



HELPING HANDBOOK

FOR INDIVIDUALS AND SMALL BUSINESSES AFFECTED BY THE
2007 SOUTHERN CALIFORNIA WILDFIRES



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This handbook provides an overview of some of the legal issues that individuals and small businesses may face as a result of the wildfires that swept Southern California in the fall of 2007.

It may not answer all of your questions. Rather, this handbook is designed to set out some of the legal issues you may need to consider, to help you understand the basics about each issue, and to point you in the right direction for help.

You may feel overwhelmed when considering the legal issues you face, and may determine that it would be helpful to have the assistance of an attorney. If you do not have an attorney, legal advice and referrals are available to those in need who have been affected by the wildfires; some of this legal assistance is available at no charge to fire victims. To help you get started, a county-by-county listing of State Bar-certified lawyer referral agencies and several legal aid providers can be found under the heading "Lawyer Referral Services & Legal Aid."

Morrison & Foerster LLP makes available the contents of this handbook for information purposes only. Although we hope and believe the handbook will be helpful as background material, we cannot warrant that it is accurate or complete, particularly as circumstances change after publication. Moreover, the handbook is general in nature and may not apply to particular factual or legal circumstances. In any event, the handbook does not constitute legal advice and should not be relied on as such. Morrison & Foerster LLP renders legal advice only after compliance with certain procedures for accepting clients and when it is legally and ethically permissible to do so. Readers seeking to act upon any of the information contained in this handbook are urged to seek individual advice from their own legal counsel.

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This Helping Handbook is also available on the web in both English and Spanish at <http://www.mofo.com/about/socalfire2007/index.html>.

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HOUSING

TEMPORARY HOUSING

My primary residence (house, condominium, or apartment) was destroyed by the wildfires, and although I have been able to stay in shelters or with friends and family, I need to find temporary housing of my own. Can anyone help me find temporary housing and/or help pay for it?

Yes, one or more of several different programs or entities should be able to assist you in these circumstances.

First, various charitable organizations such as the Red Cross may be able to provide you with assistance. See "Other Resources" for charitable organization contact information.

Second, if you have homeowners' or renter's insurance, temporary housing may be covered by your policy. Talk to your insurance agent.

Third, FEMA provides tax-free grants to households that have been displaced from their primary residence as the result of a federally declared disaster, such as the wildfires, through its Rental Assistance program. These need-based grants enable homeowners and renters who are victims of disaster-related dislocation to obtain temporary replacement housing for one to three months (without recertification). To be eligible for Rental Assistance, you or someone who lives with you must be a citizen, a non-citizen national, or a qualified alien; you must not have other, adequate rent-free housing you can use (for example, a vacation home or unused rental property); and you must be affected by one or more of the following conditions:

- your primary residence is destroyed or seriously damaged;
- you do not have utility service at your primary residence;
- your primary residence is a serious health or safety hazard;
- your primary residence is not accessible; or
- other disaster-related circumstances prevent you from occupying your primary residence.

Only one application will be taken from each household, which FEMA generally considers to be all people living in one apartment or house.

Aid also may be provided through a joint FEMA/State of California program, the Individuals & Households Program (IHP), or California's State Supplemental Grant Program (SSGP). In addition, the Department of Housing and Urban Development (HUD) may offer Section 8 rental assistance and relocation plans for tenants in subsidized public housing. Lastly, if you were living in a Rural Development-financed apartment and have been displaced, you may be eligible for additional assistance from the USDA Rural Development Agency at 800-414-1226.

My primary residence, which I own, was destroyed by the wildfires. Am I obligated to continue paying my mortgage, homeowners' association fees, insurance, etc. on that residence? Does it make a difference if my residence was only damaged rather than destroyed?

Unless you obtain a forbearance agreement from your lender, you should still continue to pay your mortgage, regardless of whether your residence was destroyed or damaged. If (i) your residence has suffered substantial uncompensated disaster damage (40% or more of the original property value), (ii) you intend to repair the damage or rebuild, and (iii) you do not have sufficient credit available elsewhere to cover your mortgage payments, the SBA may be able to refinance all or part of your outstanding mortgage, which might result in a reduced monthly mortgage payment.

Through its Mortgage and Rental Assistance program, FEMA seeks to help homeowners whose pre-disaster homes are habitable but who may lose them because of financial hardships resulting from the disaster. To initially qualify for this type of assistance, you must show that your pre-disaster income has declined significantly as a direct result of the disaster. Second, you must show that you occupied your primary residence before the disaster. Third, you must have a foreclosure notice (not just a letter) from a lender. The notice should indicate that the move to foreclose is due to post-disaster payment delinquency. Note, however, that recipients of FEMA housing assistance are only eligible for one type of FEMA Disaster Housing Assistance at a time.

If your home loan is through the United States Department of Veterans Affairs (VA), you may be able to have the loan adjusted. Call the VA regional office where the property is located. The proper regional office should be on the loan papers; if not available, call the VA at 800-827-6551 for the number of the correct regional office.

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With regard to homeowners' association fees or insurance premiums, you should review the language of your association's bylaws or the insurance policy. Generally, however, to the extent that you still have some property that might be covered by the insurance policy or affected by activities of the homeowners' association, it likely is in your best interest to pay the amounts owed.

If my rental unit has been damaged or destroyed, what issues do I need to consider?

- Do you have a written lease?
- How badly is the rental unit damaged?
- Do you want to keep possession of the apartment, move out temporarily while the landlord makes repairs, or move out permanently?
- Is the unit rent-controlled or subsidized?

What if I have a written lease?

Your rights will be determined by the provisions of your lease (to the extent they are not superseded by California law). There is no "standard" form of lease, and the provisions that cover these matters can vary significantly, even for different leases in the same building. A professional will need to check the provisions of your lease carefully to answer these questions for your particular case. The following is only general information for tenants regarding damaged premises as a result of the California wildfires.

How do I assess the damage to my rental unit?

Under California law, landlords must maintain rental units in habitable condition. A residential tenant cannot be forced to waive his or her right to habitable premises. Unless you have a unique lease that you negotiated with your landlord, this information about habitability most likely applies to your rental unit. In order to be considered habitable, the rental units must substantially satisfy each of the following conditions:

- roof and exterior walls must be waterproof;
- windows and doors must be unbroken;
- plumbing and gas systems must be in good working order;
- hot and cold running water must be provided;
- sewage disposal systems must be operational;
- heating equipment must be in good working order;
- electrical lighting and wiring must be maintained in good working order; and
- floors, stairways, and railings must be kept in good repair.

If my rental unit is damaged, what can I do if I have a month-to-month lease and want to move permanently?

You can give a month's notice to your landlord and then move. If, however, the unit is substantially damaged (i.e., damaged to the extent that the premises are no longer usable as a residence), you may not need to give a month's notice. In that case, see the guidelines below.

If my rental unit is damaged, do I have to pay rent if I have a one-year lease and I want to move out permanently?

Under California law, you may terminate your tenancy, and therefore not pay rent, if the unit is substantially damaged. If you want to terminate your tenancy, you should:

- check your lease for applicable provisions (see above);
- list the condition of the unit;
- obtain FEMA inspection reports;
- request a local city building inspection and obtain a certified copy of the inspection report;
- photograph the damage and record the date the picture was taken, who took the picture, and the subject of the picture; and
- have the unit and/or building viewed by reliable witnesses and record the date they viewed the premises and what they saw.

Assuming that these efforts lead you to conclude that your unit is substantially damaged, you should then write a letter to your landlord, including copies of the documentation set forth above, and state that the rental unit is not habitable and you consider the lease terminated. Make sure to sign and date the letter and keep a copy for your records. You then would be in a strong position to proceed as if the unit were destroyed, although your landlord may dispute that position.

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Can I terminate my lease if my rental unit is materially damaged?

You must first notify the landlord of the repairs necessary and give the landlord a reasonable time to make the repairs. If the landlord does not make the repairs within a reasonable time, then you may be able to terminate the lease.

My primary residence was damaged during the wildfires. If I move out while repairs are being made, can I get any assistance in finding and paying for temporary housing?

Depending on the amount of damage, you may be eligible for assistance. Potential sources include charitable organizations, your insurance, and FEMA's Rental Assistance program, discussed previously.

During the wildfires I was ordered to evacuate my primary residence. Instead of going to one of the local shelters, I rented a room in a motel. Can I obtain reimbursement for the money I spent on the motel room? What if my primary residence was neither damaged nor destroyed as a result of the wildfires?

You may be eligible for assistance from charitable organizations, your insurance or FEMA. You should save your receipts and document your expenses in case you are able to obtain reimbursement.

FEMA's assistance may take the form of its Transient Accommodations or Government-Provided Temporary Housing program. The purpose of the Transient Accommodation program is to reimburse disaster victims for the cost of short-term housing, such as hotel rooms, that was incurred as a result of damage to the victim's home or an enforced evacuation. The program will reimburse the cost of up to 30 days of short-term housing. The program does not cover other expenses such as food or transportation. If coverage is available, you will need to provide receipts for your transient accommodations. Additionally, in instances of widespread destruction or damage, if FEMA determines that there is no rental housing available in the local community due to the disaster, it may provide Government-Provided Temporary Housing (e.g., modular/mobile homes) to disaster victims.

The Red Cross and local charities may also offer additional assistance to cover temporary housing expenses.

REPAIR AND REPLACE

My primary residence, which I own, was destroyed by the wildfires. Who can help me have it rebuilt? If my residence was not insured, or the insurance turns out to be insufficient, are there any programs that might help me rebuild?

As with other types of assistance, you should first look to charitable donations and insurance proceeds to cover the costs of rebuilding and repair. To the extent that you were uninsured or underinsured, the SBA, FEMA or the state may be able to help. For more information, see the "SBA Loan Assistance", "FEMA", and "State Aid Programs" sections.

When the wildfires destroyed my residence, I lost almost all of my personal possessions. Can anyone help me obtain replacement clothes and necessities? What about replacing my television, VCR, computer, etc.?

Yes, you should be able to replace personal property that was destroyed with insurance proceeds and/or grants or loans from several federal or state programs.

First, if you have homeowners' insurance or renter's insurance, the policies typically include provisions for the replacement of personal property, subject to various conditions and policy limitations. Additionally, if you were renting your primary residence, check to see if your landlord named you as an additional insured; if she did, you may be covered under the landlord's policy.

Second, the SBA may provide a Personal Property Loan in an amount up to \$40,000 to both homeowners and renters. The amount of money that the SBA can loan depends on the actual cost of repairing or replacing the damage, less insurance recovery, grants, etc. That loan can be used to repair or replace personal property such as clothes, furniture, automobiles, consumer electronics, etc. However, the SBA loan cannot be used to replace luxury or extraordinarily expensive items, such as personal pleasure boats, airplanes, RVs, fur coats, etc., or to pay for upgrades or make additions to the home, unless required by building codes. Further, property such as antiques or collections of rare goods that may have market values in excess of their functional value only are covered for the amount of their functional value. (For example, reimbursement for a collection of 4 rare quarters would be \$1.00, not the price for which one might sell them at a coin show.)

Third, to the extent that your personal property losses exceed the amount of your insurance coverage and/or SBA loans, and assuming other conditions are met, FEMA sometimes will provide disaster victims with assistance in replacing

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furniture lost when their primary residence was destroyed. If you need such assistance, you will need to specifically request assistance for furniture costs and show that you have need.

If I clean up debris from my property that resulted from the fire, do I need to get some sort of permit?

The California Department of Toxic Substances Control (“DTSC”) has stated that immediate efforts to clean up “ash, charred debris and other contaminated materials from burned [residential] structures” are exempt from hazardous waste permit requirements. Note, however, that this exemption “applies only to emergency actions taken to clean up, contain and dispose of the ash and debris from the burned structures” and “does not apply to long-term restoration activities.” You may want to check with the DTSC at (916) 255-6504 (or check its website at www.dtsc.ca.gov) for more particular information and advice.

Must I send any debris I clean up to a special collection facility?

Although much of the debris likely includes materials that need to be properly disposed of to avoid soil or water contamination, to the extent that hazardous materials cannot be separated from other burned materials (as is likely to be the case in a burned residential structure), the DTSC has indicated that such debris may be sent to municipal solid waste landfills. (This is especially true for residential structures because it is less likely that hazardous materials exist that must be segregated from other wastes.)

My primary residence, which I own, was destroyed by the wildfires. Will I need a permit to rebuild it?

As a general rule, a building permit is required whenever structural work is involved or when the basic living area of a home is to be changed. This could include separate permits for roofing, electrical, heating, and plumbing. Typically the contractor overseeing the rebuilding/repair will obtain the necessary building permits from the city or county building/planning department.

Several cities and counties are contemplating special treatment for building permit applications submitted by wildfire victims. For instance, the County of San Diego will provide plan review and issue building permits at no cost for anyone whose home has been destroyed by fire. In addition, the County will expedite processing of building permit applications. Make sure that you or your contractor ask about any special programs available for wildfire victims regarding building permits. In San Diego, wildfire victims with questions about building permits can call the Building Division Wildfire Hotline at (858) 694-3876. Contact information for the other affected counties’ Permit Offices can be found on the counties’ websites: <http://lacounty.info> (Los Angeles County); www.oc.ca.gov (Orange County); www.co.riverside.ca.us (Riverside County); www.sbcounty.gov (San Bernardino County); www.countyofsb.org (Santa Barbara County); www.countyofventura.org (Ventura County).

What happens if I do not get a building permit?

If the authorities find out that you have undertaken repairs or rebuilding without obtaining a necessary permit, you will generally pay a fine, and may be ordered to tear down any construction that was done without authorization. The amount of the fine varies by jurisdiction, but is typically at least \$1,000 per incident. Further, if you sell your property, you are required by law to disclose work that has been done without the required permits, which could lower the sale price or jeopardize the sale of your property altogether.

My former house was built before the current building codes were put in place. When rebuilding, do I have to conform to the new building codes?

Yes, houses must be constructed according to the current codes in effect at the time the permit is issued for reconstruction. If your house is only being repaired, some cities and counties may not require you to conform to new building repairs if such repairs are considered “minor.” You should check your insurance policy or call your insurance carrier to determine whether your homeowners’ policy provides for upgrades to the current building code. Some policies do not pay for building code upgrades, and you may then have to pay out-of-pocket for such upgrades. During the Oakland Hills fire of 1991, many insurance carriers upgraded policies that did not pay for building code upgrades, but in the years since, many insurers have capped these payouts absent specific policy endorsements.

Is it a good idea to be my own general contractor?

Unless you are very experienced in the construction business, no. As an owner/builder, you assume responsibility for the overall job, which may include state and federal taxes, workers’ compensation insurance, and other legal liabilities.

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If I'm not my own contractor, how will I know which contractor to hire?

A standard rule is only to use contractors who have been referred to you by someone you know and trust. However, in times like these, that is not always possible. Unscrupulous contractors may attempt to solicit work from you, offering to repair or rebuild your home for what appears to be a low price. Remember, if something seems "too good to be true" it probably is. Although you may be anxious to get things back to normal, avoid acting too quickly. Take the time to figure out what exactly you want done, and make sure the contractor addresses all your concerns. Make sure to get at least three competitive bids that are based on the same set of specifications before making your decision. Watch out for door-to-door offers of repair services, and never provide the contractor with a cash deposit. You should also get a written contract that details every aspect of the work to be done. Before signing a contract with a contractor, be sure to check his or her license status and references.

