead to increased tension and violence in family units. Domestic violence is a crime. If you are the victim of domestic violence, you should immediately call 911 for assistance. For information about available resources, contact the New Jersey Coalition for Battered Women, at 609-584-8107 or 1-800-572-7233, or visit [www.njcbw.org](http://www.njcbw.org).
- D. Substance Abuse.**
1. **Where can you turn if you are in need of counseling for substance abuse caused or aggravated by the disaster or its aftermath?**
    - The New Jersey Division of Addiction Services supports the recovery of individuals affected by addiction. Contact Addiction Services by phone at 609-292-5760.
- E. Custody, Support and Parenting Time.<sup>1</sup>**
1. **I am no longer living in my house where my alimony and/or child support checks are being sent by the Probation Department. What should I do?**
    - Contact the Probation office for the county where the Judgment of Divorce or support order was entered (see Appendix 1), and request to have your payments forwarded to your new address. You may need to complete a form entitled "Confidential Litigant Information Sheet" which can be found at [http://www.judiciary.state.nj.us/forms/10486\\_conf\\_lit\\_info\\_sheet.pdf](http://www.judiciary.state.nj.us/forms/10486_conf_lit_info_sheet.pdf).
  2. **Can support payments be made via direct deposit rather than mailed to my home?**
    - You may receive alimony and child support paid through Probation via direct deposit. Contact the Probation Department for the county where the Judgment of Divorce or support order was entered and request the forms. (See Appendix 1).

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<sup>1</sup> This section refers repeatedly to situations in which an individual may need to file a motion in court on a pro se basis, *i.e.*, without an attorney. The forms needed are available at <http://www.judiciary.state.nj.us/prose/index.htm>.

3. **I have temporarily relocated to a new county. Do I need to change my county Probation office in connection with collecting my support payments?**
  - No, but you should contact the Probation office for the county where your support is being collected (see Appendix 1), and provide your new contact information. You may need to complete a “Confidential Litigant Information Sheet,” which can be found at [http://www.judiciary.state.nj.us/forms/10486\\_conf\\_lit\\_info\\_sheet.pdf](http://www.judiciary.state.nj.us/forms/10486_conf_lit_info_sheet.pdf).
4. **I stopped receiving my support check after Superstorm Sandy. What do I do?**
  - You received support from the payor: Contact your former spouse/other parent of your child to try to work out a resolution, documenting any agreement (signed by both of you, preferably in front of a notary). Otherwise, you may have to go to court. You can hire an attorney, or you can handle the matter yourself (pro se). If you decide to proceed pro se, contact the Family Part Manager for the county where the Judgment of Divorce or support order was entered (see Appendix 2) and request information regarding filing a motion pro se. The forms can be obtained at the Courthouse or found online at <http://www.judiciary.state.nj.us/prose/index.htm>.
  - You received support payments through the Probation office: Contact the Probation officer handling your case.
5. **I pay support through the Probation Department and have had to move from the county where I used to live because of Superstorm Sandy. What do I need to do?**
  - Your support obligation will still be paid through the Probation office of the county where your Judgment of Divorce or support order was entered. Notify that Probation office (see Appendix 1), and the person to whom you owe support of your new contact information.
6. **I cannot pay my court-ordered support because I have lost my job because of Superstorm Sandy or because I am self-employed and the storm has impacted my business. Can I get my support obligation reduced, suspended or terminated?**
  - First, contact the Probation office and let them know of your inability to pay (see Appendix 1). Next, try to work it out with the person to whom support is owed. Your agreement should specifically state the terms of your arrangement, be in writing and signed by both of you, preferably in front of a notary.
  - If you are cannot reach an agreement, you will need to petition the court in the county where the Judgment of Divorce or support order was entered. You may hire an attorney, or file on your own (pro se). If you proceed pro se, contact the Family Part Manager for the county where the Judgment of Divorce or support order was entered (see Appendix 2) and request information regarding filing a motion pro se.
7. **My home is currently uninhabitable. My child’s other parent and I have agreed that our child will temporarily reside with him/her until my home is once again habitable or I have located a new residence. What do I need to do?**
  - Any agreement reached must specifically state the terms of your arrangement including that the change in custody is temporary, be in writing and signed by both of you, preferably in front of a notary.
  - If you were receiving child support: explore an agreement reducing or suspending support for the time while your child is residing with the other parent. Any agreement reached must specifically state the terms of your arrangement including that the change in custody is temporary, be in writing and signed by both of you, preferably in front of a notary. If support is paid through the Probation Department, provide a copy of this written agreement to them. You may also need to petition the Court for an order formalizing your arrangement and directing Probation to abide by the terms of the agreement. Contact the Family Part Manager (see Appendix 2) to file such a motion pro se, or consult an attorney.

8. **My home is currently uninhabitable. My child's other parent and I have agreed that our child will temporarily reside with him/her until my home is habitable or I locate a new residence. What do I do once I have a new place to live?**
- Immediately inform the child's other parent and provide new contact information, if necessary. You and the child's other parent should reach a written agreement, signed by both parties, preferably in front of a notary. The agreement should specifically state that residential custody has been returned to you and, if child support was temporarily reduced or suspended, that it is resuming at its prior terms. You should contact Probation and consider obtaining a court order. Contact the Family Part Manager's office (see Appendix 2) with respect to filing a motion or consult an attorney.
9. **My child normally lives with the other parent who has residential custody. The house that they live in is uninhabitable and as a result, the child is now living with me. Can I get residential custody of the child?**
- You should consult an attorney.
10. **I have primary residential custody of my child and have temporarily moved out of the state because my home is uninhabitable. What do I need to do?**
- Immediately notify your child's other parent and provide him or her with your new contact information. Try to obtain his/her consent to the temporary arrangement. Any agreement reached must specifically state the terms of your arrangement including that your relocation is temporary, be in writing and signed by both of you, preferably in front of a notary. If you are unable to reach an agreement, you will need to make a motion. Contact the Family Part Manager's office (see Appendix 2) with respect to filing a motion, or consult an attorney.
11. **I have residential custody of the child and want to permanently move out of the state. What do I need to do?**
- You should not make a permanent move out of state without the consent of the child's other parent or a court order. Any agreement reached with your child's other parent must specifically state the terms of your arrangement including that your relocation is permanent, be in writing and signed by both of you, preferably in front of a notary. If you are unable to reach an agreement, you will need to make a motion. Contact the Family Part Manager's office (see Appendix 2) with respect to filing a motion or consult an attorney.
12. **My child has temporarily moved out of county or out of state along with the parent who has residential custody and I cannot visit my child because he or she is now staying too far away. What do I do?**
- Try to work out an agreement with the child's other parent. Any agreement reached must specifically state the terms of your arrangement including the duration of the relocation (temporary or permanent), be in writing and signed by both of you, preferably in front of a notary. If you are unable to reach an agreement, you will need to make a motion. Contact the Family Part Manager's office (see Appendix 2) with respect to filing a motion or consult an attorney (see Appendix 2).
13. **I have a restraining order (temporary or permanent) as a result of domestic violence. Is the restraining order still valid if I move?**
- Yes, it is still valid. You may provide a copy of the Order to the police department of the town or city where you have relocated.

#### **APPENDIX 1: New Jersey Probation Offices**

<b><u>County</u></b>	<b><u>Phone</u></b>
Atlantic County	(609) 345-6700 x 3388
Bergen County	(201) 527-1200
Burlington County	(609) 518-2750
Camden County	(856) 379-2055
Cape May County	(609) 465-1090
Cumberland County	(856) 453-4600
Essex County	(973) 693-5660
Gloucester County	(856) 384-4400
Hudson County	(201) 217-5437
Hunterdon County	(908) 237-5900
Mercer County	(877) NJKIDS1
Middlesex County	(877) NJKIDS1
Monmouth County	(732) 677-4701
Morris County	(973) 656-3500
Ocean County	(732) 929-2062
Passaic County	(973) 247-8828 or 8833
Salem County	(856) 935-7510 Ext. 8245
Somerset County	(877) NJKIDS1
Sussex County	(973) 579-0600
Union County	(908) 659-3901
Warren County	(908) 475-6935

#### **APPENDIX 2: Family Part Managers**

<b><u>County</u></b>	<b><u>Family Part Managers</u></b>	<b><u>Telephone Number</u></b>
Atlantic County	Florine Alexander	(609) 594-3446
Bergen County	Diana Moskal	(201) 527-2502
Burlington County	Barbara Sopronyi	(609) 518-2645
Camden County	Dawn Brevard Waters	(856) 379-2395
Cape May County	John Thomas	(609) 518-2831
Cumberland County	Jason Carter	(856) 453-4580
Essex County	Amy DePaul	(973) 693-6667
Gloucester County	Jason Carter	(856) 453-4580
Hudson County	Diedra Carvin	(201) 795-6754
Hunterdon County	Amelia Wachter-Smith	(908) 231-7600 x 537
Mercer County	Sandra Terry	(609) 571-4379
Middlesex County	Charles Hager	(732) 519-3205
Monmouth County	Rosemarie Marinan-Gabriel	(732) 677-4304
Morris County	Kerri Lynn Walsh	(973) 656-4367
Ocean County	Brendon Toner	(732) 929-2042
Passaic County	Cindy Thomson	(973) 247-8459
Salem County	Jason Carter	(856) 453-4580
Somerset County	Amelia Wachter-Smith	(908) 231-7600 x7537
Sussex County	Kerri Lynn Walsh	(973) 656-4367
Union County	Edgar Sepulveda Jr.	(908) 659-5825
Warren County	Amelia Wachter-Smith	(908) 231-7600 x 7537

## **VII. FINANCIAL ISSUES**

### **A. Banking.**

The information in this section is taken from the FDIC and the NCUA. For more information, visit their websites at <http://www.fdic.gov/news/disaster/sandy/index.html> and <http://www.ncua.gov/Resources/CUs/Pages/Hurricanes.aspx>. Additionally, you can call the Federal Deposit Insurance Corporation FDIC hotline at 1-877-ASK-FDIC.

1. **Will my banking services continue?**
  - Superstorm Sandy left thousands of people without homes and access to vital services. The FDIC is working with banks to ensure that basic banking services are available – including access to your cash.
  - The majority of bank accounts can now be accessed, and those remaining banks devastated by Superstorm Sandy will open shortly.
  - Many banks in the disaster areas have operating computer services, so customers can access their money through debit and ATM cards. If your ATM card isn't working, you can cash a check at a nearby bank or use your credit card.
  - If remain unable to access your funds, you should contact FEMA or the Red Cross, and request assistance.
  
2. **My credit union is not answering the telephone and/or the web-site is down. How do I contact the credit union?**
  - In heavily affected areas, credit unions may have transferred operations to back-up locations, often physically distant from a credit union's primary office. While credit union staff will be working to re-establish services, it will take some time, especially if telephone service is disrupted or member service staff has been displaced. Often, credit unions have agreements to share facilities, in case of emergency, and your credit union may be temporarily providing service out of another credit union. Consider doing the following:
    - Check the credit union's website for telephone numbers and information;
    - Call your credit union's audio-response system for telephone numbers and information; and
    - Contact NCUA at 1-800-755-1030.
  
3. **How can I withdraw funds from my credit union account?**
  - There may be delays in the processing of transactions and access to accounts, depending on the extent of damage at your credit union. Credit unions will attempt to resume normal operations as quickly as possible. Consider doing the following:
    - Try using your ATM card. Even if a credit union is not yet fully operational, it may be able to restore debit (ATM) services.
    - Try using your credit card. Credit unions will often be able to restore credit card and debit services before branch operations can be re-opened.
    - Try using the credit union shared branching network. Many credit unions belong to a credit union shared branching network, which lets you conduct transactions at local credit unions throughout the United States and in some foreign countries. In the states affected by Superstorm Sandy, many credit unions participated in one or more of the networks supported by CU Services Centers, <http://www.cuservicecenter.com/>.
    - Try cashing a check. Your credit union may be able to confirm balances via telephone, even if data processing services have not yet been re-established.
  
4. **How can I deposit or cash any insurance checks I may receive?**
  - By the time emergency relief and insurance payments are received the affected institutions should be able to process them. Should a customer's primary financial institution be unable to do so, arrangements will likely be made with neighboring institutions to handle these special consumer needs.
  
5. **If my ATM card does not work, what should I do?**
  - If your ATM card will not work, it is probably because your bank's verification system is not working. You may consider other options, such as cashing a check or using a credit card. You may also contact one of the emergency service organizations, such as FEMA or the Red Cross, and request assistance.

6. **My direct deposit is not in my account, and I need money. What do I do?**
  - There may be delays in the processing of transactions, including direct deposits, as banks activate back up plans. The banks will process the transactions once the plans are implemented. Please talk to your bank about the problem. You can also contact the individual or company that originated the deposit to see if they have any information about the status of your deposit.
7. **ATM fees are piling up because I must withdraw funds from other banks. Are banks waiving these fees?**
  - Please contact your bank and explain your situation. Regulators are strongly encouraging banks to waive these fees for those hardest hit by the disaster.
8. **Are banks working with displaced people?**
  - Regulators have encouraged banks to work with customers in affected communities, including by waiving a variety of fees and late charges. The FDIC maintains a list of such banks. The FDIC maintains a website with helpful information for those affected by the storm. See <http://www.fdic.gov/news/disaster/sandy/index.html>.

**B. Bank Loans.**

1. **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 and will I be charged late fees?**
  - The FDIC asked banks to work with customers hit hardest by the storm. For example, the FDIC is encouraging banks to make efforts to adjust or alter terms on existing loans in affected areas. Before skipping payments, contact your bank to find out if your situation can be accommodated.
2. **If I need longer term financing until insurance checks come in and I can find another job, will banks help?**
  - Many banks are offering short term loans and emergency credit limit increases to those affected by the storm. Before going that route, you should contact one of the emergency service organizations, such as FEMA or the Red Cross, as many organizations provide financial assistance.

**C. Security Of Money In Banks.**

1. **Is my money is safe?**
  - Yes. Banks must keep extensive back-up records to ensure that account information is accurate and protected. Also, consumers can rely on guarantees provided by the FDIC, which oversees the insurance funds that back deposits and thrifts, and the National Credit Union Share Insurance Fund, which protects credit union depositors.
2. **Does FDIC insurance cover the contents of safe deposit boxes?**
  - No. Most safe deposit boxes are held in the bank's vault, which are fireproof and waterproof. If possible, contact the branch or office where your box was located to determine the condition of your box.
3. **If my local bank was destroyed, is my money still insured?**
  - Yes. Deposits with a FDIC insured bank or savings institution will continue to be protected up to \$250,000. However, you should keep any financial records that you have in order to help reconstruct your accounts.
4. **Who can I contact for more information?**

- **Bank Accounts:** For information about accessing your bank accounts, lost records, ATM cards, direct deposit or how to reach your bank, contact the FDIC toll-free at 877-ASK-FDIC (3342) or visit [www.fdic.gov](http://www.fdic.gov).
- **Credit Unions:** Credit union members needing emergency assistance should call NCUA's toll-free consumer assistance hotline at 1-800-755-1030. The hotline can provide information about the operating status of an affected credit union and direct you to a credit union service center near your current physical location.