Must a contractor be licensed?

State law requires that contractors (other than owner/builders) working on any job that requires \$500 or more of work be licensed by the California Contractors State License Board (CSLB). Ask to see the contractor's license (called a "pocket license") that has the license number on it (state contractors' licenses are solely numeric; no alphabetic characters are included in them), as well as an additional form of identification for verification (the contractor's license should be in the contractor's own name). You can verify a contractor's license status by using the CSLB's website at www.cslb.ca.gov or CSLB's toll-free automated telephone system at (800) 321-CSLB. The CSLB has also established a hotline only for disaster victims at (800) 962-1125, which operates during weekdays.

Do I need a written contract?

State law requires that home improvement contracts for \$500 or more in labor or materials be in writing. Note that anything you sign could be used by a contractor as authorization to go forward with a project, so do not sign anything until you completely understand what it is.

Can I change my mind after I sign the contract?

California law allows you to cancel a contract within three business days of signing it, providing that the contract was solicited someplace other than the contractor's place of business (such as in your own home). The law requires the contractor to give you written notice of this right to cancel.

How much can a contractor require as a down payment?

California law limits the amount of the down payment for any home improvement contract (including swimming pools) to the lesser of \$1,000 or 10% of the contract price (excluding finance charges). As a general rule, never make cash payments to contractors.

How can I make sure the work progresses as scheduled in the contract?

In general, a contract must provide a description of the work to be done, the time period in which it is to be done (including the date on which "substantial commencement of work" should occur), the materials to be used, and the equipment to be used or installed. Contractors often ask that you make progress payments to them as the work progresses. California law requires that the contract specify all the work that is to be completed before a progress payment is made. California law also requires that the progress payment cannot exceed the value of the work performed up to that point. Finally, it is customary to make the last payment a "retention" payment, ordinarily 10%, which you retain until the job is completed and the city and county has approved all work.

What happens when the contractor uses subcontractors or suppliers?

You will need to protect yourself from liens against your property in the event the contractor does not pay the subcontractors or suppliers. California's Mechanics' Lien Law allows those who furnish labor or materials to your home to record a lien against your home if they are not paid, even if you have paid your general contractor in accordance with the contract. At its most extreme, a lien may cause your property to be foreclosed if you are unable to pay it. At the very least, a lien will make your property more difficult to finance or sell.

California law requires that the contractor provide you with a "Notice to Owner" of the Mechanics' Lien Law. That notice suggests measures you can take to prevent liens against your home, such as requiring:

- that your contractor set aside for you a payment and performance bond to pay for any liens that may be placed;
- that payments to subcontractors or suppliers be made by you directly or by a funding or escrow service; and

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- that your contractor provide you with unconditional “Waiver and Release” forms signed by each subcontractor or supplier involved.

Note that the general contractor also can place a lien on your house if you fail to pay for his or her services.

What effect does an arbitration clause have in my contract?

By agreeing to arbitrate your dispute, you are agreeing to have a dispute with your contractor decided by a neutral third party (known as the arbitrator) rather than by a judge or jury (unless the arbitration is non-binding). Many consumers prefer arbitration to court proceedings because, generally, arbitration is less expensive. However, if you proceed with binding arbitration, you waive almost all grounds for seeking review of the arbitrator’s decision; in almost all circumstances, the arbitrator’s decision will be the final decision, even if you think the arbitrator made a mistake of fact or law.

What is the effect of a clause allowing the contractor to recover attorney’s fees and costs from me if there is a dispute?

Generally, in a legal dispute, each side pays its own attorney’s fees and costs. However, an attorney’s fees clause means that, should the contractor prevail in a dispute in arbitration or in court, you will have to pay the contractor’s attorney’s fees and costs. California law provides a reciprocal benefit with respect to attorney’s fee clauses; that is, should you be the prevailing party rather than the contractor, you may recover your attorneys’ fees and costs despite the fact that the clause may not specifically provide that you are entitled to do so.

A man, who said he was a contractor, offered to clean up my property, assess the damage to it for the purpose of obtaining grants and loans, and rebuild my house for \$50,000, with just \$5,000 down. Fortunately, I have the money available. Should I hire him?

Before hiring anyone as a contractor or other service provider in connection with damage to, or destruction of, your property, you should take care to be an “aware consumer.” As discussed above, if a person represents himself as a contractor, you should obtain his contractor’s license number and check that it is valid. Additionally, most, if not all, entities and programs that will provide property owners with funds to rebuild or replace damaged property have their own inspection/assessment programs. As a result, unless the funding entity instructs you otherwise, you need not hire a private person or firm to perform an inspection of your property as part of the application process.

Although my primary residence, which I own, was not destroyed during the fires, it was damaged and is no longer habitable. Can I get any assistance to repair my house?

Yes; in addition to charitable grants or loans or insurance proceeds, FEMA and the SBA may be able to help with repairs.

FEMA, through its Individuals and Households Program (IHP), provides grants to homeowners to repair damage from the disaster that is not covered by insurance. The goal is to repair the home to a safe and sanitary living or functioning condition. These grants are only available when a disaster has been declared and individual assistance has been authorized. FEMA provided up to \$5,400 for disasters declared in the 2006 federal fiscal year.

If you apply for IHP, FEMA will inspect your home and base the amount of its grant on the reasonable cost of repair to the damaged property. Repairs covered by IHP include:

- structural parts of a home (foundation, outside walls, roof);
- windows, doors, floors, walls, ceilings, cabinetry;
- septic or sewage system;
- well or other water system;
- heating, ventilating, and air-conditioning system;
- utilities (electrical, plumbing, and gas system); and
- entrance and exit ways from the home, including privately owned access roads.

If you own a mobile home and it is your primary residence, IHP will cover repair costs related to blocking, leveling, and anchoring the mobile home.

If your home needs more extensive repairs than the FEMA program will fund, then the SBA may be able to help, as described in response to the question about rebuilding after complete destruction of a residence, above.

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My residence was destroyed during the wildfires. Do I need to still pay the property taxes that are due in early December and April?

Generally, yes, but if the total value of the damage to your property exceeds \$10,000, you may be eligible for immediate relief based on the loss in value caused by the wildfires. Such relief would provide you with an immediate reduction in property taxes, including possible refunds of property taxes already paid.

Further, owners of real property and manufactured homes may be able to defer, without penalty or interest, payment of the next property tax installment due. (Tax deferral is not available if you pay your property taxes through an impound account.) Applications for deferral should be filed with the county assessor along with, or in addition to, the applications for reduced assessments.

In addition, under certain conditions, taxpayers may be eligible to have the taxable values of their properties in their pre-damaged states transferred to comparable replacement properties. In this way, a taxpayer whose home has been damaged or destroyed can acquire or build a new home without incurring increased property taxes that would otherwise occur under Proposition 13.

For applications and further information, you should contact your county assessor's office:

- Los Angeles County – www.lacountyassessor.com or (626) 258-6081;
- Orange County – www.ocgov.com/assessor or (714) 834-2727;
- Riverside County – <http://riverside.asrclkrec.com> or (909) 955-6250;
- San Bernardino County – <http://www.co.san-bernardino.ca.us/assessor> or (909) 387-8307;
- San Diego County – <http://arcc.co.san-diego.ca.us> or (858) 505-6262;
- Santa Barbara County – www.sbcvote.com/assessor.aspx or (805) 568-2550 (South County), (805) 346-8310 (North County), (805) 737-7899 (Lompoc);
- Ventura County – www.assessor.countyofventura.org or (805) 654-2181.

Fortunately, my residence was not completely destroyed by the wildfires, although it was damaged and some outbuildings (a garage, shed, stable, etc.) were destroyed. Do I still need to pay my property taxes?

Yes, but see the discussion above if your damage exceeded \$10,000.

Prior to the wildfires, I had agreed to purchase a residence/real property that subsequently was destroyed by the wildfires. Must I complete the purchase?

It depends on what the terms of the purchase agreement state and whether title to, or possession of, the property passed prior to the destruction of the property. If title to the property already had passed, then you were the owner as of the date of destruction and may be eligible for assistance from your insurer or from the various sources of aid identified in this handbook. Otherwise, barring contrary language in your purchase and sale agreement, the Uniform Vendor and Purchaser Risk Act, Civil Code section 1662, allows a purchaser to back out of an agreement for the sale of real property if "all or a material part" of the property was destroyed prior to the transfer of title or possession. You may want to obtain the advice of a real estate attorney or other professional to assist you.

EMPLOYMENT

The answers to each of the following questions are based on the assumption that the affected employees are not covered by a collective bargaining agreement and do not have an employment contract with their employer. In the event there is a collective bargaining agreement or an employment contract, the employee should consult the terms of those agreements and contracts. Similarly, if the employer has established employment policies, the employee should review those policies to see if they provide additional benefits or rights.

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If my employer's payroll records were destroyed, when should I expect to receive my paycheck?

The State of California requires timely payment of wages pursuant to applicable wage-and-hour laws. If records of working hours are not available, the employee should work with his or her employer to make a reasonable effort to determine the hours he or she worked during the applicable pay period.

Does my employer have to pay me for the days the business was closed as a result of the Southern California Wildfires?

The answer to this question depends in part on whether you are considered an “**exempt**” employee or a “**non-exempt**” employee for purposes of federal and state wage-and-hour laws, and whether or not you performed work for your employer during the pay period in question. In general, an employer is not required to pay its non-exempt employees for any days or hours the non-exempt employees did not work because the business was closed due to the Southern California Wildfires. On the other hand, an exempt employee should receive his or her full salary for any week in which he or she performed any work without regard to the number of days or hours worked. So, for example, if you are an exempt employee and you worked on the morning of Sunday, October 21, 2007, but worked no other days during the week of October 21, 2007, then your employer should pay you your full salary for the week of October 21, 2007.

TIME OFF AND THE RIGHT TO RETURN

May my employer require me to use my accrued vacation or sick leave to cover my absence from work due to the Southern California Wildfires?

If you are unable to report to work due to something related to the Southern California Wildfires, your employer may require you to use your accrued vacation or sick leave to cover your absences as long as this is consistent with the employer's leave policies. You should consult your employer if you believe your absence may qualify as leave under the federal Family Medical Leave Act (FMLA) or its California counterpart, the California Family Rights Act (CFRA), or pregnancy disability leave under the California Fair Employment and Housing Act (FEHA). These types of leave are discussed in further detail below.

Does my employer have to provide me with either paid or unpaid leave if I am unable to work as a result of an injury suffered during the Southern California Wildfires?

An employer may be required to provide you with unpaid leave: (1) under the FMLA/CFRA if you or a member of your immediate family is suffering from a serious health condition; (2) under the California FEHA for pregnancy, childbirth, or related medical conditions; or (3) under the Americans with Disabilities Act (ADA)/California FEHA if you are disabled and if the granting of leave would serve as a reasonable accommodation to your disability.

Leave Under the FMLA/CFRA. The FMLA/CFRA provides that a covered employee may take up to a total of 12 weeks of unpaid leave during any 12-month period for certain qualifying reasons. During the leave period, the employer must maintain the employee's health benefits and must guarantee that the employee will be reinstated to the same or an equivalent position. FMLA/CFRA leave is unpaid, unless your employer has elected to pay employees during such leave. As described below, you may also be eligible to receive disability benefits under the California SDI program during a qualifying FMLA/CFRA leave.

The FMLA/CFRA applies to only those employers that employ 50 or more employees for each working day in each of 20 or more calendar work weeks in the current or preceding calendar year. An employee is entitled to FMLA/CFRA leave if the employee: (1) has been with the employer for at least 12 months; (2) logged at least 1,250 hours of service during the 12-month period immediately preceding the start of the leave; and (3) is employed at a worksite where 50 or more employees are employed by the employer or within 75 miles of that worksite. FMLA/CFRA leave may be taken to care for the employee's spouse, child, or parent with a serious health condition, or because of a serious health condition that makes the employee unable to perform the functions of the employee's position.

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For more information regarding compliance with the FMLA, check out the following website: www.dol.gov/esa/regs/compliance.

For more information regarding compliance with the CFRA, check out the following website: www.dfeh.ca.gov/publications/publications.aspx?showPub=18.

Pregnancy-Related Leave Under California's Fair Employment and Housing Act. Under the FEHA, employers with five or more employees must allow female employees to take up to four months of leave for periods of disability due to pregnancy, childbirth, or related medical conditions. The employee may elect to use accrued vacation leave, and may be required to substitute sick leave or any other accrued leave which is made available by the employer to temporarily disabled employees. The employer must continue to provide the same benefits or privileges of employment granted by that employer to other employees.

Pregnancy-related leave under the FEHA is unpaid, unless your employer has elected to pay employees during such leave. As described below, you may also be eligible to receive disability benefits under the California SDI program during a qualifying pregnancy-related leave.

For more information regarding FEHA, check out the following website: www.dfeh.ca.gov/publications4.

Leave Under the ADA/California FEHA. Under certain circumstances, an employer may be required to provide an employee with leave under the ADA/California FEHA. The ADA/California FEHA requires employers, in certain circumstances, to provide reasonable accommodations to employees who have a disability. Such a reasonable accommodation may include providing an employee with an unpaid or paid leave of absence.

The California FEHA generally provides broader protections than its federal counterpart, the ADA. Though the ADA applies to only those employers that employ 15 or more employees for each working day in each of 20 or more calendar work weeks in the current or preceding calendar year, the California FEHA applies to employers with five or more employees. In addition, under the ADA, an employee is "disabled" if the employee has a physical or mental impairment that substantially limits a "major life activity" of an individual, including activities such as walking, seeing, hearing, speaking, breathing, learning, working, sitting, standing, lifting, or reaching, whereas under the California FEHA, an employee is "disabled" if he or she has a physical or mental impairment that limits a "major life activity." Generally, temporary impairments are not considered protected disabilities.

Am I entitled to either paid or unpaid leave so that I can care for children or family members injured in the Southern California Wildfires?

As described above, you may be entitled to FMLA/CFRA leave, which you can use to care for children or family members injured in the Southern California Wildfires. If you are entitled to FMLA/CFRA leave as described above, then your employer must allow you to take FMLA/CFRA leave. This leave does not have to be paid leave, but you are entitled to use your accrued vacation or sick leave for the absence, as well as unpaid leave. You may also be eligible to receive benefits under the California Paid Family Leave ("CPFL") program during a qualifying FMLA/CFRA leave if your leave is taken to care for a seriously ill family member. Also, if your employer has a specific policy providing for leave under such circumstances, the employer will be required to comply with its policy.

For more information regarding the CPFL program, check out the following website: www.edd.ca.gov/direp/pflfaqgen.asp.

Am I entitled to either paid or unpaid leave if I am too afraid or emotionally traumatized to return to work?

If you are suffering from post-traumatic stress or some other mental condition, your employer may be required to provide you with unpaid leave under the FMLA/CFRA or as an accommodation under the ADA/California FEHA. However, you will have to meet the applicable requirements of these laws, as discussed above. The leave will be unpaid, although you should be able to use any accrued vacation or sick leave for the absence. As described below, you may also be eligible to receive disability benefits under the California SDI program.

If I become ill or injured because of the Southern California Wildfires and cannot return to work, what benefits can I apply for?

You may be eligible for disability benefits under the California State Disability Insurance (SDI) program, a partial wage-replacement insurance plan funded through employee payroll deductions. Most California workers are covered under SDI, but some are exempt, including railroad employees, some employees of nonprofit agencies, employees who claim religious exemptions, and most government employees. Covered workers who are unable to work can receive approximately 55% of their lost wages, for up to one year.

EMPLOYMENT

Alternatively, you may be eligible for unemployment insurance benefits or Disaster Unemployment Assistance, though you may not be eligible for SDI benefits if you are claiming or receiving unemployment insurance benefits or Disaster Unemployment Assistance (see “Unemployment” section in this handbook for more information).

Am I eligible for SDI benefits?

SDI benefits can be paid only after you meet all of the following requirements:

- you are unable to do your regular or customary work for at least eight (8) consecutive days;
- you were employed or actively looking for work at the time you became disabled;
- you earned at least \$300 during a previous period, from which SDI deductions were withheld;
- you are under the care and treatment of a licensed doctor or accredited religious practitioner during the first eight (8) days of your disability (and must remain under care and treatment to continue receiving benefits); and
- your doctor completes the medical certification of your disability.

How do I file a claim for SDI benefits?

You must complete and mail a claim form within 49 days of the date you became disabled or you may lose benefits. A claim form may be obtained from the California Employment Development Department (EDD) at the website www.edd.ca.gov/direp/diadvise2501.htm (click on the link for “DE 2501” near the bottom of the page) or by calling (800) 480-3287 (English) or (866) 658-8846 (Spanish). A completed claim form, including a doctor’s certification of your disability, should be mailed to any of the following addresses:

State Disability Insurance
P.O. Box 469
Long Beach, CA 90801-0469

State Disability Insurance
P.O. Box 513096
Los Angeles, CA 90051-1096

State Disability Insurance
P.O. Box 60006
City of Industry, CA 91716-0006

State Disability Insurance
P.O. Box 781
San Bernardino, CA 92402-0781

State Disability Insurance
P.O. Box 120831
San Diego, CA 92112-0831

State Disability Insurance
P.O. Box 10402
Van Nuys, CA 91410-0402

State Disability Insurance
P.O. Box 1466
Santa Ana, CA 92702-1466

HEALTH BENEFITS

I was injured as a result of the Southern California Wildfires and cannot return to work. Can I continue my health insurance?

Most California employers are required to offer employees the ability to continue their medical coverage at their own cost for up to 36 months. This coverage is generally referred to as COBRA (Consolidated Omnibus Budget Reconciliation Act) coverage. Normally, you must make an election to continue the coverage within 60 days after the date your coverage terminates as a result of your termination of employment.

What rights do I have to COBRA health coverage?

Employers who have 25 or more employees and maintain health plans are required by the federal law to offer COBRA continuing medical coverage to qualified beneficiaries (participating employees and/or their dependents) who lose health coverage due to a “qualifying event” such as the death of the covered employee, termination of his or her employment, or reduction of his or her hours sufficient to cause the loss of medical coverage. However, employees must pay for this medical coverage themselves.

Smaller employers (with 2 to 19 employees) who maintain health plans are required by the California COBRA (Continuation Benefits Replacement Act) to provide COBRA-like coverage to their eligible employees. Like COBRA, California COBRA requires employees to pay for this medical coverage themselves.

Can my family members keep their health insurance coverage?

Your dependents, who were covered by the plan, can also elect COBRA coverage, if available, at their own cost. Their maximum coverage period will be 36 months.

EMPLOYMENT

What can my employer do to help me recover psychologically from the trauma of the Southern California Wildfires? Are there any counseling services available to people affected by the Southern California Wildfires?

Your employer's health plan may offer counseling to you and your dependents. In addition, some employers may provide assistance under employee assistance programs (EAP). You should ask your employer about the availability of such counseling if you need it, both for yourself and your family. If your employer does not provide an EAP, and you are a veteran, you should seek assistance from the Veterans Administration. Otherwise, you should seek help from a mental health agency in the county in which you live, either permanently or temporarily.

In addition, United Health Group has established a free counseling hotline to help those coping with the emotional consequences of the Southern California Wildfires. The phone line will be open 24 hours a day, seven days a week, for as long as needed, at (866) 342-6892.

OTHER BENEFITS

Am I entitled to other benefits if I was working at the time I was injured?

You may be able to make a claim under Workers' Compensation for your injuries and lost wages if you were working at the time you were injured. You will need to file a workers' compensation claim with your employer. You should contact your employer immediately if you believe you have sustained a workplace injury.

I'm not eligible for Workers' Compensation. Are there other benefits available?

If you were not on the job at the time you were injured, you may be entitled to short-term or long-term disability insurance payments. Check with your employer and personal insurance agent to find out what coverage you have. Your employer may also provide benefits for specific injuries such as loss of a limb under an accidental death or dismemberment policy. If you have been injured, you should inquire about this coverage as well.

Emergency loans against the cash value of some life insurance policies may also be available. Contact your agent, employer, or insurance company to learn more.

LOSING YOUR JOB

I have lost my job due to the Southern California Wildfires. Is unemployment or disaster insurance available?

You may be entitled to unemployment or disaster unemployment assistance.

Does my employer have to provide its employees with any prior notice of termination if the employer determines that it is necessary to lay off employees?

Probably not, because laws requiring notice do not apply in the case of natural disasters such as the Southern California Wildfires.

Does my employer have to provide me with severance pay if I am laid off?

There is no law that requires severance pay. If your employer has an established severance pay practice or plan, you may be eligible for severance pay, but otherwise severance pay is not required.

Can I be reimbursed by my employer for the destruction or loss of any of my personal items, such as personal computers or cars that I may have used for business purposes?

You should consult with your employer and your own insurance company to determine whether loss of your personal property is covered by any applicable insurance policy. Generally speaking, your employer is not responsible for your loss of personal property.

UNEMPLOYMENT BENEFITS

I lost my job or cannot work because of the Southern California Wildfires. Am I eligible for unemployment benefits?

You may be eligible for either: (i) unemployment insurance benefits; or (ii) disaster unemployment assistance.

EMPLOYMENT

What are unemployment insurance benefits?

Unemployment insurance provides temporary income for workers who are unable to work through no fault of their own. Unemployment insurance benefits are paid weekly, and the amount of the weekly payments generally is based on a worker's earnings in the prior calendar year. In order to be eligible, you must be able to work, be seeking work, and be willing to accept a suitable job, in addition to meeting other criteria.

How do I file a claim for unemployment insurance?

Unemployment insurance claims are filed with the California Employment Development Department (EDD). Claims may be filed telephonically by calling (800) 300-5616 (English), (800) 326-8937 (Spanish), (800) 547-3506 (Cantonese), (866) 303-0706 (Mandarin), (800) 547-2058 (Vietnamese), or (800) 815-9387 (TTY), Monday through Friday from 8 a.m. to 5 p.m. Claims also may be filed online at www.edd.ca.gov.

You will need the following information to file a claim:

- your Social Security number, mailing and residence addresses (if different), and telephone number;
- the last date you worked for any employer and the reason you are no longer working;
- the name, mailing address, physical location, and telephone number of your last employer;
- information on all employers you worked for during the 18 months prior to filing your claim, including each employer's name, your period of employment, wages earned, and how you were paid;
- your driver's license or ID card number, if you have either;
- whether you are receiving, or expect to receive, any payments from a former employer;
- whether you are able to work and are available to accept work; and
- your citizenship status (which may include your alien registration number).

What Is Disaster Unemployment Assistance?

Disaster Unemployment Assistance is a federal program that provides financial assistance to workers, including the self-employed, who become unemployed as a direct result of a major natural disaster such as the wildfires. Eligible persons will receive weekly payments, which are calculated in the same manner as for unemployment insurance benefits (described above).

Am I eligible to receive Disaster Unemployment Assistance?

You generally will be eligible to receive Disaster Unemployment Assistance if you are an unemployed worker or self-employed individual who lived, worked, or was scheduled to work in the wildfires area and, as a direct result of the Southern California Wildfires, you:

- are not eligible for unemployment insurance benefits (described above); **AND** either:
- no longer have a job or a place to work;
- cannot reach your place of work;
- cannot work due to damage to your place of work;
- cannot work because of an injury caused by the wildfires (including mental stress, if documented by a doctor); or
- have become the breadwinner or major support for a household after the head of the household died as a result of the disaster.

For how long may I receive Disaster Unemployment Assistance?

Disaster Unemployment Assistance benefits are payable for up to 26 weeks. The period during which benefits are payable begins on the first day of the week following the date of the disaster and ends 26 weeks after the date the disaster was declared. In other words, you may be eligible for assistance during the period beginning on October 29, 2007 and ending on April 22, 2008. You generally may receive assistance for as long as you remained unemployed during this period. You must accept any suitable jobs offered and must conduct a job search while receiving assistance.

How do I file a claim for Disaster Unemployment Assistance?

Claims for Disaster Unemployment Assistance may only be filed telephonically. You should contact the EDD at (800) 300-5616 (English), (800) 326-8937 (Spanish), (800) 547-3506 (Cantonese), (866) 303-0706 (Mandarin), (800) 547-2058 (Vietnamese), or (800) 815-9387 (TTY), Monday through Friday from 8:00 a.m. to 5:00 p.m. You must file your claim for Disaster Unemployment Assistance within 30 days of the announcement of the disaster declaration (which took place on October 23, 2007). As a result, **you must file your claim for Disaster Unemployment Assistance by November 22, 2007.** Late applications are accepted only in certain limited circumstances.

EMPLOYMENT

FINDING WORK

Because my employer's offices were destroyed, I will be working from home. Is there any information I should know?

You should assume that the same laws and requirements, and rights, apply at your temporary work location as would apply if you were in your usual work location. If you are non-exempt, you should keep track of the hours you work. You should also keep track of any expenses you incur, as you may be eligible for reimbursement from your employer.

I lost my job because of the wildfires and need assistance finding a job. Whom should I contact?

For information on job search assistance, online job listings, workshops, and other employment and training services, contact your local EDD Job Service location. Following is a list of some EDD Job Service locations in Los Angeles, Orange, Riverside, San Bernardino, and Ventura counties:

Anaheim

2450 E. Lincoln Ave.
(714) 518-2315

Corona

237 W. River Road
(951) 340-4036

Gardena

16801 S. Western Ave., Suite A
(310) 217-9579

Huntington Park

2677 Zoe Avenue
(323) 586-2200

Lancaster

1420 West Avenue I
(661) 726-4128

Los Angeles Metro

315 W. 9th Street, Suite 200
(213) 833-7900

Marina Del Rey

13160 Minanao Way, Suite 105
(310) 574-6464

Pacoima

11623 Glenoaks Blvd.
(818) 890-9400

Rancho Cucamonga

9650 9th Street, Suite A
(909) 948-6606

Rosemead

3505 N. Hart Ave.
(626) 569-4400

Santa Ana

1000 E. Santa Ana Blvd., Suite 220
(714) 565-2886

Blythe

1277 W. Hobson Way
(760) 922-0103

El Monte

11635 E. Valley Blvd., Suite G
(626) 258-0365

Glendale

1255 S. Central Ave.
(818) 409-0441

Inglewood

110 South La Brea Ave., Room 503
(310) 680-3800

Long Beach

3447 Atlantic Ave.
(562) 570-3700

Los Angeles-Crenshaw

5401 S. Crenshaw Blvd.
(323) 290-5100

Norwalk

12715 S. Pioneer Blvd.
(562) 563-5200

Pasadena

1207 E. Green Street
(626) 304-7922

Redlands

814 W. Colton Avenue
(909) 798-1796

San Bernardino

646 N. Sierra Way
(909) 386-0885

Santa Clarita

21515 Soledad Canyon Road
(661) 424-1062

Canoga Park

21010 Vanowen St.
(818) 596-4448

Fontana

17590 Foothill Blvd.
(909) 350-8927

Hemet

1025 N. State St.
(951) 791-3500

Irvine-Orange County

125 Technology Drive, Suite 200
(949) 341-8000

Los Angeles-East L.A.

5301 Whittier Blvd., 3rd Floor
(323) 887-7122

Los Angeles South

12700 S. Avalon Blvd.
(323) 242-6700

Oxnard

635 S. Ventura Rd.
(805) 382-8610

Pomona

264 E. Monterey Ave.
(909) 868-7741

Riverside

1161 Spruce Street
(951) 955-2200

San Pedro

1851 N. Gaffey St., Suite F
(310) 732-5700

Torrance

1220 Engracia Ave.
(310) 782-2101

EMPLOYMENT

Van Nuys

15400 Sherman Way, Suite 140
(818) 781-2522

Victorville

15419 Cholame Rd.
(760) 241-1682

West Covina

933 S. Glendora Ave.
(626) 814-8234

Westminster

5405 Garden Grove Blvd., Suite 100
(714) 241-4900

As of October 23, 2007, the following EDD Career Centers in Imperial and San Diego counties have been temporarily closed due to the wildfires.

Calexico

301 Heber Avenue
(760) 357-7760

East County/El Cajon

924 East Main Street
(619) 590-3900

El Centro

1550 W Main Street
(760) 339-2722

North County Coastal (Oceanside)

1949 Avenida del Oro
(760) 631-6150

South County (Chula Vista)

1111 Bay Blvd.
(619) 628-0300

San Diego South Metro

4389 Imperial Avenue
(619) 266-4200

A complete list of EDD Job Service locations can be found on EDD's website at www.edd.ca.gov/jsrep/jsloc.htm.

INSURANCE

My (real or personal) property was damaged or destroyed during the fires. What insurance policies might provide coverage for my loss?

If your home has been destroyed or damaged as a result of the fires, several different types of policies may provide some coverage for your losses. Homeowners, renters, condominium, vehicle, and fire insurance policies all could provide some coverage.

Typical homeowners, renters, and condominium insurance policies cover losses resulting from fire, smoke, wind, theft, riots, vandalism, and water (excluding flood damage). "Comprehensive" vehicle insurance covers damage not caused by collision, including damage caused by fire, theft, vandalism, and windstorm. Fire insurance, not surprisingly, covers losses from fire.

What type of property should my policy cover?

Coverage depends on the type of insurance you own:

- Homeowners insurance normally covers damage to personal property, dwellings (home and other buildings on your premises), and landscaping (on a limited basis), as well as additional living expenses (including food and housing) incurred as the result of a covered loss.
- Renters insurance usually covers the loss of personal property and loss of use of the property. It may include liability and medical payments coverage.
- Condominium insurance usually covers personal property and improvements. Loss of use is usually limited to 40% of the household contents limit. Condominium associations typically purchase insurance for the building structure and common areas.
- Comprehensive vehicle insurance ordinarily covers physical damage to the insured vehicle (either cost of repairs or fair market value of the vehicle).
- Fire insurance covers the listed property (dwelling and other buildings on the property) and personal property common to such occupancy. Some policies also provide coverage for debris removal, landscaping, and additional living expenses.