## **VIII. CREDIT AND DEBT ISSUES.**

### **A. Allowances Being Made By Financial Institutions.**

The information in this section comes from the Federal Reserve. For more information, visit the website at <http://www.federalreserve.gov/newsevents/press/bcreg/20121030a.htm>.

#### **1. Are financial institutions making any allowances for affected individuals?**

- This depends on your institution. Three federal agencies - the Office of the Comptroller of the Currency, the Board of Governors of the Federal Reserve System, and the Federal Deposit Insurance Corporation, have encouraged (but do not require) financial institutions to work constructively with borrowers in affected communities.
- Contact your financial institution and explain your situation to determine the particular allowances that your institution may be making.

### **B. Debt Obligations.**

#### **1. My house is damaged and uninhabitable. Am I still obligated to pay my mortgage?**

- You are still required to pay your mortgage, even if your house is damaged or you are unable to live in it. However, lenders may be willing to offer a grace period to disaster victims. Please contact your lender for more information.
- **If your lender does business with Fannie Mae:** Fannie Mae has mortgage relief provisions for borrowers, and mortgage servicers may grant forbearance to any borrower affected by a natural disaster. Within 90 days, servicers are expected to establish contact with homeowners who have been affected and determine if additional assistance is necessary.
  - Under Fannie Mae's disaster relief guidelines, a servicer may temporarily suspend or reduce mortgage payments for up to 90 days if the servicer believes a natural disaster has adversely affected the value or habitability of the property, or if the natural disaster has temporarily impacted the homeowner's ability to make payments. Since a storm may make it difficult to reach homeowners, Fannie Mae allows servicers to grant this temporary relief even if they cannot contact the impacted homeowner immediately.
  - Homeowners should contact the lender to whom they send their monthly mortgage payment. Homeowners can also contact Fannie Mae through one of twelve Mortgage Help Centers. Contact information is available at [www.knowyouroptions.com](http://www.knowyouroptions.com) or by calling 1-800-7FANNIE (6643).
- Visit <http://www.fanniemae.com/portal/about-us/media/corporate-news/2012/5878.html> for more information.

#### **2. What if I have a loan from Freddie Mac?**

- Freddie Mac disaster relief policies provide a number of ways for mortgage servicers to help affected borrowers in disaster areas. Freddie Mac strongly encourages servicers to help affected borrowers with Freddie Mac-owned loans by:
  - Suspending foreclosure and eviction proceedings for up to 12 months;
  - Waiving assessments of penalties or late fees against borrowers with disaster-damaged homes; and
  - Not reporting forbearance or delinquencies caused by the disaster to the nation's credit bureaus

- Homeowners who have experienced hardships should contact the lender to whom they send their monthly mortgage payment, call Freddie Mac at 1-800-FREDDIE, or visit <http://freddiemac.mediaroom.com/index.php?s=12329&item=135028>.

**3. Am I still required to make insurance premium payments?**

- Yes, you generally must continue to pay your insurance premiums. However, some insurers may grant extensions. Contact your insurer for more information.

**C. Debt Collection.**

The information in this section is taken from the Federal Trade Commission website. For more information, visit <http://www.ftc.gov/bcp/edu/pubs/consumer/credit/cre18.shtm>.

**1. Rights of Debtors: Fair Debt Collection Practices Act (FDCPA).**

- If you use credit cards, owe money on a personal loan, or are paying on a home mortgage, you are a “debtor.” If you fall behind in repaying your creditors, or an error is made on your accounts, you may be contacted by a “debt collector.” A debt collector is any person who regularly collects debts owed to others. This includes attorneys who collect debts on a regular basis.
- The FDCPA requires that debt collectors treat you fairly and prohibits certain methods of debt collection. The law does not erase any legitimate debt you owe.

**2. What debts are covered?**

- Personal, family, and household debts are covered under the Act, including money owed for the purchase of an automobile, medical care, or charge accounts.

**3. How may a debt collector contact me?**

- A collector may contact you in person, by mail, telephone, or fax. However, a debt collector may not contact you at inconvenient times or places, such as before 8 a.m. or after 9 p.m., unless you agree, or at work if the collector knows that your employer disapproves of such contacts.

**4. Can I stop a debt collector from contacting me?**

- You can stop a debt collector from contacting you by writing a letter telling them to stop. Thereafter, the collector may not contact you again except to say there will be no further contact or to notify you that the debt collector or creditor intends to take specific action. Sending such a letter does not make the debt go away if you actually owe it. You could still be sued by the debt collector or your original creditor.

**5. May a debt collector contact anyone else about my debt?**

- If you have an attorney, the debt collector must contact the attorney, not you. If you do not, a collector may contact other people, but only to find out where you live, your phone number, and where you work. Collectors usually are prohibited from contacting third parties more than once. In most cases, the collector may not tell anyone other than you, your spouse, and your attorney that you owe money.

**6. What must the debt collector tell me about the debt?**

- Within five days after you are contacted, the collector must send you a written notice telling you the amount you owe; the name of the creditor to whom you owe the money; and what action to take if you believe you do not owe the money.

**7. May a debt collector continue to contact me if I believe I do not owe money?**

- A collector may not contact you if, within 30 days after you receive the written notice, you send the collection agency a letter stating you do not owe money.



However, a collector can renew collection activities if you are sent proof of the debt, such as a copy of a bill for the amount owed.

**8. What types of debt collection practices are prohibited?**

- Debt collectors may not harass, oppress, or abuse you or any third parties. For example, debt collectors may not:
  - Use threats of violence or harm; publish a list of consumers who refuse to pay their debts (except to a credit bureau); use obscene or profane language; or repeatedly use the telephone to annoy someone.
- Debt collectors may not use any false or misleading statements. For example, debt collectors may not:
  - Falsely imply that they are attorneys or government representatives; falsely imply that you have committed a crime; falsely represent that they operate or work for a credit bureau; misrepresent the amount of your debt; indicate that papers being sent to you are legal forms when they are not; or indicate that papers being sent to you are not legal forms when they are.
- Debt collectors also may not state that:
  - You will be arrested if you do not pay your debt; they will seize, garnish, attach, or sell your property or wages, unless the collection agency or creditor intends to do so, and it is legal to do so; or actions (*i.e.*, a lawsuit) will be taken against you, when such action legally may not be taken, or when they do not intend to take such action.
- Debt collectors also may not:
  - Give false credit information about you, including to a credit bureau; send you anything that looks like an official document from a court or government agency when it is not; or use a false name.
- Debt collectors may not engage in unfair practices. For example, collectors may not:
  - Collect more than your debt, unless state law permits such a charge; deposit a post-dated check prematurely; use deception to make you accept collect calls; take or threaten to take your property unless this can be done legally; or contact you by postcard.

**9. Contacting My Creditors and Collectors.**

- If you can afford to make small monthly payments, you should contact the collector to try to reach an agreement on the following:
  - Total amount owed, including the annual interest; amount of monthly payments; due dates; address where payments must be mailed; and whether negative information will be removed from the credit report.
- Keep a record of calls from the collector, including the names of the individuals you speak with and the date, time and details about the calls.
- If you arrange a payment agreement, send a letter confirming the terms of the payment plan. Keep copies of any letters and payments sent to the collector. Letters to the collector should be sent via certified mail, return receipt requested.
- Consumer Credit Counseling Services may negotiate with collectors on your behalf for little or no fee. See the business listings of the White Pages of the phonebook.
- You may be considered “judgment proof” if you have no employment income, no real estate, no personal property of significant value, or car worth more than \$1,200 (and likely no bank accounts or investments). If you are thus unable to arrange a workable payment plan, consider sending the collector a letter advising of your inability to pay, and requesting that the collector cease contact. Explain any special circumstances to explain the inability to pay. A collector then may only contact you to notify you of its intention to pursue a lawsuit or that collection efforts will cease.

**10. What can I do if I believe a debt collector violated the law?**

- You have the right to sue a collector within one year from the date the law was violated. You may recover money for the damages you suffered plus an additional amount up to \$1,000, as well as court costs and attorneys' fees.
- File a complaint with the Federal Trade Commission, at <https://www.ftccomplaintassistant.gov/>.

**11. How do I decide which bills to pay first?**

- Before deciding which bills to pay and which to ignore, you need to know the consequences. These three types of debt could have immediate, harmful consequences if unpaid.
  - Court-ordered payments (*i.e.*, alimony or child support) must be paid on time or jail time could be sought for contempt of court. If you are unable to pay, ask the court to modify the payment order.
  - Ongoing services, such as utilities, telephone service, or health insurance coverage, must be paid or service/coverage will be discontinued.
  - Items purchased on credit or pledged as security on a loan can usually be taken if payments are not made.

**12. What property is considered protected?**

- Under federal law there are certain things that cannot be taken, including:
  - Social Security payments, annuity income, pension income, worker's compensation and unemployment compensation (thought there are some exceptions for child support, alimony, and taxes);
  - Up to \$15,000 equity in a home;
  - Proceeds and avails from a life insurance policy;
  - Necessary household appliances and furnishings;
  - Necessary personal items and clothing;
  - Necessary medical equipment; and
  - If working, any tools needed for the job, and an automobile if it is necessary for the job (merely going back and forth to work does not qualify).
- You should notify creditors if all your property and income is exempt. They will usually stop collection activity, and possibly even write off the debt.

**13. Filing Bankruptcy.**

- Bankruptcy may become a last resort option for disaster victims (individuals and businesses) who cannot satisfy creditors. Generally bankruptcy results in forgiveness or restructuring of certain debts, but will not necessarily cancel all debts.
- Due to the complexity of the Federal Bankruptcy Laws and State Insolvency Proceedings, individuals and businesses wishing to pursue bankruptcy should contact a bankruptcy/insolvency attorney in order to determine the best course of action.

**D. Credit Reporting.**

The information below is taken from the Federal Trade Commission website. For more information, visit <http://www.ftc.gov/bcp/edu/pubs/consumer/credit/cre35.pdf>.

**1. The Federal Fair Credit Reporting Act: A Summary of Your Rights**

- The federal Fair Credit Reporting Act (FCRA) promotes the accuracy, fairness, and privacy of information in the files of consumer reporting agencies.
- Anyone who uses a credit report or another type of consumer report to deny your application for credit, insurance, or employment – or to take another adverse action against you – must tell you, and must give you the name, address, and phone number of the agency that provided the information.
- You may request and obtain all the information about you in the files of a consumer reporting agency (your “file disclosure”). You will be required to provide proper

identification, which may include your Social Security number. In many cases, the disclosure will be free. You are entitled to a free file disclosure if:

- Action was taken against you because of information in your credit report;
  - You are the victim of identity theft and place a fraud alert in your file;
  - Your file contains inaccurate information as a result of fraud;
  - You are on public assistance;
  - You are unemployed, but expect to apply for employment within 60 days.
  - And, all consumers are entitled to one free disclosure every 12 months from each nationwide credit bureau and specialty consumer reporting agency.
- You have the right to ask for a credit score: numerical summaries of your credit-worthiness based on information from credit bureaus. You may request a credit score from consumer reporting agencies that create scores or distribute scores used in residential real property loans, but you will have to pay for it. In some mortgage transactions, you will receive a credit score or free from the mortgage lender.
  - If you identify information in your file that is incomplete or inaccurate, and report it to the consumer reporting agency, the agency must investigate unless your dispute is frivolous.
  - Consumer reporting agencies must correct or delete inaccurate, incomplete, or unverifiable information, usually within 30 days. However, a consumer reporting agency may continue to report information it has verified as accurate.
  - In most cases, a consumer reporting agency may not report negative information that is more than seven years old, or bankruptcies that are more than 10 years old.
  - A consumer reporting agency may provide information about you only to people with a valid need, usually to consider an application with a creditor, insurer, employer, landlord, or other business, as specified by the FCRA.
  - A consumer reporting agency may not give out information about you to your employer, or a potential employer, without your written consent. Written consent generally is not required in the trucking industry.
  - Unsolicited “prescreened” offers for credit and insurance must include a toll-free phone number you can call if you choose to remove your name and address from the lists these offers are based on. You may opt-out with the nationwide credit bureaus at 1-888-5-OPTOUT (567-8688).
  - If a consumer reporting agency, or, in some cases, a user of consumer reports or a furnisher of information to a consumer reporting agency, violates the FCRA, you may be able to bring a lawsuit.

**2. Can a credit repair company clear up my record for me?**

- Claims by companies that they can clear up your credit record are often misleading or false. Identity theft victims, in particular, need to clear up debts with the original creditor. Visit <http://www.ftc.gov/bcp/edu/pubs/consumer/credit/cre13.shtm> for more information.

**E. Consumer Protection And Fraud.**

**1. I suspect price gouging. Who do I contact?**

- New Jersey law establishes that during a State of Emergency (or 30 days after it has been lifted) excessive price increases are illegal. An “excessive” price increase is defined as 10 percent higher than the price before the emergency. Incidents of price gouging can be reported to the Office of Consumer Protection at 1-800-242-5846.

**2. What other schemes should I be aware of?**

- Refinancing Schemes:
  - Disaster victims may fall behind in their credit payments or overextend themselves to the point that they must choose whether to pay creditors or obtain necessities. Such consumers are often approached by finance companies promising to consolidate homeowner’s debt for existing mortgage, credit card

- debt, car loans and repair loans. They then pressure the homeowner to sign multiple agreements without sufficient time to review or consult with anyone.
  - Problems associated with refinancing schemes include high processing fees, payments to bogus/phantom creditors and default on the loan. The homeowner often cannot pay both the refinancing costs and basic living expenses, resulting in a situation far worse than before the refinancing.
- Foreclosure Consultants/Equity Purchasers:
  - Some financial predators prey on persons during the foreclosure process. They claim to be foreclosure experts who offer to assist homeowners after they receive a notice of default. These financial thieves further encumber the property with liens for fees and extravagant charges, and try to obtain title through a power of attorney or by direct transfer. They may take advantage of the homeowner's distress and offer to purchase the home for below market value through misrepresentations on the value of the home and on encumbrances. These predators also may represent to the homeowners that they may stay in the property for the rest of their lives. In fact, after they obtain the property, they sell it and the new owner serves the tenants with eviction papers.
- Home Repair Services Providers:
  - Before contracting for any services, attempt to verify the legitimacy and trustworthiness of any service provider, including:
    - a. Use licensed home repair service providers, if applicable.
    - b. Demand proof of insurance, and making sure the contractor carries general liability insurance and workers' compensation. If the contractor is not insured, you may be liable for accidents that occur on the property, including injuries to the contractor's workers.
    - c. Check references. Contractors should be willing to provide the names of previous customers. Call several former customers who had similar work done. Also, call the Consumer Assistance Program (1-800-649-2424) and/or contact the Better Business Bureau (508-652-4800) to inquire about a business, and read user reviews on internet sites like "Front Porch Forum," Google or Yahoo reviews, or Angie's List.
    - d. Get a written estimate for each particular task to be performed. Compare services and prices before making a final decision. Also, read the fine print. Some contractors charge a fee for a written estimate, which is often applied to the price of subsequent repairs. Do not sign any contracts for major repairs until your insurance representative has determined how much damage there is and how much the company will pay.
    - e. Insist on a written contract that clearly states all tasks to be performed, all associated costs and the payment schedule, and who will apply for the necessary permits or licenses. Never sign a blank contract or one with blank spaces. Have a lawyer review the contract if substantial costs are involved, and keep a copy for your records.
    - f. Any guarantees made by the contractor should be written into the contract. The guarantee should clearly state what is guaranteed, who is responsible for the guarantee and how long the guarantee is valid.
    - g. Obtain a local building permit if required. Contact your local government for permit information.
    - h. Make final payments only when work is completed. Pay by check. A reasonable down payment is 30 percent of the total cost, to be paid upon initial delivery of materials.
    - i. Canceling a contract should be done within 3 business days of signing.; follow the procedures for cancellation in the contract. Send the notification by registered mail with a return receipt to be signed by the contractor.
    - j. Things to watch out for: (i) Be especially alert for phone or door-to-door solicitors who hand out flyers and promise to speed up the insurance or building permit process, and those who ask for large cash deposits or

advance payments in full. (ii) Be wary of anyone claiming to be “FEMA certified,” because FEMA does not certify or endorse any contractor.