Claims typically excluded from coverage include damage resulting from earthquake, flood, mold, and earth movement. Exclusions will be listed in your insurance policy. Therefore, read your policy to learn which claims are excluded from your particular policy.

I own a small business that was damaged or destroyed during the fires. What insurance policies might provide coverage for my loss?

If your business has suffered property damage or destruction, including collateral damage or economic loss, including loss of business income, extra expenses, computers, valuable records, and data processing material as a result of the fires, the evacuations, or other governmental actions related to the fires, you may be able to resort to a variety of insurance policies typically held by small businesses. These policies include:

- all risk policies;
- specific peril policies which cover fire damage;
- business owner property policies;
- computer policies;
- causes of commercial loss policies;
- homeowner/renter policies;
- valuable papers and records policies; and
- building and personal property policies.

Damage to vehicles such as automobiles or boats may be covered under business or personal automobile policies, motor carrier policies, mobile equipment policies, garage coverage policies, and marine policies. If you or your employees were injured, you or they may be covered by your workers' compensation policy, your or their health insurance policy, or short- or long-term disability policies.

INSURANCE

My residence was not damaged, but the fire burned the hill above it. Will insurance provide coverage for steps I take to avoid a subsequent landslide or mudslide?

You should carefully check your policy to see if there is coverage for this type of damage or preventative repair. A recent California Supreme Court case found that there was not coverage for this type of work, but the policy in question had very specific language. An attorney or other qualified professional may be able to assist you in reviewing the language of your policy. Additionally, you may want to purchase flood insurance if you do not already have such coverage, as many homeowners and renters insurance policies specifically exclude damages resulting from flood or mudslide.

How do I make an insurance claim?

You should contact your insurance agent or insurance company immediately to start the claim process. Many insurance policies have a one-year statute of limitations, starting from the date of loss. Thus, it is important to begin the claim process as soon as possible. Most insurance carriers have established toll-free telephone numbers to facilitate the claim filing process. These numbers may also be used by victims of the fires with other insurance questions. A list of these numbers can be found at the end of this section.

When dealing with your insurance company, document every conversation. Be sure to write down whom you are speaking with, the date, and the substance of your call. Confirm all conversations in writing and always note on your correspondence with the agent that the losses you list are only a partial list of your losses and that you will forward additional claims of losses when discovered. Keep a written inventory of all losses. This will help in future dealings with the insurance company.

What should I do if my insurance policy is lost or destroyed?

If your insurance documents were destroyed in the fire, do not panic. Call your insurance agent or insurance company. They should have a copy of your policy on file and must provide you with a copy of the lost policy. If you do not know the name of your insurance company or insurance agent, check with your mortgage lender or with your bank. They may have records of your insurance information. If those options are unavailable, call the California Department of Insurance at (800) 927-4357.

Are there specific documents I should have to prove my loss?

The insurance company and/or insurance adjuster (a person professionally trained to assess the damage to your property) will request evidence you may have to validate claims of loss. Examples of such evidence include:

- pictures (videotape or photograph) taken before and after the property loss;
- an inventory of all property damaged;
- records and receipts for all living expenses incurred due to the property loss (includes all food, hotel, and staples bought to maintain a normal standard of living); and
- repair estimates obtained from third parties or receipts for any repairs already completed.

My house is uninhabitable. How do I get money now to pay for living expenses, extra transportation costs to and from work or school, storage costs, etc.?

Ask your insurance company for an advance on your insurance proceeds. Funds disbursed in the form of an advance will be deducted from the final settlement.

For homeowners' insurance, what is the difference between "replacement cost value" and "actual cash value" policies?

"Replacement cost" coverage provides you with money to repair damaged items or replace destroyed items with new items of a similar type. Your policy should give you enough funds to purchase a new item. "Actual cash value" coverage provides you with funds necessary to replace the damaged or destroyed item with a similar item. You will likely receive less money from an actual cash value policy than a replacement cost policy because the actual cash value policy takes depreciation (age, wear and tear, etc.) into account.

Under either form of policy, you will still have to pay any applicable deductible, unless that requirement is waived by the insurance company.

If I did not have renters insurance, am I covered under my landlord's policy?

You probably are not covered, unless your landlord named you in his policy as a "named insured."

INSURANCE

My insurance company has denied me coverage; what can I do?

Insurance companies are required to acknowledge receipt of claims, communicate their decisions on claims, and pay claims in a timely manner. In general, insurance companies should acknowledge receipt of your claim within 15 days of receiving notice of your claim, and should communicate decisions on claims within 40 days of receiving your claim. Payouts should occur within 30 days of your acceptance of their offer.

If coverage is denied, in whole or in part, **ask the insurance company to provide you with its reasons in writing**, as well as whether it has an appeals process. Contact the Department of Insurance if you feel your claim has been wrongfully denied. Additionally, you may want to seek help from an attorney or public adjuster, but be aware that their fee will often reduce your total recovery.

How can I contact the Department of Insurance?

The California Department of Insurance can be reached at (800) 927-HELP (4357), from 8 a.m. to 5 p.m., Monday through Friday, to assist you with insurance-related questions. Additionally, the CDI maintains a website at www.insurance.ca.gov.

What is the phone number for my carrier?

Phone numbers for many of the carriers operating in California are as follows:

21st Century	(800) 322-8200
Allied	(800) 282-9445
Allstate	(800) 547-8676
American Modern Home	(800) 543-2644
Arrowhead/Carlendon	(800) 453-8610
Auto Club of Southern California (AAA)	(800) 672-5246
California Casualty	(800) 800-9410
Century National	(800) 733-1980
Chubb Group	(800) 252-4670
Clarendon National	(800) 453-8610
Commerce West	(800) 244-1545
.....	or (800) 856-7658
CSE Insurance Group.....	(800) 282-6848, option #3
Farmers Insurance.....	(800) 435-7764
.....	or (888) 425-2467
.....	(877) 732-5266 (Spanish)
FIC/Unitrin	(888) 253-7834
Fireman's Fund	(888) 347-3428
First American Property & Casualty	(888) 922-5344
First American Specialty	(800) 348-3782
Foremost	(800) 527-3907
Golden Eagle Insurance	(800) 238-3085
.....	or (800) 688-8661
Hartford	(800) 243-5860
Liberty Mutual	(800) 526-1547
.....	or (800) 225-2467
Mercury Insurance	(888) 913-6372
.....	or (888) 313-6372
Metlife Auto & Home	(800) 854-6011
.....	or (800) 422-4272
Nationwide	(877) 422-6800
.....	or (800) 421-3535
.....	or (800) 421-1444
Oregon Mutual.....	(800) 934-3809
Progressive	(800) 274-4499
Prudential	(800) 437-3535
Safeco	(800) 332-3226
State Farm	(800) 732-5246
Travelers	(800) 252-4633
.....	or (800) 238-6225

INSURANCE

USAA (800) 531-8222
Wawanesa Mutual Insurance Co. (800) 438-4300

FEMA

What is FEMA?

FEMA is the “Federal Emergency Management Agency,” which steps in to manage and coordinate many government assistance programs after the president declares a federal disaster area. When the president declares a “major disaster” in the United States or its territories, federal assistance is made available, pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (“Stafford Act”), 42 U.S.C. § 5121 *et seq.*, to supplement the efforts and resources of state and local governments and voluntary relief organizations. FEMA is the federal agency (a part of the U.S. Department of Homeland Security) that is responsible for coordinating federal disaster relief and assistance.

On October 23, 2007, President Bush declared Los Angeles, Orange, Riverside, San Bernardino, San Diego, Santa Barbara, and Ventura Counties federal disaster areas.

What does FEMA do?

FEMA is the starting point for the Disaster Housing Assistance Program (which includes the Housing Assistance and Home Repair Assistance programs), special loans from the Small Business Administration or the Farm Service Agency, special grants from the Cora Brown Fund, or assistance from many other government-run organizations, including those under the umbrella of the Other Needs Assistance (“ONA”) Program. FEMA also sponsors crisis counseling; disaster legal services; income tax assistance for filing casualty losses; advisory assistance for veteran’s benefits and Social Security matters; and disaster unemployment assistance. At FEMA’s local assistance and disaster recovery centers, you can talk directly to representatives of state and volunteer agencies and get help with insurance questions.

What types of disaster assistance does FEMA administer and coordinate?

The Individuals and Households Program (“IHP”) is a FEMA program providing a range of services to persons in a declared disaster area. The IHP program provides money and services to disaster-affected persons whose property has been damaged or destroyed and whose losses are not covered by insurance.

There are several different types of assistance, including various forms of housing assistance:

- Temporary Housing: Eligible applicants can receive money to rent a different place to live, or a government-provided housing unit when rental properties are not available.
- Repair: Eligible homeowner applicants can receive money to repair damage from the disaster to their primary residence that is not covered by insurance. The goal is to make the damaged home safe, sanitary, and functional.
- Housing Replacement: Eligible homeowner applicants can receive money to replace their homes destroyed in the disaster that are not covered by insurance. The goal is to help the homeowner with the cost of replacing the destroyed home.
- Housing Construction: In unusual situations where no other housing is available, homeowners and renters can receive assistance for construction of a new home. This type of help is provided only in insular areas or remote locations specified by FEMA.
- Other Needs Assistance (“ONA”): Eligible applicants can receive money to cover necessary expenses and serious needs that cannot be met through other forms of disaster assistance. This assistance may cover repairing/rebuilding personal property, clothing, household items, educational material, and transportation, medical, dental, and funeral expenses incurred by disaster victims.
- Cora Brown Fund: This fund is used for disaster victims who have exhausted all other avenues of assistance but still have unmet needs.
- Disaster Unemployment Assistance (“DUA”): This program provides unemployment benefits and re-employment services to individuals who have become unemployed because of major disasters. Benefits can extend up to 26 weeks after the date of the declaration of disaster or until the applicant is reemployed, whichever is earlier. You must register with California’s Employment Development Department (at <https://eapply4ui.edd.ca.gov>, (800) 300-5616 or (800) 815-9387 (TTY)) to receive DUA benefits.

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- **Small Business Administration (“SBA”) Loans:** As discussed in the “SBA: Process & Procedure” section of this handbook, the SBA provides low-interest, long-term loans for individuals to repair/replace real or personal property, and for non-farm businesses. If the SBA determines the applicant is ineligible for an SBA loan, the SBA may refer the applicant to FEMA for additional consideration.

Do I have to repay FEMA for any disaster assistance?

IHP grants do not need to be repaid, but SBA loans must be repaid.

Am I eligible for assistance from FEMA?

If you experienced a loss in one of the seven counties on or after October 21, 2007 as a result of the Southern California Wildfires, you may be eligible for assistance through FEMA. You should register with FEMA as quickly as possible. The various programs that FEMA coordinates have different eligibility criteria, and usually you only can receive assistance under one housing program at a time. FEMA will determine your eligibility for the various programs after you register.

To be eligible for Housing Assistance, all of the following must be true:

- you have losses in an area that has been declared a disaster by the president;
- you have filed for insurance benefits and the damage to your property is not covered by your insurance or your insurance settlement is insufficient to meet your losses;
- you or someone who lives with you is a citizen of the United States, a non-citizen national, or a qualified alien;
- the home in the disaster area is where you usually live and where you were living at the time of the disaster;
- you are not able to live in your home now, you cannot get to your home due to the disaster, or your home requires repairs because of damage from the disaster; and
- you do not have other, adequate rent-free housing you can use (for example, a vacation home or unused rental property).

To be eligible for Other Needs Assistance, all of the following must be true:

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

To receive money for repairs or help with housing needs, do I first need to file a claim under any insurance policy I may have?

Yes. In order to receive money or help with housing needs, you must have filed for insurance benefits (if you have insurance) and the damage to your property must not be covered by insurance. You must provide FEMA with a copy of your insurance company’s decision letter to obtain assistance.

If a decision on your insurance settlement has been delayed longer than 30 days from the time you filed the claim, you may be eligible for an insurance advancement from FEMA. These funds are considered a loan and must be repaid to FEMA once you receive your settlement from your insurance company.

How do I register with FEMA?

The easiest way to register with FEMA is to call (800) 621-FEMA (3362). For the speech- or hearing-impaired, call TTY: (800) 462-7585. The toll-free telephone numbers are available 24 hours a day, Monday through Sunday, until further notice. Be prepared to give the FEMA representative the following information:

- your Social Security number;
- current and pre-disaster address;
- a telephone number where you can be contacted;
- insurance information;
- total household annual income;
- a routing and account number from your bank (only necessary if you want to have disaster assistance funds transferred directly into your bank account; you may be able to find your bank routing number online at www.fededirectory.frb.org/search.cfm); and

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- a description of your losses that were caused by the disaster.

You can also register online at www.disasteraid.fema.gov or at one of FEMA's local assistance centers or disaster recovery centers. For information on locations of these centers, see the "Local Assistance & Disaster Recovery Centers" section of this handbook.

How will FEMA process my request for help?

At the time of registration, you will be given a **FEMA Application Number**. This number is very important for referencing your case, so please keep it handy. It is also a good idea to keep the name of the person who registered you, in case any problem with your paperwork arises.

FEMA may then refer you to the SBA, which offers special loans to disaster victims. (It does not matter whether you own a small business or not.) If you are referred to the SBA, **YOU MUST COMPLETE AND SEND IN YOUR SBA LOAN APPLICATION, EVEN IF YOU DO NOT THINK YOU WILL QUALIFY FOR A LOAN**. The SBA serves as a gatekeeper to other government-run programs. Unless you send in your application and fail to qualify for an SBA loan (or a large enough loan to meet your needs), your application will not be passed on to the ONA Programs, and you may not be eligible for additional assistance from other programs.

If you have requested help from FEMA because of damage to your home, FEMA will send an inspector to look at the damage. THE FEMA INSPECTION IS FREE. Do not let anyone charge you for an "inspection service." Request ID from the inspector and a copy of his or her inspection report.

You do not need to wait until the inspection to begin cleaning and repairing the property, but you should document the damage by taking pictures. (Video is good, too!) If possible, save damaged items.

You should be prepared to meet with the inspector on short notice. If you cannot be present, you may designate someone (over the age of 18) to meet the inspector on your behalf. You may be asked to sign a form authorizing this individual to meet the inspector. If you or your representative are not available for the inspection, your application may be withdrawn.

Be prepared to supply the inspector with several pieces of information:

- valid identification;
- proof of home ownership or tenancy;
- proof of damages to your primary residence;
- receipts for expenses you have incurred because of the fires; and
- photos of your property before you began repairs.

Proof of home ownership can include the following documents:

- deed or official record, which may be the original deed or deed of trust to the property listing you as the legal owner;
- tax receipts or a property tax bill showing the damaged dwelling and listing you as the responsible party for the assessments;
- mortgage payment book or other mortgage documents (i.e., late payment notice, foreclosure notice), where your name is listed along with the damaged dwelling address; or
- real property insurance for the damaged dwelling the applicant is occupying, with your name listed as the insured.