- k. Call the Consumer Assistance Program at 1-800-649-2424 if you suspect a scam.

**3. I suspect that people in my neighborhood of cheating the government out of disaster money because don’t appear to have the damage they claim. How can I report disaster fraud?**

- Call the Department of Homeland Security Office of Inspector General Hotline at 1-800-323-8603.

**4. What if I suspect I have been the victim of identity theft?**

- Identity theft occurs when someone possesses or uses your name, address, Social Security number (SSN), bank or credit card account number, or other identifying information without your knowledge with the intent to commit fraud or other crimes.
- You can find out if someone has opened new credit accounts in your name by ordering a your credit reports. As discussed above, you are entitled to get a free credit report once a year. If your personal information has been lost or stolen, you should check your reports more frequently for the first year. Also read your financial account statements promptly and look for any unauthorized debits or charges.
- Stay alert for other signs of identity theft, like:
  - Follow up with creditors if your bills don’t arrive on time. A missing bill could mean an identity thief has taken over your account and changed your billing address to cover his tracks.
  - Receiving credit cards you didn’t apply for.
  - Being denied credit or being offered less favorable credit terms, like a high interest rate, for no apparent reason.
  - Getting calls or letters from debt collectors or businesses about merchandise or services you did not buy.

**5. What should I do if someone has stolen or scammed my personal information or identification documents?**

- If your information or identification documents were stolen, you have an opportunity to prevent the misuse of that information if you act quickly.
  - Close affected credit cards or bank accounts immediately. When you open new ones, place passwords on these accounts. Avoid using as passwords your mother’s maiden name, your birth date, the last four digits of your SSN or your phone number, or a series of consecutive numbers.
  - If your SSN was stolen: Call the toll-free fraud number of any one of the three major credit bureaus and place an initial fraud alert on your credit reports. This can help prevent an identity thief from opening new credit accounts in your name.
  - To replace an SSN card: Call the Social Security Administration at 1-800-772-1213 to get a replacement.
  - If you driver’s license or other identification documents were stolen contact the issuing agency. Follow their procedures to place fraud flags and to get replacements.
- Thereafter, check for signs that your information is being misused. There is no need to file a police report or with complaint with the FTC until you find out your information is being misused. If another crime was committed, such as theft of your purse or wallet, or your house or car was broken into, report that crime to the police.

**6. How do I cope with identity theft?**

- Your primary goals are to:
  - Close fraudulent accounts;

- Clear yourself of responsibility for any debts or other criminal activities the thief has perpetrated in your name;
  - Ensure that your credit report is correct; and
  - Find out as much information about the suspect as you can so you can share that information with the police and the FTC.
- Develop a plan to accomplish these goals. Make a list of documents you will need and a list of companies from which you'll need to get those documents.
- When contacting a company, don't assume that the person you talk to will give you all the information you need. Determine in advance what information or result you want and develop a list of questions to achieve your goal. For example, the company you call first may say it was not the one that extended credit to the thief. But if you ask, they may be able to tell you which company that did. Listen carefully and take notes. Do not end the call until you understand everything you have been told. If you do not feel you are getting the help you need, ask to speak to a supervisor.
- The following tips can help keep your case organized:
  - Keep a list of anyone you talk to, what they said, and the date of the call.
  - Follow up in writing with all contacts you made on the phone or in person; use certified mail, return receipt requested.
  - Keep copies of all correspondence or forms you send or receive.
  - Keep originals of supporting documentation, like police reports and letters to and from creditors; share copies only and retain originals.
  - Keep old files even if you think your case is closed. Although most resolved cases stay resolved, in some cases, problems can crop up again.

**7. What are the first steps I should take if I'm a victim of identity theft?**

- Place a fraud alert on your credit reports, and review them. Fraud alerts can help prevent an identity thief from opening any more accounts in your name. To do so, contact any of the three major consumer reporting companies: Equifax at 1-800-525-6285, Experian at 888-397-3742, or TransUnion at 1-800-888-4213. The company you call is required to contact the other two, which will place an alert on their versions of your report, too.
- Once you place the fraud alert, you are entitled to order free copies of your credit report, and, if you ask, only the last four digits of your SSN will appear on your credit reports. Once you receive your reports, review them carefully to make sure no fraudulent accounts have been opened or unauthorized changes made to your existing accounts. Continue to check your reports periodically, especially in the first year of discovery, to make sure no new fraudulent activity has occurred. The initial alert stays on your report for 90 days.
- Contact creditors (e.g., credit card companies, phone companies and other utilities, and banks and other lenders) to close any accounts that were tampered with or opened fraudulently. Ask to speak with someone in the security or fraud department, and then follow up in writing. It is important to notify credit card companies in writing. You may ask creditors for a copy of the application or other records relating to your identity theft, if you think that this information will be helpful to prove that you are a victim. Creditors must provide this information free of charge.
- Visit <http://ftc.gov/bcp/edu/pubs/consumer/idtheft/idtheft04.pdf> to submit a complaint to the Federal Trade Commission and print a copy, called an "Identity Theft Affidavit." File a police report, and attach your Identity Theft Affidavit. Get a copy of the police report or the report number.

## **IX. HOUSING**

### **A. Landlord-Tenant Issues.**

#### **1. I have been displaced by the storm. Must my landlord return a part of the rent I paid?**

- Yes, you may be entitled to a return of part of the rent you paid if you are unable to live in your home for a period of time.

- If you are able to return to your home, or you return to a home that is not completely habitable, you may be entitled to a rental abatement.
- You may also be entitled to return of your security deposit. A landlord must return your security deposit within five business days if:
  - The displacement is caused by fire, flood, condemnation or evacuation;
  - An authorized public official posts a notice prohibiting occupancy; or
  - A building inspector has certified within 48 hours that displacement is expected to continue longer than seven days and has so notified the owner in writing.
  - See Section V.A.10 for information about to obtain return of your security deposit.

**2. How can I recover my personal property from my apartment?**

- Contact the landlord and determine whether he/she (i) knows anything about the condition of your property, and (ii) has been able to do anything to secure your property. You should be able to get into your home, even if it is uninhabitable, to get your belongings. However, if the residence has been condemned and notice barring entry has been posted at the site, special arrangements will have to be made. Contact the number listed on the notice barring entry for assistance.
- If your landlord is not allowing you to get your belongings even though the property has not been condemned, contact the local police.

**3. My personal property was damaged, but I do not have renter's insurance. What can I do?**

- Ask if your landlord had insurance to cover your belongings. If not, FEMA's Individuals and Households Program (IHP) may assist with replacement of necessary personal items. You may apply through FEMA at 1-800-621-3362.

**4. May I sue my landlord for injuries or property damage I suffered as a result of the disaster?**

- When the injury or damage results from a natural disaster and not from the landlord's negligence, the landlord is not liable. However, a lawsuit can be brought for injuries or property damage resulting from the landlord's negligence.
- If the landlord affirmatively told you that there was no possibility of flooding, you may have a fraud claim. However, if you knew that the property could flood or did not rely on the landlord's statements, then you will not be able to recover damages. If the landlord said nothing, then you will probably not be able to recover damages.
- In limited circumstances, a claim might arise if the landlord actively concealed known past flooding (*i.e.*, painting over flood water marks on walls) and falsely represented that the property was not in a flood hazard area. But, you cannot recover damages if the landlord did not know about the possibility of flooding.

**5. I have a Section 8 and my home is uninhabitable due to the storm. How can I get a transfer of the voucher so that I can move to an apartment that is habitable?**

- Contact your local Public Housing Authority (PHA) and ask for information about how to transfer your Section 8 voucher. You can find your local PHA at <http://www.hud.gov/offices/pih/pha/contacts/states/nj.cfm>.

**6. How do I go about securing public housing or a Section 8 voucher?**

- To apply for either public housing or a federal Section 8 voucher, contact your local Public Housing Agency (PHA). For a list of PHAs, visit <http://www.hud.gov/offices/pih/pha/contacts/states/nj.cfm>.

7. **Does New Jersey offer rental assistance?**
- New Jersey has a State Rental Assistance Program (SRAP), which provides rental assistance grants, similar to the Section 8 program. SRAP ends upon the award of a federal subsidy to the same individual or household. For information call the Department of Community Affairs, Division of Housing at 609-292-4080, or visit <http://www.state.nj.us/dca/divisions/dhcr/offices/srap.html>.
8. **How much can a landlord charge me for a security deposit?**
- The most a landlord can charge you is one and one-half times the monthly rent.
  - Ask for a receipt when you pay the security deposit. The receipt should include the date, the landlord's signature, and the amount of the security deposit paid. The lease should also state that you have paid a security deposit and list the amount.
9. **What must the landlord do with my security deposit?**
- The landlord must put it in a bank account that earns interest. The landlord must pay you the interest earned during the rental period or subtract it from the rent you owe on the renewal or anniversary of the lease.
  - Within 30 days of your paying the security deposit, the landlord must also notify you, in writing, of the name and address of the bank where the security was deposited, the type of account, how much money was deposited and the rate of interest. This notice must be given each year.
10. **How do I get my security deposit back?**
- Within 30 days after you vacate, your security deposit must be returned with interest.
  - The landlord may subtract any rent you owe or any charges for repairing damages to the property. If the landlord deducts any amounts for damages or rent, he or she must give you a complete list of the damages he or she claims you did to the property and the cost of the repairs.
  - The landlord must send you the list of damages by registered or certified mail, and must return to you any money left over from your security deposit.
  - A landlord cannot charge you for cleaning fees if you leave your apartment broom clean. A landlord also cannot charge you for fees for painting.
11. **What if my landlord did not return my security deposit?**
- If your security deposit is not returned 30 days after you vacate, you can file a complaint against the landlord and seek double the amount owed. If the amount in dispute is \$3,000 to \$5,000 (depending on the county) or less, you may file in Small Claims Court, where it is easier to bring a claim without a lawyer. If the amount owed exceeds that threshold, you may sue in Special Civil Part.
  - Under the Rent Security Deposit Act, if a court finds that a landlord wrongfully refuses to return all or part of a security deposit, the landlord must pay double the amount of the security deposit if it is not returned at all, or double the amount that the landlord wrongfully deducted from the deposit.
  - Be sure to write on the complaint the phrase "together with interest and costs of suit." This means that you will get the interest and other expenses of filing the complaint, including reasonable attorneys' fees if you hired an attorney.
12. **I found a new home and am signing a new lease. What terms should be in my lease?**
- The rental period (*i.e.*, a month, six months or a year). If your lease has no set duration, it runs month-to-month.
  - The rental amount and amount of security deposit, if one is required.
  - Any late charges incurred if you do not pay rent on time.
  - Whether the landlord will charge attorneys' fees if he or she has to take you to court to pay your rent.



- Applicable rules and responsibilities (*e.g.*, whether it is your responsibility to pay for electric, gas, heat or other utilities).
- Your responsibility for any damage that is more than normal wear and tear.
- Your responsibility to give notice to the landlord of any needed repairs.
- Whether you are allowed to have a pet.

**13. What do I do if the conditions in my apartment are bad and my landlord refuses to make repairs?**

- This is known as “constructive eviction,” and you can move out before the lease ends and still not be responsible for rent for the time left on the lease. You are also entitled to have your security deposit returned to you.
- You can break your lease if the conditions are so bad that it becomes very difficult to live there (*i.e.*, no heat, no water, a broken toilet, a broken elevator, flooding, excessive and constant disturbances). It is important to have proof of the bad conditions. You can get this proof by having a building inspection done and taking pictures before you move out. To arrange an inspection:
  - If you live in a building with three or more apartments, you may arrange an inspection by calling the State Inspection service at (609) 633-6241, or visit <http://www.nj.gov/dca/divisions/codes/offices/housinginspection.html>.
  - If you live in a building with two or less apartments, call your municipality to arrange for a building inspection.
- It is important that you first give the landlord written notice of the defective conditions and a reasonable amount of time to make repairs. Send your notice by certified mail, return receipt requested, and keep a copy.

**14. How do I get my landlord to make repairs?**

- You have the legal right to:
  - (a) Call in the building or health inspector; (b) use your rent to make repairs; (c) withhold your rent; (d) take legal action.

**15. I received an eviction notice from my landlord. Do I have to leave my apartment?**

- No. The only person who can legally evict you is a judge. In fact, a lockout or eviction is illegal if it is not done pursuant to a court order. A judge can order your eviction only after a hearing, and the landlord must show one of 18 possible bases for eviction under the Anti-Eviction Act. Any landlord who illegally evicts a tenant has committed a disorderly persons offense. For detailed information about the eviction process, contact New Jersey Legal Services at 1-888-576-5529 or visit <http://www.lsnjlaw.org/housing/Landlord-Tenant/Evictions/Pages/default.aspx>.

**16. I am currently living in a hotel or motel. Does the owner or operator have to evict me through a court eviction process?**

- The answer is probably yes. However, courts are interpreting the law on a case-by-case basis. It is helpful if you can show that the owner agreed, or should have known, that you were not just a short-term guest, or that the owner did or said things that made you believe that you were a tenant.
- Some hotels and motels are considered “rooming houses” if at least 15 percent of the rooms are occupied by people who have lived there for more than 90 days. This means that all of the residents then have the same rights as boarding house residents, including the right to be evicted through a court procedure.
- Contact an attorney if you are in this situation; see Section III for contact information.