Ownership can also be researched by the Inspector or applicant on public websites, for example, a County property tax website.

Proof of tenancy can include the following documents:

- current driver's license showing the address of the damaged dwelling;
- utility bill sent to the damaged dwelling the applicant is occupying with his or her name (or name of co-applicant). The utility bill should be for one of the major utilities, such as electricity, gas, or water; or
- first-class government mail sent to you within the last 3 months at that address.

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You will also need to sign the disaster application and a declaration that you are a citizen, a national, a resident alien, or otherwise lawfully present in the U.S. See the Immigration section of this handbook for further discussion of these issues.

The FEMA inspector will complete a report and transmit it to FEMA's National Processing Servicing Center (NPSC). The NPSC will review the information and decide whether you qualify for assistance. (In the interim, the NPSC may ask you for additional records, such as insurance papers, a copy of title, pay stubs, or repair estimates.) FEMA will mail you a notice of its decision.

Are there any application deadlines of which I need to be aware?

Yes; there are important application deadlines that you must meet (unless specifically extended by FEMA), each of which is calculated from the date (October 23, 2007) the president declared the seven counties as disaster areas, as follows:

- Housing Assistance: **December 21, 2007**
- Home Repair Assistance: **December 21, 2007**
- ONA programs: **December 21, 2007**
- Disaster Unemployment Assistance: **November 21, 2007**

Can FEMA extend the registration deadline?

Yes. In addition, FEMA is authorized to accept late registrations for an additional 60 days beyond the standard registration period. FEMA rules require suitable documentation of the reasons for the delay, however.

How long does it take to get help from FEMA?

If you have damage to your home or its contents and you are uninsured, or you have suffered damage that is not covered by insurance, a FEMA inspector should contact you within 14 days of applying to set up an appointment to assess your damage.

Typically, within about 10 days after the inspection, if FEMA determines that you qualify for help, you will receive a direct deposit to your bank account or a check in the mail. If FEMA denies your application, you will receive a letter explaining why you were turned down and will be given a chance to appeal the decision. If you were referred to the SBA, you will receive an SBA application, which you must fill out and return in order to be considered for a loan, as well as other types of assistance. If the SBA approves you for a loan, they will contact you. If the SBA finds that you cannot afford a loan, they will automatically refer you to FEMA's Individuals and Households Program for help and FEMA will contact you.

If I am denied assistance by FEMA, how long do I have to appeal that decision?

Appeals from FEMA's decisions regarding the Rental Assistance, Mortgage and Rental Assistance, and Home Repair Assistance programs are due within **60 days** of the date on FEMA's notice of decision.

If I have questions about my application or need to change some of the information provided, what should I do?

Call the FEMA Disaster Helpline at (800) 621-FEMA (3362) (hearing/speech impaired only: (800) 462-7585).

If it has been more than 12 days since the FEMA inspector's visit and there has been no word from FEMA, what should the applicant do?

Call the FEMA Disaster Helpline at (800) 621-FEMA (3362) (hearing/speech impaired only: (800) 462-7585) to ask about your application. You may also inquire at a Disaster Recovery Center about your application.

Where can I find more information about FEMA's programs for wildfire victims?

If you have questions specifically about FEMA's programs for victims of the wildfires, you may contact FEMA at (800) 621-FEMA (3362). Additionally, if you have internet access, you can review FEMA's website at www.fema.gov or its California wildfire pages at www.fema.gov/hazard/wildfire/ca_2007.shtm.

STATE AID PROGRAMS

NOTE: Many governmental and charitable disaster relief organizations require applicants for assistance to complete and submit an SBA loan application (described previously) in order to qualify for their respective programs, benefits, or other disaster assistance. This requirement exists even if the applicant is unlikely to qualify for a SBA loan. Please keep this in mind as you repair, rebuild, or replace your property, and remember, the deadline to file a SBA application is December 24, 2007.

I may need financial assistance because of the wildfires. Am I eligible for any assistance from the State of California?

You may be eligible for grant assistance from the California Department of Social Services, Disaster and Client Services Bureau through two programs: (i) the Individuals and Households Program (IHP); and (ii) the State Supplemental Grant Program (SSGP).

What is the Individuals and Households Program?

IHP is a joint FEMA and state program that provides financial assistance to victims of declared disasters such as the wildfires. Wildfire victims may receive financial assistance for essential needs and necessary expenses, including for rental assistance, housing, personal property, and medical, dental, funeral, transportation, moving, and storage expenses. For more information on IHP grants, please refer to the FEMA section of this Handbook.

What is the State Supplemental Grant Program?

The SSGP is a state program that, like IHP, provides financial assistance to victims of declared disasters such as the wildfires. SSGP grants are awarded only for serious needs and necessary expenses directly caused by the disaster. SSGP funds must be spent on the items for which the money is awarded, which items may include rental assistance, housing, personal property, and medical, dental, funeral, transportation, moving, and storage expenses.

What is the amount of a SSGP grant? Do I have to repay any grant I may receive?

The maximum SSGP grant is \$10,000, but the average grant is between \$200 and \$2,000. Because it is a grant, and not a loan, you will not have to repay any grant you may receive.

Am I eligible for a SSGP grant?

SSGP is a program of last resort. Therefore, to be eligible for SSGP assistance, you must have:

- applied for and received the maximum IHP grant of \$28,800;
- completed a disaster loan application with the SBA;
- made claims for disaster damages against all applicable insurance policies; and
- accepted any available financial assistance offered from other sources such as private and public organizations (e.g., the American Red Cross).

Applications for SSGP assistance are accepted by FEMA for 60 days following the date the president declares a major disaster, in this case, through **December 21, 2007**.

How do I apply for a SSGP grant?

There is no separate application process for SSGP grants. FEMA will transmit your application to SSGP once you have utilized the maximum amount available under IHP. If you have any questions you should call the California Department of Social Services at (800) 759-6807. Hearing and speech impaired individuals should call (800) 952-8349. In order to be eligible for a SSGP grant you must submit your application to FEMA by **December 21, 2007**.

SBA LOAN ASSISTANCE

What is the SBA?

The U.S. Small Business Administration (SBA) is a federal agency that assists business owners and individual homeowners and renters by providing low-interest, long-term loans to repair or replace business property, real estate, or personal property owned by a victim that is damaged or destroyed as the result of a disaster in a federally designated disaster area. Loans are made for uninsured losses or otherwise uncompensated disaster losses. The SBA does not duplicate benefits provided by other governmental agencies or private insurance companies (with the potential exception of insurance proceeds that are required to be applied against outstanding mortgages). SBA loans are made on a nondiscriminatory basis and without regard to an applicant's age. More information about the SBA can be found at its website, www.sba.gov.

What kinds of loans does the SBA provide?

The SBA provides three types of disaster loans:

Home Disaster Loans (HDL): These loans are for homeowners and renters to repair damages to real estate or personal property owned by the victim. **The deadline for applying for an HDL is December 24, 2007.**

Business Physical Disaster Loan (BPDL): These loans are available to all businesses, regardless of size, and to nonprofit organizations to repair or replace disaster damage or loss of property, including real estate, machinery and equipment, inventory, and supplies. **The deadline for applying for a BPDL is December 24, 2007.**

Economic Injury Disaster Loan (EIDL): These loans provide working capital to small businesses to assist them through the disaster recovery period. They cover operating expenses (as opposed to physical damage) that the small business could have paid, if the disaster had not occurred. **The deadline for applying for an EIDL is July 24, 2008.**

What does SBA look for when considering a disaster loan applicant?

There must be reasonable assurance that you can repay your loan out of your personal or business cash flow, and you must have satisfactory credit and character. SBA will not make a loan to you if repayment depends upon the sale of collateral through foreclosure or any other disposition of assets owned by you.

Are there restrictions on how disaster loans can be used?

You must use disaster loans to restore or replace your primary home (including a mobile home used as a primary residence) and your personal or business property as nearly as possible to their condition before the disaster occurred. Your loan will be made for specific and designated purposes. The SBA requires that you obtain receipts and maintain good records of all loan expenditures as you restore your damaged property, and that you keep these receipts and records for three years.

If SBA loan proceeds are misused, the applicant must immediately repay 1.5 times the original amount of the loan.

Does SBA charge any fees for obtaining a disaster loan?

SBA does not charge points, closing, or servicing fees on any disaster loan. You will be responsible for payment of any closing costs owed to third parties, such as recording fees and title insurance premiums. If your loan is made in participation with a financial institution, SBA will charge a guarantee fee to the financial institution, which then may recover the guarantee fee from you.

Is insurance required to get a loan?

The SBA requires borrowers to obtain and maintain insurance if your property is in a special flood hazard area.

Should I wait for my insurance settlement before I apply to the SBA?

No. If you do not know how much of your loss will be covered by insurance or other sources, the SBA will consider making a loan for the full amount of the loss, up to our loan limits, provided that you assign the insurance check to the SBA to reduce the amount of the loan.

SBA LOAN ASSISTANCE

How do I apply for an SBA loan?

If you want to apply for a Home Disaster Loan, you must first teleregister with FEMA and obtain a FEMA Control Number. See "FEMA: Process & Procedure." Once you have a FEMA control number, you usually can obtain a SBA loan application from SBA loan officers at any FEMA Local Assistance Office.

Businesses may apply directly to the SBA for possible disaster assistance.

If you need assistance in completing the SBA loan, you may call the SBA toll free at (800) 659-2955, email the SBA at disastercustomerservice@sba.gov or you may seek the assistance of SBA loan officers at the FEMA Local Assistance and Disaster Recovery Centers or at SBA Disaster Area Offices whose locations can be found at <http://www.sba.gov/gopher/Disaster/dao.txt>. For the office nearest you, look under "U.S. Government" in your telephone directory, or call (800) U-ASK-SBA (827-5722), Monday through Friday, 9 a.m. to 5 p.m., or (704) 344-6640 (TTY). You may also send a fax to (202) 481-6190 or send an email to answerdesk@sba.gov. There is no charge for such assistance.

How soon will I know if I qualify for a loan?

The SBA's goal is to decide on each application within 21 days from the date the SBA receives a complete application (missing information is the biggest cause of delay). The SBA processes applications in the order received, so you should submit a complete application as soon as you can. To make a loan, the SBA must estimate the cost of repairing the damage, be satisfied that the business or individual can repay the loan, and take reasonable safeguards to help ensure that the loan is repaid.

What happens if my loan application is denied?

If SBA denies your loan application, SBA will notify you in writing and set forth the specific reasons for the denial. You may request reconsideration of your application within six months of the date of the decline notice. After six months, a new loan application is required. If SBA declines your application a second time, you have the right to appeal in writing to the Director, Disaster Assistance Processing and Disbursement Center ("DAPDC"). All appeals must be received by the processing center within 30 days of the decline action. Generally, decisions by the Director, DAPDC are final.

Where can I get more information about SBA loans?

For more information call the SBA at (800) 659-2955 or visit the SBA website at http://www.sba.gov/disaster_recov/index.html.

Home Disaster Loans

Is there a deadline for filing for a HDL?

The deadline to file an HDL application is currently **December 24, 2007**.

Am I eligible to apply for a home disaster loan?

You may be eligible for a SBA loan if you are a homeowner or renter and incurred damage to your real estate or tangible personal property during a disaster, you have satisfactory credit and character, and the SBA determines that you will be able to repay the loan. Generally, loans over \$10,000 must be secured by some collateral. SBA will not decline a loan if you lack a particular amount of collateral as long as it is reasonably sure that you can repay your loan. If you refuse to pledge available collateral when requested, however, SBA may decline or cancel your loan.

What are the amounts of HDLs?

Personal property loans are in amounts up to \$40,000, while real property loans are in amounts up to \$200,000. The amount of a specific loan depends on individual circumstances, including the applicant's ability to repay the loan and the applicant's past history with the SBA. (For example, if an applicant did not comply with the terms of a prior SBA loan, he or she likely is not eligible for another SBA loan).

What interest rate will I pay on my HDL? What are the repayment terms?

If you can obtain credit elsewhere, your interest rate will be 5.875%. If you cannot obtain credit elsewhere, your interest rate will be 2.937%. "Credit elsewhere" means that, based on your cash flow and disposable assets, SBA believes you could obtain financing from non-federal sources on reasonable terms.

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The term of the loan will be determined by the SBA based on your needs and your ability to repay the loan. The maximum term is 30 years.

The SBA does not have a minimum monthly payment. Payments vary depending upon income and expenses, size of family, and other circumstances that may affect your repayment ability. Generally, the first payment is not due until five months after the date of the loan.

Are there any limitations on the use of a HDL?

Yes. The HDL is intended to help you return your property to the same condition it was in before the disaster. Your loan will be made for specific and designated purposes, and you will be required to maintain records of all HDL expenditures for three years.

Your HDL may be increased by up to 20% to protect the damaged property against possible future disasters of the same type.

I already have a mortgage on my home. I can't afford a disaster loan plus my current mortgage payment. Can the SBA refinance my mortgage?

In certain cases, yes. The SBA can refinance all or part of prior mortgages, evidenced by a recorded lien, provided you:

- Do not have credit available elsewhere;
- Have suffered substantial uncompensated disaster damage (40% or more of the value of the property); and
- Intend to repair the damage.

An SBA disaster loan officer can provide more detailed information on your specific situation.

If my home is completely destroyed, can the SBA lend me money to relocate my home somewhere else?

If you are unable to obtain a building permit to rebuild or replace your home at its original site, the cost of relocating your home might be included in the loan amount. If, however, you decide to relocate your home without being required to, an SBA loan can be obtained only for the exact amount of the damage. SBA cannot make loans involving some relocations. An SBA disaster loan officer can provide more detailed information on your specific situation.

What information should I include with my HDL application?

The necessary information is specified in the loan application. In all cases, it includes an itemized list of losses with an estimate of the repair or replacement cost of each item. It also includes permission for the IRS to give the SBA information from your last two federal income tax returns. If you have pictures of the damaged property, you can include them as well.

Business Physical Disaster Loans

What is the deadline for applying for a BPD?

The deadline to file an application for a BPD is currently **December 24, 2007**.

Is my business eligible for a BPD?

Almost all businesses and charitable or other nonprofit entities that are located in a declared disaster area and have incurred damage to real or tangible personal property as a result of the disaster may apply for a loan to help repair or replace the damaged property. Your business may be a sole proprietorship, partnership, corporation, limited liability company, or other legal entity recognized under state law. The size of your business (average annual receipts or number of employees) will not be taken into consideration in determining your eligibility for a BPD.

BPDs in excess of \$10,000 require that you pledge collateral to the extent it is available. Normally, the collateral would consist of a first or second mortgage on the damaged business property. In addition, personal guarantees by the principals of a business are required for all BPDs. The SBA will not decline a loan for lack of collateral, but you must pledge available collateral.

What are the amounts of BPDs?

BPDs are generally capped at \$1.5 million. Further, while you may receive both a BPD and an EIDL, the combined assistance is capped at \$1.5 million. The SBA can waive this cap in certain circumstances.

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What interest rate will I pay on my BPD? What are the repayment terms?