17. **Does New Jersey have any special program or programs to help me avoid eviction from my apartment?**
- Homelessness Prevention Program (HPP): This Program helps people who face eviction because they have fallen behind in their rent and could keep their housing unit with some help. It can also help people who are homeless by paying a security deposit and a few months' rent, as long as they can show that they can pay the rent on their own later. HPP also gives vouchers to avoid eviction to tenants who qualify for assistance. Call 866-889-6270 for more information.
  - Emergency Assistance (EA): This program gives money to pay back rent to tenants who are recipients of Work First New Jersey (WFNJ) benefits or Supplemental Security Income (SSI). You must apply for EA at your county welfare agency. See Section XI.A.1 for a list of those phone numbers.
  - Money is made available each year by the state to each county to operate a Comprehensive Emergency Assistance System (CEAS). Each county has a CEAS committee that decides which local agencies will receive this money. The agencies then use this money to help people facing eviction or to provide shelter to homeless people. If your landlord takes you to court for nonpayment of rent, call your county's Board of Social Services and ask where such a program is in your county.
  - For information contact Legal Services for New Jersey at 888-576-5529.
18. **I am living in a rooming and boarding home. What are my rights?**
- You have the right to live in a safe, clean and secure home. As described above, the owner cannot evict you without a court order.
19. **I live in a mobile home. Are there any special requirements for a lease between the park owner of my mobile home and me?**
- Yes. Within a month from when you move in, the park owner must give you a written lease for the space that you are renting for at least one year. The owner must also notify you in writing of all fees, charges, assessments and rules.
20. **I live in a mobile home and my landlord wants to evict me. What are my rights?**
- You are protected from eviction under the state Anti-Eviction Act. You cannot be evicted without a court order.
21. **Can a landlord refuse to rent to me because of my race, religion, color, national origin, ancestry, marital status, sex, sexual orientation, physical or mental handicap, because I pay rent with a Section 8 voucher, or because I have children?**
- This would violate the state Law Against Discrimination. However, some properties are exempted from this protection: two-family owner-occupied buildings, a room in an owner or resident-occupied single family home, housing operated by a religious organization, or age- restricted housing as it pertains to familial status.
  - If you suspect discrimination, contact the New Jersey Division on Civil Rights: Atlantic City Office (609-441-3100); Camden (856- 614-2550); Newark (973-648 – 2700); Paterson (973-977-4508); Trenton (609- 292-4605).
  - You can also contact Legal Services of New Jersey at (888) 576-5529; Fair Housing Council of Northern New Jersey (Bergen, Morris, Passaic, Sussex and Warren Counties) at (201) 489-3552; Housing Coalition of Central New Jersey (Middlesex County) at (732) 249-9700; Monmouth County Fair Housing Board at (732) 431-7490; or the Fair Housing & Assistance Program of the Urban League of Morris County at (973) 538-2975.
22. **If my income is too low to afford the rent, or if a background check shows that I failed to pay rent or other debts in the past, can a landlord refuse to rent to me?**
- Yes.

**B. Buying A House In New Jersey.**

**1. My house was destroyed. Can I get help buying a new house?**

- HUD's Section 203(k) loan program assists those who lost their home to finance the purchase of a new home or refinance for home repairs. It encourages lenders to make mortgages available to borrowers who would not otherwise qualify for loans. Visit [http://portal.hud.gov/hudportal/HUD?src=/program\\_offices/housing/sfh/203k](http://portal.hud.gov/hudportal/HUD?src=/program_offices/housing/sfh/203k) for more information.
- HUD's Section 203(h) program provides Federal Housing Administration (FHA) insurance to victims who lost homes. Those who borrow from participating FHA-approved lenders are eligible for 100 percent financing, and closing costs. Visit [http://portal.hud.gov/hudportal/HUD?src=/program\\_offices/housing/sfh/ins/203h-dft](http://portal.hud.gov/hudportal/HUD?src=/program_offices/housing/sfh/ins/203h-dft) for more information.

**2. I have an FHA insured mortgage and am unable to keep up with my mortgage payments because of Superstorm Sandy. Is there any foreclosure prevention assistance available?**

- Homeowners with Federal Housing Administration (FHA) insured mortgages may be eligible for a foreclosure moratorium, which freezes foreclosure activities to give you time (*i.e.*, 90 days) to work with your lender to make payments. Visit [http://portal.hud.gov/hudportal/HUD?src=/program\\_offices/housing/sfh/nsc/qaho0121](http://portal.hud.gov/hudportal/HUD?src=/program_offices/housing/sfh/nsc/qaho0121) for more information.
- You must apply to your lender within one year of the President's declaration of the disaster (Oct. 30, 2013).

**3. I have a mortgage through Fannie Mae, what relief is available to me?**

- Borrowers with Fannie Mae owned or guaranteed loans should contact their mortgage servicer to see if they qualify for a 90 day mortgage forbearance.
- Mortgage servicers should waive late payments if the fee was late due to expenses or loss of income caused by the storm.
- For more information, visit <https://www.fanniemae.com/content/announcements/ntce103112.pdf>. To find out if your loan is owned by Fannie Mae, call 1-800-7FANNIE.

**4. I have a mortgage through Freddie Mac, what relief is available to me?**

- Borrowers with Freddie Mac owned or guaranteed loans should contact their mortgage servicer to see if they qualify for a short-term suspension of collection and foreclosure proceedings for up to 12 months. For information, call 800-FREDDIE or visit <http://www.freddiemac.com/singlefamily/service/disastermgmt.html>.
- To find out if a loan is owned by Freddie Mac, visit <https://ww3.freddiemac.com/corporate>.

**5. I am working with a real estate agent to buy a home. What legal obligations does the agent have to me?**

- The agent must disclose whether he or she represents the seller. He or she has the legal obligations to provide you with reasonable care, undivided loyalty, confidentiality and full disclosure.

**6. What obligations does the seller of a home have to me?**

- The seller has the obligation to fully disclose all known defects, or defects that should have been known concerning water and sewer systems, insulation, structural systems (*e.g.*, roofs, walls, floors, foundation and basement), plumbing, electrical, heating and air-conditioning systems. Failure to do so is fraud.
- If the house was built before 1978, the seller must notify you of any lead problems.

7. **I found a house that I'd like to buy and my real estate agent asked me to sign a "contract of sale." What is this?**
- In New Jersey, the real estate purchase agreement is called a "contract of sale." It establishes the respective rights and responsibilities of the purchaser and the seller.
  - The contract should be in writing and include the all of the following information:
    - (a) The parties' names; (b) purchase price; how you will pay it, including amount of down payment; (c) an adequate description of the property being sold; (d) the kind of deed to be delivered; (e) the quality of the seller's title to the property included in the sale; (f) when the transaction will "close" or title will transfer; (g) the date you are to take possession of the property; (h) provisions for title searches, insect, structural and other inspections; and (i) additional clauses relating to the property and the parties' respective responsibilities to each other.
8. **Do I need an attorney to buy a home in New Jersey?**
- No, but New Jersey law requires a three day attorney review period on contracts prepared by a realtor. This is to protect you from being bound to a contract without having an attorney advise you as your legal rights.
9. **Am I legally required to have an inspection of the home that I wish to purchase?**
- No, but it is a good idea to hire an independent professional home inspection service before you buy a house.
  - You and the seller may stipulate in the contract that if any defects are revealed by the inspection, the seller may correct the defect within an agreed-to amount of time.
10. **Am I required to purchase title insurance?**
- Yes.
11. **How do I know if there are problems with legal title?**
- Your attorney or title company will investigate the legal title of the property.

## **X. IDENTIFICATION / VITAL RECORDS**

Identity is not only a concern but a necessity to conduct any type of business, cash checks, or apply for state or federal assistance. The below information will assist you in obtaining replacement of new drivers' license and/or identification cards, social security cards and certified copies of vital records documents.

### **A. Driver's License / State Id.**

1. **I do not drive and do not have a driver's license. How do I obtain a New Jersey state identification card?**
- Any New Jersey resident 17 years of age and older who does not drive may apply for a non-driver photo identification card solely for the purpose of providing identification. To obtain this form of ID, you must:
    - Visit your local Motor Vehicle Commission office (see [www.state.nj.us/mvc](http://www.state.nj.us/mvc) for locations and hours) and complete the front side of a non-driver ID application (BA-207 form). If you need a non-driver handicapped ID, a physician must complete the certification portion on the back of the form.
    - Provide proof of age and identification consistent with the "6 Point ID Verification" program, under which certain documents must be used to apply for or renew a license or non-driver ID card. Visit <http://www.state.nj.us/mvc/Licenses/6PointID.htm> for more information.
    - A fee of \$24, to be paid by cash, personal check, or money order. (Fee for non-driver handicapped ID is \$6).

**2. My New Jersey driver's license was lost or destroyed in Superstorm Sandy. How do I obtain a replacement?**

- You may obtain a duplicate license as a replacement if yours was lost, stolen or destroyed. You cannot drive until you receive a replacement license. To obtain a replacement license: (a) visit any MVC Agency and complete Form BA-206; (b) present documents consistent with the "6 Point ID Verification" program discussed above; and (c) pay the \$11 fee.

**B. Birth Certificates, Death Certificates, Marriage/Divorce Records.**

**1. How do I obtain certified copies of these vital records?**

- Request the certified records directly from the New Jersey Vital Records Department at (866) 649-8726, or visit <http://www.state.nj.us/health/vital/>.
- Birth certificates: You are advised to contact the local registrar in the birth county to order a birth certificate. Visit <http://www.state.nj.us/health/vital/regbycnty.shtml> for more information. As a result of Superstorm Sandy, there may be delays in service for obtaining birth certificates.
- Death certificates For deaths within the last forty (40) years, visit <http://www.state.nj.us/health/vital/nongen.shtml>; for deaths more than forty (40) years ago, visit <http://www.state.nj.us/health/vital/gen.shtml>
- Marriage certificates are also available from 1901 and for individuals who are deceased and were married more than fifty (50) years information is available at the following address: <http://www.state.nj.us/health/vital/gen.shtml>. However, detailed information is provided for marriages within the past fifty (50) years at the following address: <http://www.state.nj.us/health/vital/nongen.shtml>.
- Using a Commercial Service: You can request certified copies of your vital records through a commercial service, such as the Vital Chek Network ([www.vitalchek.com](http://www.vitalchek.com)), and payment can be made using a credit card.

**C. U.S. Passports.**

**1. I lost my valid U.S. passport in Superstorm Sandy. How can I replace it?**

- Report your passport lost immediately, using Form DS-64 available at [http://travel.state.gov/passport/forms/ds64/ds64\\_845.html](http://travel.state.gov/passport/forms/ds64/ds64_845.html), or call 877-487-2778.
- Next, complete an application for a new passport, using Form DS-11 available at [http://travel.state.gov/passport/forms/ds11/ds11\\_842.html](http://travel.state.gov/passport/forms/ds11/ds11_842.html), or from your local post office. You will need passport photos, documentation and fees. Visit <http://travel.state.gov/passport> for downloadable forms, and more information.

**D. Social Security Card.**

**1. I lost my Social Security Card in Superstorm Sandy. How do I replace it?**

- You can obtain a free duplicate card with the same number as your previous card.
- Complete an application for a Social Security Card, Form SS-5, available at: <http://www.socialsecurity.gov/online/ss-5.html>, or by calling 1-800-772-1213 or visiting your local Social Security office.
- You must show evidence of your identity, and status as a U.S. citizen or lawful alien if you were born outside the U.S. If you are applying for your child, you must show evidence of both your and your child's identity. The documents presented must be originals or copies certified by the issuing agency.
- Documents accepted as proof of identity include:
  - U.S. Driver's license; U.S. State-issued non-driver identification card
  - U.S. Passport; Employee identification card/badge; Health insurance card or Medicaid card (but not a Medicare card); U.S. military ID; U.S. Government ID; Certificate of Naturalization; U.S. Indian Tribal card;
  - Certified copy of a medical record; School identity card, certified record, or transcript (current year); or Life insurance policy.
- Documents accepted as proof of identity for a child are:

- Health Insurance or Medicaid card (issued within the last four years); School identification card (current year); Certified school record or transcript (current year); Certified medical record; U.S. passport; U.S. military dependent ID; Certificate of Naturalization; Final adoption decree issued by a court; Certified child care facility or pre-school record (current year); Religious record (cradle roll, naming certificate, birth certificate, baptism record, Amish or Mennonite bishop's letter); U.S. driver's license; State-issued non-driver identification card; or U.S. Indian Tribal card.
- **U.S. Citizenship:** Social Security will accept most documents that show you were born in the U.S. If you are a U.S. citizen born outside the U.S., you may present a U.S. consular report of birth, a U.S. passport, a Certificate of Citizenship, or a Certificate of Naturalization as proof of citizenship.
- **Alien Status:** If you are not a U.S. Citizen, Social Security must verify your documents with the Department of Homeland Security (DHS) before issuing a SSN card. You must show an unexpired document issued to you by DHS, *i.e.*, a Form I-551, I-94, I-688B, or I-766. If you are not authorized to work, a Social Security card can issue if you are lawfully here and need the number for a valid non-work reason. Your card will be marked to show you cannot work.
- You can take or mail your application and documents to the nearest Social Security office. First-time applicants age 12 or older must apply in person; others may mail applications. Visit the office locator service at <http://www.socialsecurity.gov/locator/> or call 1-800-772-1213 (TTY 1-800-325-0778).

**E. Medicare Card.**

**1. I lost my Medicare Card in Superstorm Sandy. How do I replace it?**

- Order a replacement Medicare Card by phone or online. Call 1-800-772-1213, or visit [www.medicare.gov](http://www.medicare.gov).

**F. EBT Cards (Electronic Benefit Cards).**

**1. I lost my EBT card in Superstorm Sandy. How do I replace it?**

- To replace an EBT card, call 1-800-997-3333.

**XI. IMMIGRATION.**

**1. What is USCIS doing for the non-citizen victims of Superstorm Sandy?**

- Eligible individuals may request or apply for temporary relief measures, including:
  - A change or extension of nonimmigrant status for an individual currently in the U.S., even when the request is filed after the authorized period of admission has expired;
  - Extension or re-parole of individuals previously granted parole by USCIS;
  - Expedited adjudication of off-campus employment authorization applications for F-1 students experiencing severe economic hardship;
  - Expedited adjudication of employment authorization applications;
  - Where appropriate, USCIS may exercise its discretion to allow for delays in filing resulting from the superstorm. This may include, for example:
    - (a) Assistance to those who have not appeared for an interview or submitted required evidence. You must show how the storm affected your ability to appear or submit documents as required; and
    - (b) 30 days extensions of deadlines to respond to Requests For Evidence (RFEs) or Notices of Intent to Deny (NOID), for all RFEs and NOIDs with an original deadline of October 26 through November 26, 2012.

**2. I lost my "green card" in Superstorm Sandy. How can I get a replacement?**

- Complete USCIS Form I-90, available at <http://www.uscis.gov/e-filing-i-90>. The cost to file is \$450, which can be paid online.
- You may also submit a completed Form I-90, together with all supporting documentation, via U.S. Postal Service to:
  - USCIS, P.O. Box 21262, Phoenix, AZ 85036
 Or, for USPS Express Mail and Courier deliveries to:
  - USCIS, Attention: I-90, 1820 E. Skyharbor, Circle S, Floor 1, Suite 100, Phoenix, AZ 85034
- Applicants must submit two recent passport-style photographs and (if filing a hard copy application) a money order or cashier's check for \$450 payable to the USCIS.

**3. I lost my employment authorization document in the Superstorm Sandy. How can I get a replacement?**

- Fill out Form I-765, available at <http://uscis.gov/graphics/formsfee/index.htm>. If you have a photocopy of your lost permit, attach it to the I-765. Also include a photocopy of any papers that entitle you to a work permit, such as application of asylum, suspension of deportation or adjustment of status.
- If filing a hardcopy form, you must to include a filing fee in the amount of \$380 in the form of a cashier's check or money order payable to the USCIS. Depending on the classification pursuant to which you were granted work authorization, you can mail the form to the USCIS Lockbox facilities or the USCIS Vermont Service Center (addresses are listed on [www.uscis.gov](http://www.uscis.gov)).
- You can also e-file Form I-765 at <http://www.uscis.gov/e-filing-i-765>. If filing electronically, payment can be made online.
- Note that USCIS will employ expedited adjudication of employment authorization applications filed by victims of Superstorm Sandy.