If your business, together with its affiliates and principal owners, has credit elsewhere, your interest rate will be 8%. If your business is a nonprofit organization, your interest rate will be 5.25%. If you do not have credit elsewhere (regardless of whether your business is a nonprofit), your interest rate will not exceed 4%.

The term of the loan will be determined by the SBA based on your needs and your ability to repay the loan, but cannot exceed three years if you can receive credit elsewhere. Otherwise, the maximum term is 30 years.

Generally, you must pay equal monthly installments, of principal and interest, beginning five months from the date of the loan as shown on the loan note. SBA will consider other payment terms if you have seasonal or fluctuating income, and SBA may allow installment payments of varying amounts over the first two years of the loan.

Are there any limitations on the use of a BPD?

Yes. Physical disaster loans are intended to be used to repair or replace real and personal property damaged in the fires. Proceeds from the loan can be used to cover items such as real property, machinery, equipment, fixtures, inventory, and leasehold improvements. Motor homes, boats, aircraft, and other vehicles typically used for recreation will not be covered by the loan unless you can demonstrate that the vehicle was used in your business at the time of the fires. Normally, SBA funds cannot be used to expand or upgrade a business. If city or county building codes require such upgrading, however, then the BPD can be used for that purpose. A BPD will be made for specific and designated purposes, and you will be required to keep main records of all BPD expenditures for three years.

BPDs to repair or replace real property or leasehold improvements may be increased by as much as 20% to protect the damaged property against possible future disasters of the same type.

I already have a mortgage on my business and I can't afford a disaster loan plus my current mortgage payment. Can the SBA refinance my mortgage?

In certain cases, yes. The SBA can refinance all or part of prior mortgages, evidenced by a recorded lien, if you: 1) do not have credit available elsewhere; 2) have suffered substantial uncompensated disaster damage (40% or more of the value of the property); and 3) intend to repair the damage.

If my business is completely destroyed, will SBA lend me money for relocation?

Yes. In certain circumstances, limited relocation costs can be included in the loan amount. Whenever relocation is involved, you should contact the SBA disaster office before making any commitments.

What information should I include with my BPD application?

The BPD application form asks for the same information about your business and its principal owners and managers that is generally required for a bank loan. The required information is specified in the loan application and includes: 1) an itemized list of losses with your estimate of the repair or replacement cost of each item; 2) a copy of certain federal income tax information; 3) a brief history of the business; and 4) personal and business financial statements.

Am I required to submit a personal financial statement with my BPD application?

Yes. The SBA must review your financial statement and the financial statements for each partner, officer, director, and stockholder with 20% or more ownership. The SBA requires the principals of the business to personally guarantee repayment of the loan and, in some instances, to secure the loan by pledging additional collateral.

Economic Injury Disaster Loans for Small Businesses

What is the deadline for applying for an EIDL?

The deadline to file an application for an EIDL is currently **July 24, 2008**.

Is my business eligible for an EIDL?

Your business may be eligible for an EIDL if the following conditions are met: 1) your business is a "small business"; 2) your business has suffered "substantial economic injury" as a result of the fires, regardless of physical damage; 3) your business is located in a "declared disaster area" (or in a jurisdiction located next to the disaster area); and 4) the business and its principals do not have credit available elsewhere.

SBA LOAN ASSISTANCE

A "small business" is one that is independently owned and operated and that is not dominant in its field of operation. What constitutes a small business varies from industry to industry, but is almost always stated in terms of either number of employees or average annual receipts. For industry size guidelines, see <http://www.sba.gov/size/indextableofsize.html>.

In addition, certain categories of businesses are not eligible for an EIDL. These include nonprofits, religious organizations, businesses which derive one-third of their annual income from legal gambling, and agricultural enterprises (other than small nurseries and small agricultural cooperatives). Individuals also are not eligible for EIDLs.

"Substantial economic injury" is the inability of a business to meet its obligations as they come due or to pay its ordinary and necessary operating expenses due to the wildfires. Loss of anticipated profits or a drop in sales is not sufficient to establish substantial economic injury. Indicators of economic injury might be a larger than normal volume of receivables, a lower sales volume, slow inventory turnover, and the development of delinquencies in trade payables, current accruals, and debt payments.

Your business must be located in the declared disaster areas or certain counties or other political subdivisions that are contiguous to the declared disaster area.

If the amount of the loan is \$5,000 or less, you will not be required to pledge collateral. If the amount of the loan is over \$5,000, you will be required to pledge collateral to the extent that it is available. Normally, the collateral would consist of a first or second mortgage on the business property. In addition, personal guarantees by the principals of a business are required. The SBA will not decline a loan for lack of collateral, but you must pledge available collateral.

If I can borrow from a bank, am I still eligible for an EIDL?

No. Private credit sources must be used as much as possible to overcome the economic injury. The SBA can provide EIDL assistance only to the extent the business (and its principals) cannot recover by using its own resources and normal lending channels.

Must I sell assets that are not used in my regular business operations before I am eligible for an EIDL?

The SBA will review the availability of such assets to determine if part or all of the economic injury might be remedied by using such assets. The business and its principal owners must use their own resources to overcome the economic injury to the greatest extent possible without causing undue hardship.

What are the amounts of EIDLs?

EIDLs are generally capped at \$1.5 million. Further, while you may receive both a BPD and an EIDL, the combined assistance is capped at \$1.5 million.

You may request an EIDL for the amount of economic injury and operating needs, but not in excess of what your business could have paid had the disaster not occurred. In determining the eligible amount, the SBA will look at: 1) the total of your debt obligations; 2) operating expenses that mature during the period affected by the disaster, plus the amount you need to maintain a reasonable working capital position during that period; and 3) expenses you could have met and a working capital position you could have maintained had the disaster not occurred.

The amount of your economic injury does not automatically represent the dollar amount of your loan eligibility; the SBA will evaluate the information you provide and determine the reasonableness of your loan request.

What interest rate will apply to my EIDL? What are the repayment terms?

The maximum annual interest rate for EIDLs is 4%. The maximum term of an EIDL is 30 years. The actual term will be determined by the SBA based on your business needs and your ability to repay the loan.

Are there any limitations on the use of an EIDL?

Yes. An EIDL is intended to help you maintain a secure financial condition until your business is back to normal. It provides operating funds until your business recovers. For instance, you may use an EIDL to make payments on short-term notes, accounts payable, and installment payments on long-term notes, to the extent that you could have made these payments had the disaster not occurred. Your loan will be made for specific and designated purposes, and you will be required to maintain records of all BPD expenditures for three years.

You may not use EIDL funds to: 1) pay cash dividends or bonuses, or for disbursements to owners, partners, officers, or shareholders not directly related to the performance of services for the business; 2) refinance long-term debts or provide

SBA LOAN ASSISTANCE

working capital that was needed by the business prior to the disaster; or 3) expand your business facilities or purchase a new line of inventory with an EIDL.

What documents should I use to show my losses when applying for an EIDL?

In order for the SBA to compare your financial condition and operating results prior to the wildfires with those during and after the wildfires, you must furnish balance sheets and operating statements for both pre-disaster and post-disaster periods of time. The specific requirements are contained in the EIDL application form.

Am I required to submit a personal financial statement with my loan application?

Yes. The SBA must review your financial statement and the financial statements of each partner, officer, director, and stockholder with 20% or more ownership in your business. The SBA requires the principals of the business to personally guarantee repayment of the loan and, in some instances, to secure the loan by pledging additional collateral.

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CONTRACTS

Performance Excused

If my business was physically destroyed or damaged by the fires, do my contracts for goods and services need to be performed?

It depends. A party will be relieved from its obligation to supply goods or perform services if, without the party's fault, performance of the contract has become impossible. However, the impossibility must be "objective," in the sense that no one can perform the contract. For example, a contract to clean houses in Rancho Bernardo that burned to the ground would be impossible to perform. If reasonable alternative means for performance of the contract are available, impossibility likely will not apply. However, other legal doctrines, as described below, may apply.

My business is in the affected area and has not been physically affected by the wildfires; however, my business has deteriorated substantially after the wildfires. Do my contracts for goods and services need to be performed?

Yes. Typically, impossibility excuses a party's performance only when the destruction of the subject matter of the contract or the means of performance renders performance impossible. In addition, a party may be excused from performing its contractual obligations if performance is found to be impracticable. However, if a party has a choice of ways to perform the obligations and only one option is precluded, that is not generally considered impracticable, even if the remaining option is more burdensome or more expensive.

If my business has been taken over by police/fire or other state agency for relief work, are contracts for future performance excused?

Generally, yes. When the government, through its sovereign power, intervenes for the preservation of the country or makes performance of a contract impossible, the contracting parties generally are relieved of further liability. Because the test is whether a change renders performance impossible, the mere fact that a contract has become more difficult or expensive to perform because of a new law or regulation does not excuse performance. In addition, government intervention may only provide for a delay in performance rather than a permanent excuse.

Does a "force majeure" clause in a contract that my business has with another party automatically relieve the other party of its liability under the contract?

No. A "force majeure" clause is a provision in a contract that excuses a party to the contract from performing under the contract because of the occurrence of an event beyond the party's control. The other party may or may not be liable depending on the provisions of the force majeure clause. A party may excuse itself from liability under a force majeure clause only by showing that the event preventing its performance was contemplated by the force majeure clause. A force majeure clause may be drafted broadly (to include a few events such as an "act of war" and a catch-all phrase such as "or other events beyond its control" or "unavoidable causes") or more narrowly (listing the specific events that prevent performance and including only a narrow catch-all).

Even if the contract does not contain a force majeure clause, or if the clause is not broad enough to include the events surrounding the wildfires, it is possible that a contract will not be enforced due to "impossibility" and related doctrines discussed above.

If the business owner or key employee is dead (or sick), does the business still need to perform contracts of personal service?

No. If the primary purpose of a personal services contract is to permit a specified person to perform in a certain manner, there is an implied intent by the parties to hold each other liable only if the health and life of that person permits continued performance. To be covered under this general rule, the act or acts to be performed must be ones that can be performed only by the particular individual named in the contract.

What happens to advances received from third parties (or given to third parties) where the performance of the contract is excused?

If goods or services are not supplied, advances must be returned.

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What if I can no longer deliver or accept goods under my contracts? Can someone else perform on my behalf?

Absent a provision in the contract prohibiting assignment, a party may be able to delegate or assign its duties or rights under a contract to someone else unless the other party has a substantial interest in having the original promisor perform the acts required by the contract. The rights of the buyer or seller also may be assigned unless the assignment would significantly change the duty of the other party, increase the burden or risk imposed on him by the contract, or significantly impair the chance of obtaining return performance. Parties delegating or assigning duties will still be liable under the original contract. Many commercial contracts provide that duties of the buyer and seller cannot be delegated or assigned without the prior written consent of the other party.

Liability for Damaged Property

What if goods that were paid for by the buyer were destroyed before they could be delivered?

In the absence of an agreement to the contrary, risk of loss of goods subject to sale passes in the following manner: 1) if a contract requires physical delivery of identified goods to a specific destination, title passes on tender of the goods at that destination; 2) if the contract does not specify a place of delivery, title passes at the time and place of shipment or if delivery is to be made without moving the goods, title passes at the time and place documents of title are to be delivered; and 3) if no documents of title are delivered, title passes at the time and place of contract. An insurance policy may cover damage to or destruction of the goods.

If I have equipment that was either leased or purchased on credit and is now destroyed or damaged, am I obligated to continue making payments on the equipment?

This question is usually governed by the terms of the specific contract, lease, or credit agreement. In addition, the loss of equipment could be covered by an insurance policy. If the equipment was not covered by an insurance policy, most likely payments must continue to be made.

See the information on real estate below for additional information on damage to real property.

Is my business liable for damage to a customer's property caused by the wildfires? Is my dry cleaning or laundry business liable for damage to customers' clothing that was in the store? Is my jewelry/TV/watch repair store liable for damages to customers' property that was in the store for purposes of repair or maintenance?

Probably not. When the owner of personal property (a bailor) delivers the property to another (a bailee) for a particular purpose, with the understanding that the property must be returned to the owner, a bailment contract is formed. In each of the three situations above, a bailment relationship exists for benefit of both parties because the bailee receives compensation and the bailor receives a service. Therefore, the bailee would only be liable to the bailor for property damaged through the bailee's negligence.

Because the relevant legal standard is the bailee's negligence, it is necessary to consider how the property was damaged or lost and what actions the bailee took to protect it. Destruction caused by the fires would not likely be a breach of the bailment contract. However, if all of the other jewelry stores carried customer merchandise out of the store and one jeweler did not, then that one jeweler may be deemed negligent. In addition, if all dry cleaners except one locked the door when evacuating, that one dry cleaner may be deemed negligent if a customer's clothes were stolen.

Lost Checks or Correspondence

Is there a contract if, in response to my offer, the offeree sends an acceptance by mail but I never received it because it was lost or destroyed?

Yes, there is a contract and thus an obligation to perform. Assuming that you, as the offeror, did not specify a mode of acceptance other than mail, acceptance of an offer is effective when the letter is dropped in the mailbox, and not upon receipt. The offeree has the power to accept and close the contract by mailing a letter of acceptance within a time specified in the offer (or within a reasonable time, if no time is stated).

If, for example, my insurance payment premium was due on October 25th and the payment was sent on October 22nd, would the policy cover damages that occurred on October 24th, even if the payment was not received on the actual due date or was destroyed in the mail?

The "mailbox rule" or "postal acceptance rule" described above also applies to insurance premiums. Assuming that the insurance company requested that the premium be mailed and the premium payment was mailed in a timely manner, the insurance company is obligated to defend and indemnify the insured party.

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What if a check was mailed but it was not received?

There are different alternatives depending on the type of check that was lost:

Checks payable from debtor's account: A bank customer has a right to stop payment of any item, including a check, drawn on that customer's account. After the stop payment is made, the debtor may issue a new check without bearing the risk of loss should the bank fail to stop the original check.

Certified checks: Since certified checks are drawn by the bank, the bank is not required to stop payment on lost or destroyed checks and issue replacements unless an indemnity bond of twice the unpaid amount is posted. This serves to protect banks from potential double liability, should a holder of the lost check later present it for payment.

Business Licenses

My business was destroyed by the wildfires. Is my business license still in effect, and what do I do if it needs to be replaced?

For any issues relating to business licenses, contact the state or local authority that issued your license.

BUSINESS REAL ESTATE

The following questions are designed to provide general information for small businesses that rent their space from a landlord, and for landlords who rent space to small businesses. (For questions about landlord-tenant issues for a residence, please refer to the sections of this Handbook on Housing). As with other information in this Handbook, this is intended to provide general information that may be helpful in assessing the types of legal questions that may be faced by small businesses and landlords that rent space to small businesses.

Generally, the rights of both the tenant and the landlord will be determined by the provisions of your lease. There is no one single "standard" form of lease, even though many leases are based on preprinted lease forms. The provisions of a lease which cover these matters can vary significantly, even for different leases in the same building. A professional will need to check the provisions of your lease carefully to answer these questions for your particular case. The following is only general advice for tenants and landlords regarding property that is damaged or unusable as a result of accidental destruction relating to the wildfires and is based on general principles of state law in California and some of the form leases commonly used in those states.

Leases

What happens if the building or property that is leased is destroyed? Does the lease automatically terminate? Does the tenant have to pay rent?

To answer these questions, you will need to first check your lease to see if there is a specific written provision setting forth what happens if the leased premises are completely or substantially destroyed or partially damaged. Most business leases include this type of provision, and these provisions may include definitions that will help you to determine whether your building has been destroyed or partially damaged. If your lease contains such written provisions, those written provisions will govern and should provide the answer to your question.

If your lease does not contain specific provisions setting forth what happens when the leased premises are destroyed or partially damaged, or if you do not have a written lease, then this question will be answered based on general provisions of California state law.

Under California law, unless a lease contains specific provisions to the contrary, a lease automatically terminates only when the leased premises are either completely destroyed or "substantially damaged," which is when the leased premises have been damaged to the extent that they are no longer fit for the use for which they were originally leased. This is a fact determination made on a case-by-case basis.

Whether the property is totally unfit for use will depend on several factors. The primary factor is the extent of damage. For example, a building that burns to the ground would likely be considered destroyed. But if the damage is limited (for example, if only the roof is damaged or smoke or water from firefighting only damaged the ceiling, floor, or carpet of a leased building), then the tenant probably cannot terminate the lease on the basis of that damage. Another factor is the landlord's ability to repair the premises. If the landlord can repair the damage in a reasonable period of time, then the tenant may not be able to terminate the lease.

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Once the lease is terminated, the tenant is relieved of any obligation to pay rent. But until the lease is terminated the tenant must continue to pay rent according to the terms of the lease. In some cases, depending upon the terms of the lease, the tenant may be able to pay an adjusted rent until necessary repairs are made, but the need for repairs does not automatically release the tenant from its obligation to pay rent.

What degree of damage to the premises constitutes “partially damaged” or “destroyed” or “substantially damaged”?

The answer depends on the individual facts involved. To be considered “destroyed” or “substantially damaged,” the premises must cease to be fit for the use for which they were rented. While major fire damage will almost always result in “total destruction,” more limited fire damage and damage from smoke and/or water may be considered only partial damage. However, in the case of a ground lease in which the tenant rents the underlying land and is responsible for all improvements upon the land, then damage to the improvements will generally not permit the tenant to terminate the lease.

Is the landlord obligated to rebuild the building?

Again, it is important to refer to your lease, as commercial leases generally have provisions dealing with the landlord’s obligations to rebuild.

Absent an express provision in the lease, the answer generally depends on the severity of the damage. If the building is so seriously damaged that the premises are totally damaged or rendered wholly unusable, the landlord may terminate the lease rather than rebuilding.

Does the tenant have the right to terminate the lease if the landlord plans to rebuild the building?

Tenants should consult their own lease.

Can the landlord terminate the lease if the premises are partially destroyed?

A landlord can terminate a lease when (1) the lease itself gives the landlord a right to terminate when a disaster renders the premises partially unusable or (2) the landlord and tenant mutually agree to terminate the lease.

If the landlord terminates the lease, is the tenant entitled to receive its security deposit?

Yes, unless the express terms of the lease make it nonrefundable. According to California law, the landlord must refund the security deposit (less any lawful deductions) within 30 days after the tenant vacates the premises.

Is the landlord required to repair and restore the tenant’s furniture and equipment?

Generally, the landlord is not required to repair any damage to the tenant’s furniture and/or furnishings or any fixtures or equipment, improvements, or appurtenances that are removable. This damage should be covered by the tenant’s insurance company.

Is the tenant obligated to pay rent during the time that the landlord makes repairs on the building?

Again, this depends on the severity of the damage. Determining whether premises are totally or partially destroyed is a fact determination made on a case-by-case basis. To be considered “destroyed” or “substantially damaged,” the premises must cease to be fit for use. In the event the premises are destroyed or substantially damaged, the lease terminates with no further liability on the part of the tenant or the landlord. The tenant does not have to continue rent payments from the time of the destruction or substantial damage. Extreme fire is likely to be considered “destruction,” while minor fire, water, or smoke damage is most likely only a partial damage. Under California law, rent reductions for partial damage will be governed by the terms of the lease.

Once the landlord completes the restoration of the premises, the tenant may still have work to do to repair installations, phones, office equipment, etc. The tenant will be obligated to pay rent during this time period, but may be able to cover the cost of that rent from proceeds of the tenant’s business interruption insurance policy.

Note, again, that generally commercial leases have specific provisions governing rent abatement in the event of destruction of the premises, and these provisions dictate the rights of the landlord or tenant. Refer to your lease.

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How long can the landlord take to repair the premises?

If the landlord elects or is required to repair the premises under the terms of the lease, the landlord must do so reasonably expeditiously, subject to delays due to adjustment of insurance claims, labor troubles, and causes beyond the landlord's control.

Can the tenant withhold rent if the landlord has failed to timely repair the premises after the disaster?

Generally, unless the lease provides otherwise, a tenant remains obligated to pay rent if the premises are usable and are not totally destroyed or made unusable, as discussed above. Thus, the requirement to pay rent is not generally dependent on whether the landlord makes timely repairs, unless the lease permits the tenant to terminate the lease on this basis. If the landlord fails to make repairs required under the terms of the lease, the tenant may sue for its economic damages resulting from the landlord's breach of its contractual duties.

Remember, however, that commercial leases usually have specific provisions regarding repairs and that the lease provisions will dictate the rights of the landlord or tenant. Refer to your lease.

If the landlord elects to terminate the lease, is the landlord obligated to help the tenant find alternative space or reimburse the tenant for related costs?

No, unless the lease contains a specific provision that provides for this.

Can the landlord rent the premises to someone else while the tenant is gone?

No, unless the lease expressly provides otherwise, a landlord cannot rent the premises to another party unless the lease has been terminated. The landlord has an obligation to make the leased space available to the tenant as long as the lease is in effect. The landlord cannot impair the tenant's "quiet possession" of the property unless there has been a default by the tenant and the lease has been terminated.

Condemned Buildings

Can the building be condemned?

Yes. Governmental agencies that have jurisdiction over a building may order it to be condemned if the building is not suitable for safe occupancy. Generally, either FEMA or the local building inspection department are the agencies that have jurisdiction to determine that a building cannot safely be occupied.

If the building is condemned, will the property owner be paid for the loss?

When the government condemns property based on a finding that it is no longer habitable or safe for occupancy, the government is not responsible for paying for the loss of the property. Generally, the government is only required to pay for the loss of the property when the property is taken by the government for a public use. Condemnation of property as unsafe generally is not a "taking" for public use. To the extent the owner can recover the lost value of the condemned property, the property owner might be able to recover all or part of the value of the property from the owner's insurance (depending on the terms of that insurance) or from FEMA or other relief agencies.

Tax Relief

I own a small building in the area which was damaged. Is there any relief from my obligation to pay property taxes?

Taxpayers with taxable property that was damaged or destroyed by the wildfires in the counties of Los Angeles, Orange, Riverside, San Bernardino, San Diego, Santa Barbara, and Ventura may be eligible for property tax relief. Applications for reduced assessments must be filed with the county assessor. Taxpayers should contact their local county assessor for more information.

Can I get an extension to file returns and pay my business taxes?

A one-month extension to file returns and pay business taxes is available to taxpayers who work or reside in the counties of Los Angeles, Orange, Riverside, San Bernardino, San Diego, Santa Barbara, and Ventura, and who, as a result of the recent wildfires, cannot meet tax-filing and payment deadlines. This extension applies to sales and use taxes, fuel use taxes, alcoholic beverage taxes, cigarette and tobacco product taxes, timber yield taxes, interstate user taxes, energy resource surcharges, natural gas surcharges, emergency telephone user surcharges, electronic waste and integrated waste management fees, tire recycling fees, hazardous waste fees, underground storage tank maintenance fees, oil spill

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prevention and response fees, and occupational and childhood lead poisoning fees. The State Board of Equalization also may extend deadlines for filings delayed by the disruption of the mail. In order to qualify for the extension, the taxpayer must include a statement signed under the penalty of perjury stating the cause for the late filing.

Can I get relief from interest and penalties if I am late filing and paying various business taxes?

Taxpayers who are unable to file their returns and pay taxes and fees in a timely manner may receive relief from interest and penalties. Such relief is available for sales and use taxes, fuel use taxes, alcoholic beverage taxes, cigarette and tobacco product taxes, timber yield taxes, gasoline taxes, energy resource surcharges, emergency telephone user surcharges, hazardous waste fees, integrated waste management fees, occupational and childhood lead poisoning fees, underground storage tank maintenance fees, jet fuel taxes, diesel fuel taxes, interstate user taxes, insurance taxes, natural gas surcharges, ballast water management fees, tire recycling fees, and oil spill prevention and response fees. In order to qualify for relief from interest and penalties, the taxpayer must include a statement signed under the penalty of perjury stating the cause for the late filing.

Can I get copies of State Board of Equalization tax records lost in the fire?

Business owners and fee payers may obtain replacements of State Board of Equalization tax records lost in the fire, free of charge. To obtain copies of such records, including prior tax returns filed with the State Board of Equalization, audits and permit application forms, taxpayers should call (800) 400-7115.

EMPLOYMENT

The answers to each of the following questions are based on the assumption that the affected employees are not covered by a collective bargaining agreement and do not have an employment contract with their employer. In the event that the affected employees are covered by a collective bargaining agreement or an employment contract, the employer should consult the terms and conditions of those agreements and contracts. Similarly, if the employer has certain established employment policies, the employer should consult and comply with its policies.

Salary and Leave

Does an employer have to pay its employees for the days that its business was closed as a result of the Southern California Wildfires?

The answer to this question depends on whether the employee is considered an “**exempt**” employee or a “**non-exempt**” employee for purposes of federal and state wage-and-hour laws. Every employee must be treated as either exempt (not entitled to premium pay for overtime hours worked) or non-exempt (entitled to premium pay for overtime hours worked) under federal and state wage-and-hour laws. The determination of whether an employee is “exempt” or “non-exempt” is a complicated, fact-specific determination. Generally speaking, an employee is considered a non-exempt employee if the employee is paid on an hourly basis and not on a salary basis. In contrast, to be considered an exempt employee, an employee must be paid on a salary basis and must have certain job duties and responsibilities that are executive, administrative, or professional (among others) as required under the applicable federal and state wage-and-hour laws.

An employer is not required to pay its non-exempt employees for any days or hours that the employees did not work because the business was closed during the Southern California Wildfires. On the other hand, an exempt employee should receive his or her full salary for any week in which he or she performed any work without regard to the number of days or hours worked. Thus, if an exempt employee worked on Sunday, October 21, 2007, but worked no other days during the week of October 21, 2007, then the employer should pay the employee his or her full salary for the week of October 21, 2007.

In addition, to the extent employees perform work for the employer during the Southern California Wildfires, employers should continue to pay such employees for such work on the days designated in advance by the employer (i.e., twice a month), whether or not the employer’s offices are closed due to the Southern California Wildfires.

Once an employer reopens its business, does the employer have to pay its employees for the days on which a transportation problem or some other obstacle prevented them from reporting to work?

This also depends on whether the employee is considered an exempt or non-exempt employee. For purposes of wage-and-hour laws, the employer is not required to pay a non-exempt employee for any days or hours that the employee was absent from work due to a transportation problem or some other obstacle that prevented him or her from reporting to work. An exempt employee should receive his or her full salary for any week in which he or she performed any work.

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May an employer require its employees to use their accrued vacation or sick leave to cover their absences from work due to the Southern California Wildfires?

Once the employer reopens, if an employee is unable to report to work due to the Southern California Wildfires, the employer may require an employee to use his or her accrued vacation or sick leave to cover his or her absences, provided that this is consistent with the employer's leave policies. If an employee's absence qualifies as a leave under the federal Family Medical Leave Act (FMLA) or its California counterpart, the California Family Rights Act (CFRA), or pregnancy disability leave under the California Fair Employment and Housing Act (FEHA), employer-mandated substitution of vacation or sick leave may not be permitted. See below for discussion of the FMLA, CFRA, and pregnancy-related leave under the FEHA.

Does an employer have to provide an employee with either paid or unpaid leave if the employee is unable to work as a result of an injury suffered during the Southern California Wildfires?

Employers may be required to provide employees with unpaid leave (1) under the FMLA/CFRA if the employee or a member of his/her immediate family is suffering from a serious health condition; (2) under the California FEHA, for pregnancy, childbirth, or related medical conditions; or (3) under the Americans with Disabilities Act (ADA)/California FEHA if the employee is disabled and if the granting of leave would serve as a reasonable accommodation to the employee's disability.

Leave Under the FMLA/CFRA. The FMLA/CFRA provides that a covered employee may take up to a total of 12 weeks of unpaid leave during any 12-month period for certain qualifying reasons. During the leave period, the employer must maintain the employee's health benefits and must guarantee that the employee will be reinstated to the same or an equivalent position. FMLA/CFRA leave is unpaid, unless the employer has elected to pay employees during such leave.

The FMLA/CFRA applies to only those employers that employ 50 or more employees for each working day in each of 20 or more calendar work weeks in the current or preceding calendar year. An employee is entitled to FMLA/CFRA leave if the employee: (1) has been with the employer for at least 12 months; (2) logged at least 1,250 hours of services during the 12-month period immediately preceding the start of the leave; and (3) is employed at a worksite where 50 or more employees are employed by the employer or within 75 miles of that worksite. FMLA/CFRA leave may be taken to care for the employee's spouse, child, or parent with a serious health condition or because of a serious health condition that makes the employee unable to perform the functions of the employee's position.

For more information regarding compliance with the FMLA, check out the following website:
<http://www.dol.gov/esa/regs/compliance>.

For more information regarding compliance with the CFRA, check out the following website:
www.dfeh.ca.gov/publications.

Pregnancy-Related Leave Under California's Fair Employment and Housing Act. Under the FEHA, employers with five or more employees must allow female employees to take up to four months of leave for periods of disability due to pregnancy, childbirth, or related medical conditions. The employee may elect to use accrued vacation leave, and may be required to substitute sick leave, or any other accrued leave which is made available by the employer to temporarily disabled employees. The employer must continue to provide the same benefits or privileges of employment granted by that employer to other employees.

Pregnancy-related leave under the FEHA is unpaid, unless your employer has elected to pay employees during such leave. As described below, you may also be eligible to receive disability benefits under the California SDI program during a qualifying pregnancy-related leave.

For more information regarding FEHA, check out the following website: www.dfeh.ca.gov/publications.

Leave Under the ADA/California FEHA. Under certain circumstances, an employer may be required to provide an employee with leave under the ADA/California FEHA. The ADA/California FEHA requires employers, in certain circumstances, to provide reasonable accommodations to employees who have a disability. Such a reasonable accommodation may include providing an employee with an unpaid or paid leave of absence.