**4. Can I work while waiting for my replacement work permit?**

- Only if you are continuing work with the employer to whom you have previously provided evidence of employment authorization.

**5. Do I need to let USCIS or the immigration court know that I have moved as a result of the superstorm?**

- If you have a pending case, you must immediately inform the immigration court of any change in address or telephone number. The change of address form is available at <http://www.justice.gov/eoir/eoirforms/eoir33/ICadr33.htm>.
- If your case is pending before the Newark Immigration Court, send a notice of a change of address to:
  - U.S. Department of Justice, Immigration Court, 970 Broad Street, Room 1200, Newark, NJ 07102
- If your case is pending before the Elizabeth Immigration Court, send a notice of a change of address to:
  - U.S. Department of Justice, Immigration Court, 625 Evans St., Room 148A, Elizabeth, NJ 07201
- If your case is pending before the Asylum office, contact the Newark Asylum Office, located at:
  - 1200 Wall Street West, Fourth Floor, Lyndhurst, NJ 07071.
- Include your alien registration number on all letters or forms. In addition, send all correspondence by certified mail and keep a copy.

**XII. INSURANCE ISSUES.**

**A. General Issues.**

**1. How can I preserve my claims and protect my right to repayment from my insurance policy?**

- If you have a policy which you think may cover your damage, whether homeowners, renters, or car insurance, call your agent, broker, or insurance company as soon as possible to report your loss. Do this even if you are not sure there is coverage or if you do not know if the claim will exceed the deductible. This is important because most insurance companies have a time requirement for filing a claim.
  - If your automobile is damaged while in your garage or carport, any loss likely will be covered under your automobile policy.
  - If you are not staying at your home, give the insurance agent your new address and telephone number. Consider providing your cellphone number or email as well.
  - Write down the name of every person you speak to and the claim number you are given. Also ask for their direct telephone number, a cellphone number, or an email address. Document every interaction you have with your insurance company, including date and time, and a summary of the conversation. Such information may help you if your insurer later denies coverage.
  - If you cannot get through to your insurance company by telephone, write them a letter telling them of your loss and keep a copy. Note that many companies have websites and local emergency claims offices as part of the disaster response.
2. **Is the damage to my home covered under my insurance policy?**
- Hazard insurance (homeowners' policies or other fire and extended coverage properties) from the private sector generally covers the damage to the home caused by the superstorm, except for damage caused by flooding, which is generally specifically excluded. Victims should be asked whether they have separate flood insurance. Review all applicable insurance policies.
3. **Can "hurricane deductibles" be triggered?**
- No. Governor Christie ordered that insurance companies cannot apply "hurricane" deductibles to losses resulting from Superstorm Sandy because the storm was downgraded to a post-tropical storm prior to making landfall. See <http://www.nj.gov/infobank/circular/eocc107.pdf>.
4. **If a tree falls in my yard but does not damage my home or property, will insurance pay for cleanup and removal?**
- Generally, the fallen tree must cause damage to your home or property before the insurance company is obligated to pay for cleanup and removal. However, the insurance company will pay for removal of a tree on your house, deck furniture, or fence and some policies will pay for removal of trees that block your driveway.
5. **If a neighbor's tree falls on my property and hits my home, should my neighbor's insurance pay?**
- Generally, no. Unless negligence can be proven, the neighbor's policy covers his/her house and your policy covers your house. Negligence would exist, for example, if your neighbor had some reason to know that the tree was unhealthy and in danger of falling. Therefore, you may need to consult a lawyer to determine your rights.
6. **Is food spoilage covered?**
- Read the policy: some cover food spoilage due to a natural disaster, others do not.
7. **What if I cannot find my insurance policy?**
- Contact your agent, broker or insurance company. Ask for a copy of the entire policy, not just the cover page or declarations. If you cannot find the company or the agent's number, call the NJ Department of Banking and Insurance at 1-800-446-7467 or visit [www.njdobi.org](http://www.njdobi.org).



**8. What if I live in a condominium?**

- You should look at both the coverage provisions in your association insurance policy, and the coverage under your individual unit owner's policy.

**B. Insurance Adjustors.**

**1. How do I get an insurance adjuster to my home to assess the damage?**

- Request that the insurance company send an adjuster to look at your property. It is best if this request is in writing. If necessary, you should contact the New Jersey Department of Insurance at 609-292-7272, or their Consumer Hotline at 1-800-446-7467. However, this will not be done until public officials have declared your property safe and have allowed such work to begin.

**2. What can I do to prepare for the insurance adjuster?**

- Document your losses to the extent possible: make a list of all property damaged or destroyed, take pictures or video, collect names, addresses and telephone numbers of witnesses, obtain repair estimates, keep a record of expenses, such as alternative housing, *etc.*, and locate original bills and receipts for lost items.
- If you do not have or cannot locate a complete household inventory, try to picture the contents of every room in your home and then list and describe all items that were damaged or destroyed. Include furniture, major appliances, electronic equipment, pictures or accessories in each room, as well as hobby items, tools, home maintenance items and seasonal items such as holiday decorations and outdoor furniture. Try to remember when and where you bought each item, how much you paid and the cost of replacement. It is helpful to include brand names and model numbers if known. Submit these along with your claim to the insurance company.
- You may consider hiring a "public adjuster": an independent insurance adjuster who will help file your claim in exchange for a percentage of the recovery. If you decide to do this, you will be responsible for any related fees. Check to be sure they are licensed with the NJ Department of Banking and Insurance, at [www.state.nj.us/dobi/](http://www.state.nj.us/dobi/), and ask for references and qualifications before retaining an independent adjuster.
- Try to be present when the adjuster inspects. You may also wish to have a contractor present or ask a contractor to review the inspection report before settling the claim.

**3. What if I cannot wait for the insurance adjuster?**

- Some insurance policies provide for reimbursement for temporary housing relocation costs while your home is being repaired, and for car rental costs while your car is being repaired or replaced. Check your policy or call your insurance company.
- If your situation is desperate, make sure that you let the insurance company know and, if the insurance company agrees that there is coverage, ask for an advance payment toward your losses.
- Due to the extreme amount of damage caused by the superstorm, you should make all necessary temporary repairs, such as boarding up windows, patching holes in walls or roofs, or tarping the roof, as soon as possible even if you have not yet seen or talked to the insurance company representative.
- You can also move your personal property to protected areas and begin cleaning and drying items damaged by water. These steps will help you meet your duty to mitigate damages. Nevertheless, you should get the company's permission before doing so whenever possible.
- You should also not dispose of any items you believe may be a complete loss until the insurance company representative has examined them.
- Many companies will also give you an emergency advance to cover some repair costs.
- Take photos or video of the way things look before you begin cleaning and repairing and keep receipts for all clean up and repair expenses.

**C. Emergency Repairs.**

**1. Can I hire someone to make emergency repairs?**

- Probably. Most homeowners' policies cover materials and reasonable labor expenses for temporary and emergency repairs in addition to any final repairs. If you can still live in your home, talk with your agent or insurer about critical repairs that must be made. Whether you make the repairs or hire someone, save the receipts for your claim. You should get several estimates if possible. You should also ask whether the company will reimburse for work you do yourself.

**D. Fraudsters.**

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

- No. If the repair work is extensive, the contractor may ask for periodic partial payments as the work progresses, but it is highly unlikely that a reputable contractor will request full payment in advance. The contract should specify that payments will be made as work is completed. If you have a mortgage on your home, the lending institution may also have specific requirements as to how the insurance funds are disbursed.
- Fraudsters often take advantage of the chaos following a disaster. When choosing a contractor to make repairs, check licensing and references before hiring. Always insist on a written estimate before repairs begin and do not sign any contracts before the adjuster has examined the damage. In some cases, the insurance adjuster will want to see the estimate before you begin making repairs. Do not pay a contractor the full amount up front or sign over your insurance settlement payment.

**E. Settlement Offers.**

**1. What if the insurance company offers to settle?**

- Consult a lawyer before signing a release or waiver and before cashing a check from the insurance company which may be deemed full and final payment of your claim.
- Before you settle, be aware of the full extent of your damage and the full value of your claim. It may be important for you to get estimates or to actually have the work completed before you agree to a specific cost figure. Do not feel rushed or pushed to agree on a settlement.
- If there are disagreements, try to resolve them with your insurer. Otherwise, the Department of Banking and Insurance can help you decide if arbitration or mediation is an option. Visit [www.state.nj.us/dobi/](http://www.state.nj.us/dobi/) for more information.

**2. If I accept settlement, what payments will I receive?**

- Your full may come in multiple payments. The first will be an emergency advance and may include additional living expenses. The payment for your personal property and any additional living expenses will be made out to you. Payments for the structure may be payable to you and your lienholder if there is a mortgage on your home. Lenders may place that money in an escrow account to pay for repairs as the work is completed.

**3. What if after I settle, I think of items that were not in my initial "loss list."?**

- If you think of items that were not in your initial loss list, contact your insurance company. Unless the company has paid the entire limit for the coverage of those types of items, it is possible the company will make an additional payment.
- The same holds true where a contractor finds hidden damage that was not discovered in the original assessment by the adjuster.

- Also, if your damages exceed the amount of your coverage, federal agencies will occasionally provide grants or low-interest loans to assist with recovery following major disasters. See Section XII.D.

**F. Denials, Inadequate Awards & Appeals.**

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

- You may file an appeal contesting the amount your insurance company offers. First, demand that the insurance company give you the reasons for the decision, in writing.
- You should also ask for any reports prepared by the insurance company when examining the insured's property or evaluating the insured's claim.
- If possible, you should consult lawyer.
- Most insurance policies require that you bring suit against the insurance company for failure to pay a claim within one year from the date of the occurrence of the damage, which would be the date of the storm. If you do not file suit in time, you may be prevented from receiving any reimbursement.

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

- You may be eligible for FEMA benefits if you are unable to pay for repair or replacement of essential parts of your home or essential personal property. See Section II.A.8 for information.
- You may also keep all of your repair and replacement receipts and file your losses with the IRS on your income tax returns next year. See Section XIII.D or information, you may call the IRS disaster hotline at 1-866-562-5227.

**G. Flood Insurance.**

**1. I am not sure if I have flood insurance, what do I do?**

- Contact your bank or insurance agent. Also, you may try calling the National Flood Insurance Program at 1-800-638-6620 to confirm your current flood insurance and to find out where to submit your claim.
- If your loan is through a federally regulated or insured lender and you are in a "high-risk" zone, you are required to have flood insurance through the National Flood Insurance Program (NFIP). For more information, or to apply to this program, visit <http://www.fema.gov/assistance/index.shtm> or call 800-621-FEMA (3362).

**2. I do not have flood insurance, is assistance available?**

- Contact FEMA. You may be eligible for help from them—apply as soon as possible. See Section II.A for information.
- You also might consider consulting a lawyer if a broker assisted you in purchasing your insurance and did not mention or recommend purchasing flood insurance.
- For information on flood insurance for the future, visit [www.floodsmart.gov](http://www.floodsmart.gov).

**H. Automobile Insurance.**

**1. Does my auto insurance cover the damage to my car resulting from the disaster?**

- Normally, this type of damage will be covered under the comprehensive policy coverage, although the particular language and exclusions of the policy will control. Even when there is a flood, wind, *etc.* coverage may exist under a collision policy if the disaster and event causing the damage could be construed as a collision. The courts have reached mixed results on this issue. You will need to check the provisions in your automobile insurance policy and may need to consult a lawyer.

**I. Federal Mortgage Insurance.**

- The Federal Housing Administration (FHA) can insure mortgages, up to a specified amount that varies by county, made by qualified lenders to disaster victims who lost their homes and are rebuilding or buying another single family home, which is/will be their primary residence.
- Mortgage insurance may make a qualified lender more likely to offer you a mortgage or more favorable terms.
- You must apply within a year of the disaster declaration, *i.e.*, October 30, 2013. For more information, contact 1-800-CALL-FHA (225-5342) or TTY 1-800-877-8339 for the hearing/speech impaired.
- FHA insurance for loans is also available up to \$35,000 to repair or refurbish a home. Visit [http://portal.hud.gov/hudportal/HUD?src=/program\\_offices/housing/sfh/203k/203kmenu](http://portal.hud.gov/hudportal/HUD?src=/program_offices/housing/sfh/203k/203kmenu) for more information.

**J. Alternate Housing.**

1. Where can I live while my house is being repaired?
  - If your policy provides coverage for your loss, you will be insured for “Additional Living Expense” coverage which pays for the costs you incur in excess of your normal living expenses. For example, if you normally spend \$1500 for mortgage/rent, utilities, food, *etc.* and you now spend \$2000 due to the disaster, the insurance company will reimburse you \$500. Be sure to save all receipts.
  - Ask the company representative if there are any restrictions on where and how long you can stay and how much you are allowed for hotel rooms.
  - If you stay with a relative or friend, the company may reimburse your host for lodging, only if you can show proof of actual payment. Extra expenses, such as higher utility bills by the host, would definitely be considered.
  - You can also submit a claim for the cost of storing your personal property until your home is ready for occupancy.

**K. Take Stock Of Your Policy.**

- This is a good time to consider changing your coverage. If your home was damaged or destroyed, you may save hundreds of dollars per year by reducing or eliminating coverage.
- If you learn that you did not have adequate insurance, you may also inquire into the availability and cost of additional coverage. Ask the representative for the required forms.

**L. Available Resources To Assist You.**

- The New Jersey Department of Banking and Insurance provides assistance to those affected by Sandy. Visit [www.state.nj.us/dobi/](http://www.state.nj.us/dobi/) for more information.
- To lodge a complaint about your insurance company or agent, visit [https://www16.state.nj.us/DOBI\\_UIC/servlet/Servlet.idxServlet?div='INS'](https://www16.state.nj.us/DOBI_UIC/servlet/Servlet.idxServlet?div='INS') or mail or fax a complaint form available at <http://www.state.nj.us.dobi/complain.pdf>.
- For more information, call 1-800-446-7467.

**XIII. MAIL / CHANGE OF ADDRESS.**

1. **My mail is still being sent to address in the Superstorm Sandy affected area. Will I be able to retrieve this mail?**
  - The U.S. Postal Service is working to reconnect those displaced by Superstorm Sandy with their mail. Persons unable to receive delivery at their permanent address should file a change of address with the U.S. Postal Service as soon as possible. For information on obtaining social security checks and/or Medicare information sent to your former address, please see Sections XI.H.2 and XI.K.
2. **How do I change my address with the U.S. postal service?**
  - You can change your address, go to [www.usps.com](http://www.usps.com). On the “Manage Your Mail” tab, click on Change of Address,” which will direct you to the change of address

page. Complete the form as instructed. You can also redirect your mail on an emergency basis (within 24 hours), by calling 1-800-ASK-USPS (1-800-275-8777).

#### **XIV. NEW JERSEY EDUCATION.**

##### **A. Schools.**

##### **1. Now that I have relocated, how do I determine which New Jersey public school to send my child to?**

- New Jersey law requires school districts to provide a free public education to students between the ages of 5 and 20, and to certain students under 5 and over 20 as specified in other applicable law, who are:
  - “Domiciled,” *i.e.*, living with a parent or guardian whose permanent home is located in the district. A home is permanent when the parent or guardian intends to return to it when absent and has no present intent of moving.
  - Living with a person, other than the parent or guardian, who is domiciled in the district and is supporting the student without compensation, as if the student were his or her own child, because the parent cannot support the child due to family or economic hardship.
  - Living with a person domiciled in the district, other than the parent or guardian, where the parent/guardian is a member of the New Jersey National Guard or the Reserves and has been ordered into active military service in time of war or national emergency.
  - Living with a parent or guardian who is temporarily residing in the district.

##### **2. What will I need to enroll my child in a new school?**

- Generally, to enroll a student, parents must provide the child’s birth certificate, immunization records, previous school records and proof of domicile.
- However, the following does not affect a student’s eligibility to enroll in school:
  - Immigration/visa status, except for students holding or seeking an F-1 visa;
  - Absence of a certified copy of a birth certificate or other proof of a student’s identity; this must be provided within 30 days of initial enrollment;
  - Absence of medical information, although attendance may be deferred as necessary in compliance with rules regarding immunization of student;
  - Absence of a student’s prior educational record, although the initial educational placement of the student may be revised upon receipt of records or further assessment by the district.

##### **3. How can I prove my child is domiciled within a school district?**

- School districts must accept a variety and combination of documents in order to show where a student lives and is entitled to attend school. Specific examples of documents that can be used include:
  - Property tax bills;
  - Leases or letters from landlords;
  - Voter registrations;
  - Driver licenses;
  - Cancelled checks;
  - Utility bills; or
  - An affidavit by a parent or guardian stating where they permanently live.

##### **4. What is an affidavit student?**

- These are students who reside with someone other than a parent or legal guardian and want to attend school in the district where they are living. The person they live with (a caretaker) must support them without any payment.
- To qualify as an affidavit student, the parent or legal guardian must file an affidavit along with supporting documentation to show that he or she cannot support the child due to a family or economic hardship. The affidavit must state that:

- The student is not living with the caretaker solely to attend school in the district;
- The caretaker lives in the district;
- The caretaker financially supports the student without payment, and plans to continue to do so for more than the school year;
- The caretaker will be responsible for the student's personal obligations related to school requirements;
- The caretaker may also have to submit a copy of his or her lease if he or she is a tenant or a statement from the landlord if there is no written lease.
- Even if without an affidavit, the school must enroll the student if these requirements are established. Schools cannot deny admission when the evidence shows that the student has no home or possibility of attending school other than with the caretaker.

**5. What if the student is homeless?**

- Federal law requires states to make sure that homeless students have equal access to a free public education. New Jersey law requires that homeless students have the same rights and access to a free public education as non-homeless students.

**6. When is a student considered homeless?**

- A student is homeless for the purpose of school enrollment when the student lives:
  - In a temporary housing shelter, domestic violence shelter, or shelter for runaway youth, or temporary shelter for migrant farm workers;
  - Temporarily in a hotel or motel;
  - In transitional housing;
  - In a vehicle (including mobile home) or tent;
  - Temporarily with relatives or friends because the family lacks a regular or permanent residence of its own; or
  - In a temporary placement, while waiting for foster care placement.
- When enrolling a child in school, the parents, guardian or caregiver should tell the board of education their housing situation. They should also ask to speak with the district's homeless liaison.

**7. What is a homeless liaison?**

- A school district is required to have a homeless liaison, who must:
  - Help the homeless student enroll in school;
  - Make sure that the student is attending school;
  - Make sure that the student and family gets appropriate educational services, *i.e.*, Head Start, pre-school programs, and health care services;
  - Make sure that parents have a chance to participate in their child's education; and
  - Advise that the school district must provide transportation to and from school, or help to secure such transportation.

**8. Which school district is responsible for the education of a homeless student?**

- When a student is homeless, the district where the student's parents last lived is called the student's district of origin. The district of origin is responsible for the education of the child for as long as the student is homeless;
- When a student gets permanent housing during the school year, the district of origin continues to be so until the end of that school year.

**9. How can a parent, legal guardian, or caregiver appeal a denial of admission or continued enrollment?**

- The parent, guardian, or caregiver (if it is a case involving an affidavit student) must prepare a petition. If the parent, legal guardian, or caregiver files the petition pro se

(without a lawyer), then the petition can be in the form of a letter that must contain the following information:

- The name, address, and telephone number of the person filing the appeal;
  - The name of the district board of education;
  - A statement that this is an appeal from a determination of ineligibility to attend school in the district based upon residency or domicile;
  - The date when the determination of ineligibility was made; and
  - A signed statement that their claim to attend school is based upon facts that are true to the best of their knowledge and belief.
- You can file a pro se appeal with the Bureau of Controversies and Disputes at:
    - State Commissioner of Education, c/o Director of Bureau of Controversies and Disputes, New Jersey Department of Education, 100 Riverview Plaza, P.O. Box 500, Trenton, NJ 08625-0500
  - Call the Controversies and Disputes office at (609) 292-5705 to ask questions.
  - The district board must answer the petition within 20 days and file it with the Commissioner of Education. The case will be scheduled for a hearing before an Administrative Law Judge, who will make an initial decision. The case will then go to the Commissioner for a final decision. The Bureau will ensure that the child attends school pending the outcome of the hearing.

**10. What if I think my child has (or may have) special needs?**

- Contact the New Jersey Department of Education Office of Special Education, which ensures that pupils with disabilities receive full educational opportunities. Visit <http://www.nj.gov/njded/specialed/> or call (609) 292-0147 for more information.

**11. Where can I find a Head Start program for preschoolers?**

- The Head Start program (for children ages 3-5) and Early Head Start program (for infants and toddlers) promote school readiness for children in low-income families by providing comprehensive educational, health, nutritional, and social services.
- To find the local program office near you, visit <http://www.acf.hhs.gov/programs/hsb/hsweb/index.jsp>.

**12. Do New Jersey schools have school lunch or breakfast programs for students?**

- Some schools have the School Breakfast Program which offers a nutritious breakfast to students each day, and the National School Lunch Program for a nutritious lunch.
- To qualify, you must: (a) be a resident of New Jersey; (b) a parent or primary caregiver responsible for a child who attends school; (c) have an annual household pre-tax income that must not exceed a certain amount (\$23,107 if two people live in the household; \$28,990 if three people live in the household; \$34,873 if four people live in the household; \$40,756 if five people live in the household; \$46,639 if six people live in the household; \$52,222 if seven people live in the household; and for larger households, add \$3,180 for each additional person in the home).
- Visit <http://www.state.nj.us/agriculture/divisions/fn/childadult/school.html> more information, or contact the Bureau of Child Nutrition Programs at 609-984-0692, or call your child's school to find out what free meals are served and how to apply for free or reduced meals.

**13. Do New Jersey schools have a milk programs for students?**

- New Jersey has a Special Milk Program (SMP) which encourages the consumption of milk by children. Generally, this program does not operate in schools that participate in the National School Lunch Program or School Breakfast Program. Individual schools may elect to offer free milk to low-income children.
- For more information, visit <http://www.state.nj.us/agriculture/markets/spcmilkprg.htm>, or call the New Jersey Bureau of Child Nutrition Programs at 609-984-0692. You may also contact your local school district if you have other inquiries regarding the program.

**B. Higher Education.**

**1. I am having trouble meeting my school loan obligations; what should I do?**

- Student loan counselors are available at 1-800-792-8670 (option #3) to talk with students who have federal student loans that are currently being serviced by New Jersey Higher Education Student Assistance Authority (HESAA), or a New Jersey College Loan to Assist State Students. You may also email HESAA at [servicingandcollections@hesaa.org](mailto:servicingandcollections@hesaa.org) to talk with a student loan counselor.
- HESAA is also extending certain deadlines for students who have applied for the State Tuition Aid Grant (TAG) or the Part time TAG for County College Students program and have received from HESAA an Additional Information Request (AIR) or a letter requesting tax return transcripts or other documents. If you have questions about these deadlines, contact 1-800-792-8670 (option #2).
- For Federal Family Education Loan Program (FFELP) loans: contact your lender directly or call 1-800-4FEDAID (1-800-433-3243).
- Borrowers can also contact the Federal Student Aid Ombudsman at 877-557-2575.

**XV. PUBLIC BENEFITS.**

**A. 2-1-1 And County Welfare Agencies.**

**1. Where can I obtain information about shelters, food pantries, cash assistance, Food Stamps and Medicaid?**

- In New Jersey dial 2-1-1 for assistance in locating available assistance. Language translation and TTY services are offered to any caller.
- Also, research available resources at [www.nj211.org](http://www.nj211.org), through a resource database.
- You may also contact your local County Welfare Agency:
  - **Atlantic County** Department of Family and Community Development; (609) 348-3001.
  - **Bergen County** Board of Social Services; (201) 368-4200.
  - **Burlington County** Board of Social Services; (609) 261-1000.
  - **Camden County** Board of Social Service; (856) 225-8800.
  - **Cape May County** Board of Social Services; (609) 886-6200.
  - **Cumberland County** Board of Social Services; (856) 691-4600.
  - **Essex County** Dept. of Citizen Services; (973) 733-3000.
  - **Gloucester County** Board of Social Services; (856) 582-9200.
  - **Hudson County** Dept. of Family Services; (201) 420-3000.
  - **Hunterdon County** Division of Social Services; (908) 788-1300.
  - **Mercer County** Board of Social Services; (609) 989-4320.
  - **Middlesex County** Board of Social Services; (732) 745-3500.
  - **Monmouth County** Division of Social Services; (732) 431-6000.
  - **Morris County** Office of Temporary Assistance; (973) 326-7800.
  - **Ocean County** Board of Social Services; (732) 349-1500.
  - **Passaic County** Board of Social Services; (973) 881-0100.
  - **Salem County** Board of Social Services; (856) 299-7200.
  - **Somerset County** Board of Social Services; (908) 526-8800.
  - **Sussex County**; Division of Social Services (973) 383-3600.
  - **Union County** Division of Social Services; (908) 965-2700.
  - **Warren County** Division of Temporary Assistance & Social Services; (908) 475-6301.

**B. Unemployment And Temporary Disaster Clean-Up Employment.**

**1. I am unemployed as a result of Superstorm Sandy. Are there any programs available for me?**

- First, contact your local unemployment centers through your County Welfare Office to look for employment. (See Section XI.A.1)
- The U.S. Department of Labor (DOL) approved a National Emergency Grant to fund a plan to hire unemployed New Jersey residents to assist with storm clean-up and recovery. The plan will provide a limited number of temporary jobs to unemployed



residents for six months or 1,040 hours. The maximum wage is approximately \$12,000 per worker, excluding fringe benefits. Affected counties and towns may hire people directly through the state's One-Stop Career centers and may contract with private non-profit agencies and organizations to assist with disaster relief efforts.

- Eligibility: (a) workers temporarily or permanently dislocated due to the disaster, (b) who are unemployed and not receiving unemployment compensation or other income support (e.g., WorkFirst NJ), or (c) who are long-term unemployed.
- Contact local One-Stop Career Centers for information (see Section XI.B.2), e-mail [sandyhelp@dol.state.nj.us](mailto:sandyhelp@dol.state.nj.us), visit [www.Jobs4Jersey.com](http://www.Jobs4Jersey.com), or call 1-877-682-6238 or 1-800-233-5005.

**2. I am unemployed. What resources are available to help me find employment?**

- The New Jersey Department of Labor and Workforce Development website provides job search tools, career exploration advice, training and education and other resources at [www.wnjin.com](http://www.wnjin.com).
- You can also visit a One-Stop Career Center, located in every county. Visit <http://www.wnjin.com/labor/wnjin/findjob/onestop/services.html> for a listing of One-Stop Career Centers in New Jersey.
- Jersey Job Clubs hold information sessions about services that can help you. Register at [www.Jobs4Jersey.com](http://www.Jobs4Jersey.com).

**3. How do I file for unemployment?**

- To file for unemployment, visit <http://www.njuifile.net/>.
- Claims filed via the internet are processed faster. However, you may file a claim by telephone with the state Department of Labor's Re-employment Call Centers at:  
North Jersey: (201) 601-4100  
Central Jersey: (732) 761-2020  
South Jersey: (856) 507-2340

**C. Business Assistance.**

**1. My business has been affected by Superstorm Sandy, where can I find help?**

- Information about business recovery assistance services for those affected by the storm may be accessed through New Jersey's Business Action Center (BAC) by calling 866-534-7789, or by visiting [www.newjerseybusiness.gov](http://www.newjerseybusiness.gov). Services include:
  - Guarantees of up to \$500,000 for lines of credit to businesses that need cash to improve their damaged property while awaiting insurance proceeds; related New Jersey Economic Development Authority fees waived.
  - Grant awards for businesses to assist with on-the-job training costs for new workers hired specifically to assist in disaster-related activities, such as landscaping and tree removal, construction, insurance claims, building supplies sales, materials transport, utility work, call and claims centers staffing, and infrastructure clearing and repair.
  - Business Resource Centers are available at One-Stop Career Centers as temporary hubs for businesses to access telephone and internet services. Visit <http://www.wnjin.com/labor/wnjin/findjob/onestop/services.html> for a listing of One-Stop Career Centers in New Jersey.
- BAC's Business Call Center is also a resource for more information on how to get businesses back up and running. Call Center staff can assist with the following:
  - Arranging business facility inspections for buildings suffering major flood damage, as such conditions require structural integrity inspections before utility service can be restored.
  - Advocating for businesses with utilities to restore services.
  - Advocating with insurance carriers to file and expedite claims.
  - Information on how to qualify for federal recovery assistance, and

- Connecting businesses to the other county and local business services and services offered by the Small Business Administration and Small Business Development Centers that include assistance with insurance claims, as well as loans and business plan revisions.
- The New Jersey Office of Homeland Security and Preparedness (OHSP) has a Private Sector Desk at the Regional Intelligence Operations Center (ROIC), which serves as the primary point of contact for critical private sector industries after Superstorm Sandy. OHSP staff can be reached at 609-963-6810.

**2. Does your business need temporary workers?**

- Funds are available to hire workers for many temporary jobs associated with disaster recovery. For more information, visit [www.Jobs4Jersey.com](http://www.Jobs4Jersey.com).

**3. Do you need help restarting your business?**

- For information on state and federal financial resources, and how to get a business back up and running, call the New Jersey Business Action Center at 866-534-7789, 877-682-6238, or E-mail: [sandyhelp@dol.state.nj.us](mailto:sandyhelp@dol.state.nj.us).

**4. Is anyone available to assist me in this process?**

- Business Representatives from the Department of Labor and Workforce Development knows which programs are available, and can help you obtain those services. Business Representatives can also offer no-cost recruitment services, hiring incentives, and funding assistance to train your employees. The following is contact information for Business Representatives throughout the state:

<u>Workforce Region</u>	<u>Business Representative</u>	<u>Phone Number</u>
<b>Atlantic / Cape May Bergen</b>	Elaine Williams	609-645-6712 or 6713
	Maribel Fermin	201-996-6181
	Sybrina Blissett	201-329-9600 x 5515
<b>Burlington Camden</b>	Catherine Carroll	609-518-3918
	Jeanne Page-Soncrant	856-365-3984
	David Klein	856-968-4242
<b>Cumberland / Salem</b>	Sherry Thompson	856-696-8607
	Carleen DiPaola-Greco	856-696-6602
	Evanthia Corrado	973-395-3248
<b>Essex Gloucester</b>	Brenda Geist	856-384-3763
	Eva Fernandez	973-361-1892
	Amanda Young	973-361-0191
<b>Hunterdon / Somerset</b>	Hugh Caufield	201-217-7179
	Wendel Thomas	609-633-8208
	Chris Murphy	732-293-2330
<b>Hudson / Jersey City Mercer Middlesex</b>	Sharita Brown	973-693-5586
	Jay Staiger	732-683-8850 x 4011
	Sean Hendricks	973-361-0043
<b>Monmouth Morris / Sussex / Warren</b>	Donald Hogan	908-859-0400
	Andrew Manganello	973-383-0386
	Sharita Brown	973-693-5586
<b>Newark Ocean Passaic Union</b>	Lucille Brown	732-736-7221
	Don Escue	973-569-4020
	Anne Schiadaresis	908-412-7975
	Iliana Ivanov	908-965-3933

**D. Food Stamps.**

**1. What are expedited Food Stamps?**

- Expedited food stamps are provided to very needy people get a week after applying. Contact your County Welfare Agency to determine your eligibility for food stamps. See Section XI.A.1, above, for telephone numbers for county each office.

- E. WIC Benefits (Supplemental) Nutrition Program For Women, Infants And Children).**
- 1. How can I apply for WIC benefits?**
    - New Jersey WIC Services provides nutritious foods to low-income pregnant, breastfeeding and postpartum women, infants and children up to the age of five.
    - WIC services also include nutrition education and counseling, breastfeeding promotion and support, immunization screening and health care referrals.
    - Services are available to low and no income families, as well as families experiencing unemployment and other interim financial hardships.
    - For information about WIC, including application, call Toll Free 1-866-44 NJ WIC (446-5942), or the 24 referral line at 1-800-328-3838.
- F. Cash And Other Support Services.**
- 1. What is Work First New Jersey (WFNJ)?**
    - WFNJ provides temporary cash assistance and other support services to families through the Temporary Assistance for Needy Families (TANF), a federal program.
  - 2. Am I eligible for WFNJ?**
    - Contact your local county Welfare Agency to determine if you are eligible for benefits under WFNJ; phone numbers are provided above in Section XI.A.1.
    - Note that you cannot receive these benefits if you do not have dependent children, but you may be eligible for the General Assistance (GA) program.
  - 3. Am I eligible for WFNJ/TANF or GA if I am receiving money from FEMA or other disaster relief agencies?**
    - Funds from FEMA or other disaster relief agencies are not counted when determining eligibility for WFNJ or GA benefits.
- G. Assistance With Phone & Utility Bills.**
- 1. How can I receive help on getting discounted rates on telephone services?**
    - Verizon offers a discounted telephone rate to people who are eligible to receive certain public benefits. Eligible customers will be automatically enrolled in Verizon New Jersey's Lifeline Services quarterly.
    - For more information, contact your County Welfare Agency.
  - 2. How can I receive financial assistance on my heating bills?**
    - You may be eligible for a subsidy through the New Jersey Low Income Home Energy Assistance Program (LIHEAP). For more information, call 1-800-510-3102.
  - 3. How can I receive assistance on paying my electric and gas bills?**
    - Contact New Jersey Statewide Heating Assistance and Referral for Energy Services (NJ SHARES), nonprofit energy fund for individuals and families who need temporary help paying their electric and natural gas bills, at 1-866-NJ-SHARES or visit <http://www.njshares.org/>.
- H. Social Security Benefits.**
- 1. I receive social security benefit payments by paper check. How can I retrieve my payments?**
    - The Social Security Administration is working to ensure that payments get to beneficiaries affected by disasters. Contact the Social Security office if you have moved to provide them with your new address so that future checks will be mailed to your new address. You can get addresses and telephone numbers of the offices from the Social Security Office Locator at: <http://www.socialsecurity.gov/locator/>.

2. **How do I notify Social Security that I have changed my address?**
  - You can change your address at <http://www.socialsecurity.gov/coa/>. Instead, you can speak to a Social Security representative at 1-800-772-1213, or you can contact your local Social Security office, using the locator website listed above.
3. **I lost a family member in the storm. Should I report the death to Social Security?**
  - It is important to report the death to Social Security if case you and your family are eligible for benefits.
  - To do so, contact 1-800-772-1213, or (TTY) 1-800-325-0778 for those with hearing or speech impairments. When you call, have the deceased person's Social Security number handy. For more information, call the numbers provided here.
4. **I lost a family member in the storm. Am I eligible for Social Security Survivor benefits?**
  - When a person dies who had worked for and paid Social Security, certain family members may be eligible for survivor's benefits. Generally, up to ten years of work is needed for survivors to be eligible. Benefits can be paid to:
    - A widow or widower -- full benefits at full retirement age (currently age 65), or reduced benefits as early as age 60.
    - A disabled widow or widower -- as early as age 50.
    - A widow or widower at any age if he or she takes care of the deceased's child who is under age 16 or disabled, and receiving Social Security benefits.
    - Unmarried children under 18, or up to age 19 if they are attending high school full time. Under certain circumstances, benefits can be paid to stepchildren, grandchildren, or adopted children.
    - Children at any age who were disabled before age 22 and remain so.
    - Dependent parents age 62 or older.
  - For more information, visit <http://www.socialsecurity.gov> or call 1-800-772-1213 or (TTY) 1-800-325-0778. You can also call or visit your local Social Security Office; visit [www.socialsecurity.gov](http://www.socialsecurity.gov) to find the Office nearest you.

#### **I. Veteran's Benefits.**

1. **I receive veteran's benefits and have relocated due to the storm. How do I retrieve my benefits payments?**
  - If you currently receive benefit payments from the Veteran's Administration (VA) via direct deposit, payment will be made to your bank as usual. If you normally receive a paper check, or if you do not have access to your bank, you can obtain a paper convenience check by calling 1-800-827-1000. For more information, visit <http://www.vba.va.gov>.
2. **I am a veteran displaced by the storm. Where can I get medicine, treatment, and have other questions answered?**
  - Call the Department of Veterans Affairs at 1-800-507-457.

#### **J. Emergency Prescription Assistance Program.**

- The U.S. Department of Health and Human Services' Emergency Prescription Assistance Program provides prescription drugs and limited durable medical equipment to those disaster victims. Visit <http://www.phe.gov/Preparedness/planning/epap/Pages/dai.aspx> for more information.

**K. Medicare / Medicaid/NJ FamilyCare.**

**1. I lost my Medicare card in Superstorm Sandy. How do I replace it?**

- You can obtain a replacement card from the Social Security Administration. If you have relocated, be sure to first change your address with the Social Security Administration before requesting a replacement card.
- A replacement card can be requested one of following ways:
  - Online at [www.ssa.gov](http://www.ssa.gov). A card will be mailed within 30 days to the address SSA has on record.
  - If you need proof right away that you have Medicare, contact your local Social Security Office or call 1-800-772-1213.

**2. I lost my/my child's Medicaid/NJ FamilyCare card in the disaster and I don't know the numbers or our social security numbers. Can we still get medical care and prescription medications?**

- Yes. Call 1-877-414-9251 to receive a replacement card for Medicaid or NJ FamilyCare. Or, healthcare providers can electronically verify your Medicaid or NJ FamilyCare eligibility. As a last resort, you can contact your County Welfare Agency to receive an emergency services letter. See Section XI.A.1 above for phone numbers of the welfare offices.

**3. I am enrolled in Medicaid, or my child and/or I are enrolled in NJ FamilyCare, but we had to leave N.J. Can we use our Medicaid or NJ FamilyCare in another state?**

- If you are in this situation, call 1-800-356-1561 for Medicaid or 1-800-701-0710 for NJ FamilyCare, and your issue will be handled on a case-by-case basis.

**4. Who can qualify for the Medicaid and NJ FamilyCare programs?**

- To qualify for New Jersey's Medicaid program, you must be:
  - A resident of New Jersey;
  - A U.S. Citizen or qualified alien (most immigrants who arrive after August 22, 1996 are barred from Medicaid for five years, but immigrant children are eligible for NJ FamilyCare, and pregnant women may be eligible for certain programs); and
  - Meet specific standards for financial income and resources.
  - In addition, a person must fall into one of the following categories:
    - (a) Families with dependent children; People who are 65 years of age or older, blind, or permanently disabled; or (c) Pregnant women.
  - For more information about Medicaid, visit <http://www.state.nj.us/humanservices/dmahs/clients/medicaid/> or call 1-800-356-1561, or your County Welfare Agency. Phone numbers for County Welfare offices are provided in Section XI.A.1, below.
- NJ FamilyCare offers free or low cost health insurance for uninsured children 18 years old or younger and certain low-income parents who live in New Jersey. Lawful permanent residents of New Jersey or those in a qualified immigrant status may be eligible after five years of residence in N.J.; children have no such residency requirement. Eligibility for NJ FamilyCare is based on monthly income and household size (which includes parents, stepparents, and children under 21).
  - To receive an application, call 1-800-701-0710, or you can download an application at [http://www.njfamilycare.org/pages/apply\\_njfc.html](http://www.njfamilycare.org/pages/apply_njfc.html). Once you have copies of all the required documentation and your application is completed and signed, place everything in the prepaid postage return envelope provided and drop it in the mail.
  - For more information about NJ FamilyCare, visit <http://www.njfamilycare.org/>.

**L. Pet Rescue Hotline.**

- A hotline for residents affected by Superstorm Sandy who left their pets behind when evacuating their homes is available at 1-855-407-4787.

**XVI. TAX ISSUES.**

**A. Introduction.**

- This section of the Handbook discusses tax issues which may be relevant to individuals and businesses affected by the storm. The discussion is for general information only, is not exhaustive of all possible tax considerations and should not be construed as tax advice.
- The Internal Revenue Service (“IRS”), New Jersey Division of Taxation and other governmental authorities have issued many tax-related relief announcements in the aftermath of the storm. It is possible that additional announcements will be issued after this Handbook has been published, some of which may modify the statements contained in this Handbook. You should check the Hurricane Sandy links on the IRS website at [www.irs.gov](http://www.irs.gov) to access the most recent pronouncements from the IRS on Hurricane-related tax matters.
- Many of the issues discussed in this section of the Handbook are complex and technical. **You are strongly urged to consult with their own tax advisers before taking any action based on the statements contained in this Handbook.**
- You should also be alert for the possibility of special legislation targeting Sandy victims. For example, in 2005, the Internal Revenue Code was amended to help individuals and businesses affected by Hurricane Katrina. At the time this Handbook was submitted for publication, Congress had not enacted legislation providing relief for those affected by Superstorm Sandy.

**B. Federal Tax Deadlines: Filing Returns And Paying Taxes.**

**1. I live or have a business in one of the counties affected by Sandy, can I get additional time to file any federal tax return or pay my taxes to the IRS?**

- Yes. The IRS has postponed various filing and payment due dates which otherwise would have fallen on or after October 26, 2012 and on or before February 1, 2013, with respect to any taxpayer who lives or has a principal place of business in a county affected by Hurricane Sandy.
- All counties in New Jersey had been designated as federally-declared disaster areas that are eligible for tax relief.
- The types of returns, forms and payments eligible for tax relief include:
  - The fourth quarter individual estimated tax payment (normally due on January 15, 2013);
  - Payroll and excise tax returns and accompanying payments for the third and fourth quarters (normally due on October 31, 2012 and January 31, 2013, respectively); and
  - Form 990 series returns.
- The postponement for these is automatic; you need not request an extension.
- The filing and payment deadline has been extended to February 1, 2013.

**2. Do the IRS Hurricane Sandy extensions apply to all business-related taxes?**

- No. By way of example, the IRS postponements do not apply to:
  - Employment and excise tax deposits; or
  - Information returns in the W-2, 1098, 1099 or 5498 series.
- However, the IRS will abate failure-to-deposit penalties for payroll and excise taxes due on or after October 26, 2012 and on or before November 26, 2012, provided that the deposits were actually made by November 26, 2012.

**3. Will I have to pay interest, late filing penalties or late payment penalties to the IRS if my tax returns or payments are delayed due to Hurricane Sandy?**

- Generally, no. The IRS will abate interest and any late filing or late payment penalties in certain Hurricane Sandy-related situations as long as the filing or

payment is made on or before February 1, 2013. As noted above, a special rule applies to failure-to-deposit penalties.

**C. Federal Tax Deadlines: Elections And Other Compliance**

1. In addition to getting additional time to file my tax returns or pay my taxes, are there any other time-sensitive tax deadlines that have been postponed by the IRS as a result of Hurricane Sandy?
  - Yes. The IRS has given affected taxpayers until February 1, 2013 to perform over 200 different types of tax compliance actions as a result of the storm. These actions are organized into 13 categories, including accounting methods and periods, employee benefits, estate, gift and trust issues, exempt organizations, international issues, partnerships and S corporations, tax credits and tax-exempt bonds. For specifics, see IRS NJ-2012-47 at <http://www.irs.gov/uac/Newsroom/Tax-Relief-for-Victims-of-Hurricane-Sandy-in-New-Jersey> and IRS Rev. Proc. 2007-56, IRB 2007-34 at [http://www.irs.gov/irb/2007-34\\_IRB/ar13.html](http://www.irs.gov/irb/2007-34_IRB/ar13.html).

**D. New Jersey Tax Deadlines: Filing Returns And Paying Taxes.**

1. **I know that Governor Christie announced limited relief for tax filings or payments, with the filing and payment deadline extended to November 26, 2012. Do I have to pay interest and penalties that would otherwise apply during the extension period?**
  - Generally no. The Division of Taxation will abate any Sandy-related interest and penalties that accrued during this period. If you receive an interest or penalty notice from the Division, call the Division at the telephone number listed on the billing notice to explain your circumstances.
2. **Can I get any New Jersey tax relief if I can't file returns or pay taxes by the November 26 extension date?**
  - Maybe. The Division of Taxation has been instructed to grant hardship waivers for late filers on a case-by-case basis for business taxpayers affected by the storm.

**E. Pending IRS Audits And Collection Activities.**

1. **Is the IRS postponing pending audits or collection activities?**
  - At the time, the IRS had not yet issued any guidelines as to whether pending audits or collection activities might be postponed. The Mountainside, New Jersey office of the IRS has issued a notice stating that taxpayers affected by Sandy who are contacted by the IRS on a collection or examination matter should explain how the disaster impacts them "so that the IRS can provide appropriate consideration". See IRS NJ-2012-47 at <http://www.irs.gov/uac/Newsroom/Tax-Relief-for-Victims-of-Hurricane-Sandy-in-New-Jersey>.
  - Visit <http://www.irs.gov> or contact the IRS at 866-562-5227 to check any new developments, as the IRS may issue more comprehensive guidance on this subject.

**F. Replacing Lost Federal Tax Documents.**

1. **I lost my federal tax returns for prior years as a result of the storm. How can I get a copy of my federal income tax return or other federal tax information?**
  - File Form 4506 ("Request for Copy of Tax Return") to request copies of previous years' federal income tax returns. To get the form, call the IRS at 866-562-5227 or go to <http://www.irs.gov/pub/irs-pdf/f4506.pdf>.
    - The regular \$57 fee per copy will be waived as long as "Hurricane Sandy" is written in red ink across the top of the form.
  - File Form 4506-T ("Request for Transcript of Tax Return") to request copies of previous years' federal tax return transcripts, tax account information, W-2

information, 1099 information, verifications of non-filing and records of account. To get the form, call the IRS at 1-800-908-9946 or visit <http://www.irs.gov/pub/irs-pdf/f4506t.pdf>. There is no fee.

**G. Casualty Loss Deduction.**

**1. Can I claim a “casualty loss” deduction on my federal income tax return for property damage suffered as a result of Hurricane Sandy?**

- Yes, but only if you satisfy various complex requirements. This portion of the Handbook provides an overview of these requirements and is not intended to set forth all of the rules.
- Generally, you can claim a “casualty loss” deduction on your federal income tax return for the loss, destruction or damage to property resulting from a natural disaster (such as Superstorm Sandy). The deduction is potentially available for personal-use property (*i.e.*, your home) as well as business-use or income-producing property.
- Determining the amount of the casualty loss depends on the type of property. The tentative amount of the deduction for a particular item of property is based on the *lesser of* (i) the reduction in the property’s fair market value as a result of the storm or (ii) your “adjusted basis” in the property. However, this tentative loss is then reduced by any reimbursement from insurance or other sources. (Special rules apply if you receive reimbursements in excess of the tentative loss.)
- See IRS Publication 547 (“Casualties, Disasters, and Thefts”) for more information, available at <http://www.irs.gov/pub/irs-pdf/p547.pdf>.

**2. What limitations apply in claiming the casualty loss deduction if my property was used solely for personal purposes (such as my principal residence)?**

- For personal-use property, once you determine the total casualty loss for each item of property as described above, you must first reduce that amount by \$100, so that only the excess above \$100 per property is eligible to be treated as deduction.
- You then aggregate all of your casualty losses (in excess of \$100 each), net of any casualty gains for the year, and if the result is a net loss, the loss is eligible for the deduction only to the extent greater than 10% of your adjusted gross income.
- Lastly, you can claim the casualty loss deduction for personal-use property on your federal income tax return only if you itemize your deductions.
- These limitations do not apply to business-use or investment property.

**3. When can I claim the casualty loss deduction if my property is located in a federally-declared disaster area?**

- For property damaged in Superstorm Sandy, you may claim the casualty loss deduction on your 2011 or 2012 federal income tax return.
  - If you have already filed your 2011 return, you would need to file an amended return for that year in order to claim the deduction.

**4. What steps must I take to claim a casualty loss deduction?**

- You will need (a) proof the loss was a direct result of the storm, (ii) proof that you were the owner or the lessee of the property (if you were contractually liable for the damage to the owner) and (iii) whether an insurance claim (or other reimbursement claim) was filed for which there is a reasonable expectation of recovery.
- You will need proof of the property’s fair market value immediately before and after the storm. Instead of an appraisal, there are circumstances in which your repair costs can be used as a measure of the decrease in the property’s fair market value.
- You will need proof of the property’s adjusted basis.
- You will need a copy of your 2011 federal tax return if you wish to claim the deduction for the 2011 tax year. If you are an individual, you would amend your 2011 return by filing Form 1040X (“Amended U.S. Individual Income Tax Return”).



- To get the form, call the IRS at 800.829.3676 or go to <http://www.irs.gov/pub/irs-pdf/f1040x.pdf>.
- As part of the appropriate federal tax return (*i.e.*, Form 1040 or Form 1040X if you are an individual), you will need to insert casualty-related information on Form 4684 (“Casualties and Thefts”) and, depending on the type of property, Schedule A (“Itemized Deductions”) or Form 4797 (“Sales of Business Property”).
  - To get these forms, call the IRS at 800-829-3676 or visit <http://www.irs.gov/pub/irs-pdf/f4684.pdf>, or <http://www.irs.gov/pub/irs-pdf/f1040sa.pdf> or <http://www.irs.gov/pub/irs-pdf/f4797.pdf>.

**5. The government has ordered me to demolish or relocate my home, which is in a federally-declared disaster area. Is this demolition or relocation eligible to be treated as a casualty loss on my federal income tax return?**

- Yes. Subject to all of the rules described above, you would be eligible for a casualty loss deduction, provided that: (a) The demolition or relocation order is issued by the State of New Jersey (or any political subdivision thereof) within 120 days after the date on which President Obama determined that the area required federal assistance; and (b) Your home was declared unsafe for living because of Superstorm Sandy.

**H. Income Exclusions Or Deferrals.**

**1. Must I pay federal income tax if I receive insurance proceeds in excess of the tax basis of my insured property?**

- Maybe. For example, for certain types of property, you may be able to avoid recognizing gain if the damage to your property constitutes an “involuntary conversion” and the proceeds are reinvested in qualifying replacement property within a specified time period.

**2. Will I be required to pay federal income tax on payments I receive from governmental agencies, charitable organizations or my employer if the payments are intended to reimburse me for storm-related losses?**

- You will not be required to pay federal income tax for payments received that fall within the definition of “qualified disaster relief payments”:
  - Reasonable and necessary personal, medical, family, living or funeral expenses incurred as a result of the Hurricane; and
  - Reasonable and necessary expenses incurred for the repair or rehabilitation of a personal residence (or repair or replacement of contents) to the extent that the needs are attributable to the storm.
  - There may be other types of expenses which be reimbursed tax-free: by governmental units (for reimbursements that are considered to promote the “general welfare” within the meaning of the tax law) or by charities (if the reimbursement is treated as a “gift” within the meaning of the tax law).

**3. Must I pay federal income tax on the cancellation of debts by any of my creditors?**

- Generally, cancellation of debt is a taxable event for federal income tax purposes, unless an exception applies. Although the Internal Revenue Code was amended in 2005 to provide debt cancellation relief for victims of Hurricane Katrina, no such legislation had been enacted for victims of Sandy at the time.

**I. Tax Issues Relating To Retirement Plan Withdrawals**

**1. Can I take a loan or hardship distribution from a qualified employer retirement plan for Sandy-related hardships even though my plan does not currently allow hardship distributions or loans?**

- No. A loan or hardship distribution is potentially available only if expressly permitted under the terms of your plan.

2. **Can I take a loan or hardship distribution from a qualified employer retirement plan to use for damage to my home?**
- Generally yes – but subject to the specific terms and conditions of your employer’s plan. Also, you may be limited as to the amount and number of hardship distributions available, especially if you have previously received one. Contact your plan administrator for more information.
  - Note that if your employer’s plan permits plan loans, you must first seek out as much relief as possible under the plan’s loan policy before seeking a hardship distribution.
  - The IRS recently relaxed rules under which retirement plans can offer loans or hardship distributions to those impacted by Superstorm Sandy. To be eligible, your primary residence or principal place of business must be located in a qualified disaster area as of October 29, 2012. To qualify, and assuming that it is permitted under the terms of your employer’s plan, withdrawals must be made by February 1, 2013. See IRS IR-2012-93, at <http://www.irs.gov/uac/Newsroom/Retirement-Plans-Can-Make-Loans,-Hardship-Distributions-to-Sandy-Victims>.
3. **Can I take a hardship distribution from a qualified retirement plan to use for food and shelter or other Hurricane-related needs unrelated to the damage to my home?**
- Although hardship distributions ordinarily would not be permitted for food and shelter, the IRS has recently liberalized this restriction such that an employer plan will now be permitted (but not required) to make hardship distributions for any Sandy-related hardships of the employee/beneficiary, including food and shelter, but subject to the requirements noted above.
  - The expanded categories of hardship distributions apply only to withdrawals made by February 1, 2013. For further details, see IRS IR-2012-93 at <http://www.irs.gov/uac/Newsroom/Retirement-Plans-Can-Make-Loans,-Hardship-Distributions-to-Sandy-Victims>.
  - Contact your plan administrator to determine if relief is available to you.
4. **Will I have to pay a 10% penalty tax for taking out money from my retirement plan because of needs created by Superstorm Sandy?**
- Generally yes. Subject to certain specific exceptions, if you receive a hardship distribution, you will be required to pay a 10% penalty tax if you are under the age of 59 ½ (55 if you have separated from service), as well as ordinary income tax.
5. **I took out money from my retirement plan or IRA to purchase a home, but because of Sandy I will not be purchasing it. Can I return the money without having to pay income tax and without having to pay the 10% penalty tax?**
- Maybe. As a result of relief provided by the IRS, first time home buyers affected by the storm who received a distribution from an IRA can avoid the 10% early distribution tax so long as they either use the amount to pay qualified acquisition costs or roll it into an IRA within 120 days of receipt of the initial distribution. For specifics, see IRS NJ-2012-47 at <http://www.irs.gov/uac/Newsroom/Tax-Relief-for-Victims-of-Hurricane-Sandy-in-New-Jersey> and IRS Rev. Proc. 2007-56, IRB 2007-34, Sec. 8 at [http://www.irs.gov/irb/2007-34\\_IRB/ar13.html#d0e1696](http://www.irs.gov/irb/2007-34_IRB/ar13.html#d0e1696).
6. **I took out a loan from my retirement plan. Can I get a postponement to make my repayments to the plan because of Hurricane Sandy?**
- Generally, you would not be entitled to a postponement, except as follows:
    - Your plan’s loan policy may provide for relief in the normal course (e.g. a cure period). Contact your plan administrator to determine this.
    - You may be able to postpone certain repayments until February 1, 2013. See IRS NJ-2012-47 at <http://www.irs.gov/uac/Newsroom/Tax-Relief-for-Victims-of-Hurricane-Sandy-in-New-Jersey> and IRS Rev. Proc. 2007-56,

**J. Housing-Related Deductions.**

- 1. Can I claim a deduction or any other tax benefit on my federal income tax return for temporary housing/living costs incurred as a result of Sandy?**
  - No. Personal expenses are not allowed as a deduction and cannot otherwise be claimed as a tax benefit.
- 2. If I move to a new principal residence as a result of Sandy, can I claim a deduction on my federal income tax return for my moving expenses?**
  - It depends. To claim the moving expense deduction, the move must generally be connected with the start of a new job at a new principal place of work – not merely by reason of displacement caused by Sandy.
- 3. I am living with friends or family rent-free. Can my friend or family member receive any special tax breaks on his or her federal income tax return?**
  - Not unless Congress enacts such legislation. This was done after Hurricane Katrina, but no such legislation has yet been enacted in the wake of Sandy.

**K. Charitable Organizations.**

- 1. Has the IRS provided any relief to expedite the formation of new charities to help victims of Hurricane Sandy?**
  - Yes. An expedited review and approval process is available for organizations seeking to provide relief to storm victims. See IRS IR-2012-87 at <http://www.irs.gov/uac/Newsroom/IRS-Expedites-Charity-Applications-and-Urges-Use-of-Existing-Charities>.
- 2. What relief is available to employer-sponsored private foundations?**
  - The IRS has announced that employer-sponsored private foundations may provide disaster relief to employee-victims in areas affected by the storm without affecting their tax-exempt status. Such foundations should follow the guidance in IRS Publication 3833 (“Disaster Relief: Providing Assistance Through Charitable Organizations”) at <http://www.irs.gov/pub/irs-pdf/p3833.pdf>. See also IRS IR-2012-84 at <http://www.irs.gov/uac/Hurricane-Sandy-Qualified-Treatment-of-Payments>.

**L. New Jersey Real Property Tax.**

- 1. If I own real estate in New Jersey that was damaged by Hurricane Sandy, can I get property tax relief?**
  - Maybe. Normally, property is assessed based on its condition on October 1 of the year prior to the tax year in question. However, if any building or other structure has been “materially depreciated” between October 2 and December 31 as a result of a storm, fire or certain other events, the property is valued as of the following January 1 instead of the preceding October 1. In order to take advantage of this, you must notify the assessor of the damage prior to January 10 of the tax year.
  - The assessor is then required to assess your property for the 2013 tax year at an amount reflecting its condition as of January 1, 2013.
    - In the event you fail to notify the assessor prior to January 10, 2013, there is a possibility that relief may be obtained by filing a tax appeal prior to April 1, 2013 (or May 1, 2013 in municipalities having revaluations or reassessments). Consult with a property tax appeal specialist well in advance of April 1, 2013 if you wish to file an appeal.
  - If, for whatever reason, you are unable to obtain property tax relief for the 2013 tax year as described above, and your property remains damaged on October 1, 2013, the assessor will take the damage to your property into account for the 2014 tax year.

2. **If I am able to obtain property tax relief as described above, what will happen to my property taxes if (and when) my property has been repaired or rebuilt?**
  - Once the property is restored, rebuilt or a new building is constructed, the property will likely be reassessed again to reflect the new improvements. Although your assessment will be readjusted, it will be prorated based on the date of completion.
3. **What if I am unable to pay my property taxes by the November 1, 2012 deadline?**
  - Contact your local municipality to see if any extensions have been made in regard to the payment of taxes due during this time period.

**M. Miscellaneous Income Tax Benefits For Real Estate**

1. **If I was in the process of implementing a Section 1031 “like-kind exchange” at the time of Superstorm Sandy, am I entitled to any additional time to complete the exchange as a result of the Hurricane?**
  - Yes – provided that you meet certain requirements. If the 45-day period for identifying replacement property in the exchange or the 180-day period for actually acquiring the replacement property would have fallen after the storm, you may be entitled to a postponement of at least 120 days in which to complete the identification or acquisition, as the case may be. For specifics, see IRS Rev. Proc. 2007-56, IRB 2007-34, Sec. 17 at [http://www.irs.gov/irb/2007-34\\_IRB/ar13.html](http://www.irs.gov/irb/2007-34_IRB/ar13.html).
2. **Are owners of low-income housing projects entitled to any relief?**
  - Yes. The IRS has waived low-income housing tax credit rules that prohibit owners from providing housing to victims of Sandy who do not qualify as low-income. This action is intended to expand the availability of housing to victims. See IRS IR-2012-86 at <http://www.irs.gov/uac/Newsroom/Treasury-and-IRS-Expand-Availability-of-Housing-for-Hurricane-Sandy-Victims>.

**N. Getting Help With Tax Issues.**

1. **How can I get help with tax issues?**
  - Call the IRS Disaster Relief Hotline at 1-866-562-5227 or visit <http://www.irs.gov/uac/Newsroom/Help-for-Victims-of-Hurricane-Sandy>.
  - IRS personnel may be able to provide personal assistance at your local IRS office. To find your local Taxpayer Assistance Center, go to <http://www.irs.gov/localcontacts/index.html>.
  - Visit an IRS Volunteer Income Tax Assistance (VITA) site or an Association of the Advancement of Retirement Persons (AARP) Tax Aide site. Trained volunteers can help you prepare your federal and state tax returns. Depending on your income or age, these tax preparation services may be free.
    - To find the nearest VITA site, call 1-800-906-9887 or visit <http://www.irs.gov/Individuals/Find-a-Location-for-Free-Tax-Prep>.
    - To find the nearest AARP Tax Aide site, call 1-888-227-7669.
  - Visit a New Jersey Regional Information Center to receive personal assistance regarding your state taxes. Go to <http://www.state.nj.us/treasury/taxation/ot1.shtml> to find the nearest office or call the main service center number at 609-292-6400.