The California FEHA generally provides broader protections than its federal counterpart, the ADA. Though the ADA applies to only those employers that employ 15 or more employees for each working day in each of 20 or more calendar work weeks in the current or preceding calendar year, the California FEHA applies to employers with five or more employees. In addition, under the ADA, an employee is "disabled" if the employee has a physical or mental impairment

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that substantially limits a “major life activity” of an individual, including activities such as walking, seeing, hearing, speaking, breathing, learning, working, sitting, standing, lifting, or reaching, whereas under the California FEHA, an employee is “disabled” if he or she has a physical or mental impairment that limits a “major life activity.” Generally, temporary impairments are not considered protected disabilities.

Is an employee entitled to either paid or unpaid leave so that he or she can care for children or family members injured by the Southern California Wildfires?

As described above, employees may be entitled to FMLA/CFRA leave, which they can use to care for children or family members injured in the Southern California Wildfires. If employees are entitled to FMLA/CFRA leave as described above, then the employer must allow them to take FMLA/CFRA leave. This leave does not have to be paid leave, but employees are entitled to use their accrued vacation or sick leave for the absence as well as unpaid leave. In addition, employees may also be eligible to receive benefits under the California Paid Family Leave program during a qualifying FMLA/CFRA leave if the leave is taken to care for a seriously ill family member. In addition, employers should be sure to comply with any specific policies providing for leave under such circumstances.

For more information regarding the California Paid Family Leave program, check out the following website: www.edd.ca.gov. To the extent employees request leave to care for a seriously ill family member, employers are required to provide such employees with the following pamphlet, which describes the California Paid Family Leave program: www.edd.ca.gov.

Is an employee entitled to either paid or unpaid leave if the employee is too afraid or emotionally traumatized to return to work as a result of the Southern California Wildfires?

If an employee is suffering from post-traumatic stress or some other mental condition, the employer may be required to provide the employee with unpaid leave under the FMLA/CFRA or as an accommodation under the ADA/California FEHA. However, the employee will have to meet the applicable requirements of the FMLA/CFRA and ADA, as set forth above. If the employer provides paid leave, the employee may be able to use his or her accrued vacation or sick leave for the absence.

If an employee does not qualify for the requirements of FMLA/CFRA or ADA/California FEHA leave, and does not return to work, employers can consider termination of employment, though consultation with legal counsel is recommended before doing so.

Where can an employer get more information about complying with the FMLA, CFRA, the ADA, and the California FEHA?

The United States Department of Labor’s website at <http://www.dol.gov/esa> contains detailed information about the FMLA, including a Fact Sheet, a Compliance Guide, the text of the statute and accompanying regulations, and relevant forms. For more information regarding compliance with the CFRA, check out the following website: www.dfeh.ca.gov/publications.

The Department of Justice has online information about the ADA at <http://www.usdoj.gov/crt/ada/adahom1.htm>. The California Department of Fair Employment and Housing provides online information regarding the FEHA at www.dfeh.ca.gov.

What can employers do to help their employees recover psychologically from the trauma of the Southern California Wildfires and their aftermath?

An employer’s health plan may experience an increase in mental health claims, as well as more requests for assistance under employee assistance programs (EAPs). Employers should advise their employees of both the availability and the importance of such counseling, both for themselves and their families. If an employer does not have an EAP, counseling and other related services are available on a fee-paying basis. If employees are veterans, assistance may be available from the Veteran Administration.

In addition, employers should consider telling their employees about the free counseling hotline established by United Health Group to help those coping with the emotional consequences of the Southern California Wildfires. The phone line will be open 24 hours a day, seven days a week, for as long as needed, at (866) 342-6892.

What should be done about Consolidated Omnibus Budget Reconciliation Act (COBRA) coverage?

Employers having 25 or more employees who maintain health plans are required to offer continuation coverage under the federal COBRA to qualified beneficiaries (participating employees and/or their dependents) who lose health coverage due

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to a “qualifying event” (such as the death of the covered employee, termination of employment, or reduction of hours sufficient to cause the loss of medical coverage). Smaller employers (with 2 to 19 employees) who maintain health plans are required by the California COBRA (Continuation Benefits Replacement Act) to provide COBRA-like coverage to their eligible employees. Under both COBRA and California COBRA, employees must pay for this medical coverage themselves.

Once an affected employee loses coverage as a result of one of these events, the employer must take action to notify the plan administrator within the prescribed time period. Qualified beneficiaries must be informed of their right to continued health insurance coverage under COBRA within 44 days (the employer must notify the plan administrator within 30 days, and the plan administrator must then notify eligible dependents within 14 days) of a qualifying event. All required notices regarding COBRA should be carefully documented and timely. Generally, the qualified beneficiary has 60 days from the later of: (a) the date of termination of coverage or (b) his or her receipt of a COBRA notice to elect to continue coverage. COBRA coverage can continue for up to 36 months under applicable California law.

Employers, while not required to do so, have the option of extending certain non-mandated COBRA benefits in the wake of the Southern California Wildfires (such as offering to pay COBRA premiums for a certain length of time, etc.).

Damage to Office and Records

If an employer’s records were destroyed as a result of the Southern California Wildfires and their aftermath, what basic payroll records does the employer need to try to recreate?

Under applicable federal law, every employer must establish, maintain, and preserve weekly payroll records, including the following information for each employee:

- employee’s full name, as used for Social Security purposes;
- address, including zip code;
- birth date, if younger than 19;
- sex and occupation;
- time and day of week when employee's workweek begins;
- hours worked each day and total hours worked each workweek;
- basis on which employee's wages are paid;
- regular hourly pay rate;
- total daily or weekly straight-time earnings;
- total overtime earnings for the workweek;
- all additions to or deductions from the employee's wages;
- total wages paid each pay period, including money paid in cash; and
- date of payment and the pay period covered by the payment.

Under applicable California law, payroll records must be maintained by the employer, who must make them available to the employee upon request. An employer’s failure to have such records in its possession may subject the employer to liability in the form of penalties under the California Labor Code, and possible civil liability. However, if such records have been destroyed due to the Southern California Wildfires, these and other circumstances suggesting impossibility of performance may be considered as an affirmative defense per the California Labor Code.

When must an employer pay its workers if the employer’s payroll records were destroyed?

California requires timely payment of wages according to a regularly-set schedule established by the employer, in compliance with the requirements of the California Labor Code. In most cases, employees must be paid at least twice per month, with payment for labor performed between the 1st and the 15th of the month paid for between the 16th and 26th day of the month during which the labor was performed, and payment for labor performed between the 16th and last day of the month, inclusive, paid for between the 1st and 10th day of the following month. If records are not available, the employer should make a reasonable effort to determine the hours worked by the employees, and make payment accordingly as promptly as possible.

If an employer has employees working from home because the employer’s offices were destroyed, what does the

SMALL BUSINESS ISSUES

employer need to know and how does the employer get the needed information?

Generally speaking, the same rules apply when employees work from a remote location as when they worked in the office. For example, employees who are considered non-exempt under the wage-and-hour laws should be required to keep track of the hours of work for payroll and overtime purposes.

Does an employer have to reimburse its employees for the destruction or loss of any of their personal items, such as personal computers or cars that they may have used for business purposes?

You should consult with your insurance provider to determine whether loss of employees' personal property is covered by any insurance policy. Ordinarily, employers are not responsible for reimbursing employees for the loss or damage to personal property an employee chose to bring to the worksite.

Are employers able to obtain extensions for filing payroll taxes with the State of California due to the Southern California Wildfires?

Employers in some areas may be able to request an extension to file their state payroll taxes and deposit state payroll taxes with the California Employment Development Department (EDD) without penalty or interest, where the employer's delay can be attributed to the Southern California Wildfires. State payroll taxes include Unemployment Insurance, Employment Training Tax, State Disability Insurance, and California Personal Income Tax. For the most updated information regarding extensions, employers should contact the EDD by either visiting the EDD's website at www.edd.ca.gov or by calling the EDD Taxpayer Assistance Center at (888) 745-3886.

Layoffs and Closing the Business

Does an employer have to provide its employees with any prior notice of termination if the employer determines that it is necessary to lay off employees?

No; if the employer does not have an established policy requiring that prior notice be given, the emergency circumstances of the Southern California Wildfires would relieve the employer of a notice obligation. Usually, employers with more than 100 employees may have an obligation to provide certain notice to its employees pursuant to the Worker Adjustment and Retraining Notification (WARN) Act. However, the WARN Act contains an "Act of God" provision if the layoff or shutdown is the result of a natural disaster. Note that employers with established policies requiring that prior notice be given may be required to comply with their policies.

Does an employer have to provide its employees with severance pay if the employer decides to lay off employees?

No, so long as the employer does not have a plan, policy, or practice providing for the payment of severance benefits. Neither California law, nor federal law, requires employers to provide severance pay to departing employees.

Is a self-employed, small business owner eligible to receive unemployment insurance benefits?

No. Self-employed, small business owners (sole proprietorships and members of a partnership or limited liability company) as well as independent contractors are not eligible for unemployment insurance benefits. However, persons denied unemployment insurance benefits may be eligible for disaster unemployment assistance (DUA). For more information regarding DUA, see the "Unemployment Benefits" section above.

Is an employer personally liable for its employees' wages if the failing corporation is unable to make payroll?

Under California law, the shareholder of a corporation is not usually personally liable for the acts or debts of a corporation. In the case of employers who have failed to pay wages as required under California law, courts have found that though corporate agents cannot be held individually liable for unpaid wages, any person acting on behalf of an employer who violates a statute or wage order pertaining to working hours may be subject to a penalty in the amount of the unpaid wages (pursuant to the California Labor Code). In addition, under the federal Fair Labor Standards Act (FLSA), an employer is broadly defined as "any person acting directly or indirectly in the interest of an employer in relation to an employee." As a result, depending on the circumstances and applicable law, corporate agents may be held personally liable for unpaid wages.

PERSONAL FINANCES

Because of the fires, I may not be able to pay off some or all of my bills on time or make mortgage or other loan payments, especially in the short term. What should I do?

You should immediately contact creditors, financial institutions, and any other parties to whom you owe or will owe money in the short term, discuss your specific circumstances with each creditor, and request that payments be reduced or delayed while you attempt to work things out. In all events, you should follow up any conversation with a letter that reiterates the substance of your conversation and any agreements reached during the conversation.

Additionally, after past disasters, certain federal programs (such as student loan programs) have granted limited forbearance to borrowers affected by the disaster. Contact your lenders to see whether such relief has been, or will be, granted as a result of the Southern California wildfires.

Further, you might want to contact the National Foundation for Credit Counseling at (800) 388-2227, or on the web at www.nfcc.org, to obtain credit counseling services.

As a result of the fires, my credit card, ATM card, and/or checks and related statements were destroyed. What should I do?

To replace credit cards, debit cards, and/or checkbooks, contact your financial institution. Most banks and credit card companies have toll-free numbers to report lost or stolen cards. If you need replacement checks or bank statements but have no identification, you should go to the branch where you opened the account. For your bank's contact information or information on how to gain access to your funds, you may call the Federal Deposit Insurance Corporation's (FDIC) toll-free, 24-hour hotline: (877) ASK-FDIC or (877) 275-3342.

I do not have a permanent address at this time. Can I still receive replacement documents or monthly account statements?

If you are no longer at your home, you can have replacement documents sent to you as long as you have a fixed address. To file a forwarding request, you can go to the U.S. Postal Service website, www.usps.gov, visit any post office, or call (800) ASK-USPS.

What happens if my bank has lost my records?

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

The local banks (or banks at which I do not have an account) will not cash my checks or let me withdraw money from teller stations; what can I do?

If you do not have an account relationship with the bank, it may be concerned about whether there are sufficient funds in your account. Ask the local bank to call your bank to determine your account balance. You can also establish a new account with the local bank where you have relocated and then contact your hometown bank to wire funds from your existing account to the new account. If you do not have the documents traditionally required to open a new account, such as a driver's license, you can ask a local bank if it has instituted any special programs for victims of the fires or you can call the FDIC hotline for more information: (877) ASK-FDIC or (877) 275-3342.

How can I deposit or cash any insurance checks that I may receive?

If you receive checks, such as insurance payments, your bank should be able to receive the check or cash the check for you, even if your bank or local branch has been affected by the fires. If your bank or local branch is still not ready to receive checks, it is anticipated that arrangements will be made with neighboring banks to help you. Alternatively, you can contact another bank and ask about establishing a new account so that you can deposit or cash your checks through a new account.

If my local bank was destroyed, is my money still insured?

Yes, your money is still insured by the Federal Deposit Insurance Corporation. Deposits with a FDIC-insured bank or savings institution will continue to be protected up to \$100,000.

PERSONAL FINANCES

What about the contents of my safe deposit box? Does FDIC insurance cover safe deposit boxes?

Deposit insurance does not cover safe deposit boxes. Most safe deposit boxes are held in the banks' vaults, which are fireproof and waterproof. If possible, contact the branch or office where your box was located to find out the condition of your box.

My regular direct deposit is not showing up in my account, and I need money. How can I clear this up with the bank?

Sometimes there are delays in the processing of transactions, including direct deposits, as banks activate back-up plans. The banks will process the transactions once these back-up plans are implemented and your direct deposit may be among the transactions waiting to be processed. You should contact your bank to ask about your pending direct deposit. You can also contact the individual or company that is making the deposit to ask whether it has any information.

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 in the area where you are located 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.

I need cash immediately and my ATM card is lost/stolen/destroyed. Will the bank let me get cash?

You should call your financial institution to ask how you can access your account without an ATM card. Your bank may be able to wire transfer money to another financial institution that is convenient to you and can arrange to send you a replacement ATM card (if you have an address to receive a new card).

I have access to my bank account through an ATM, but the amount of money I can withdraw each day is limited. How can I withdraw more than the daily limit?

Please talk to your bank about increasing your daily ATM withdrawal limit.

I have my bills set up to automatically deduct payments from my account. I do not have enough money to cover those deductions. How do I go about stopping these payments?

By law, you must call or write your bank requesting a stop on an automated debit at least three business days before the scheduled debit. If you make an oral request, the bank may require you to confirm it in writing within 14 days of your call. Because of the fires, your bank may be willing to waive the three-business-day period. Notify your bank of any errors within 60 days of the statement showing the error.

Can I file for bankruptcy as a result of the wildfires?

The wildfires have not changed the requirements for filing for bankruptcy, so the answer really depends on the circumstances of your personal situation. By way of background, bankruptcy generally allows you to get rid of most of your debts, but it also requires you to use almost all of your assets (bank accounts, cars, stocks, etc.) to pay off as many (and as much of) of your debts as possible. Other bankruptcy options currently include keeping your assets but rescheduling your debts to pay them off over time. Although a bankruptcy filing can provide an individual with certain benefits, it is not without its costs: a bankruptcy filing will affect your credit score, may make it more difficult to get a mortgage or other loans, and usually does not wipe out fines, certain taxes, and most student loan obligations.

Bankruptcy is a serious decision that should only be made after careful consideration, preferably with the help of a lawyer qualified to give advice concerning bankruptcy issues. If you want to contact an attorney about bankruptcy and are unsure whom to contact, State Bar-certified lawyer referral services are listed in the "Lawyer Referral Services & Legal Aid" section.

Am I entitled to a modification/reduction of my child support obligations because of my losses due to the wildfires?

Possibly. An uninsured catastrophic loss may be a basis for requesting a reduction in the child support you pay or for requesting an increase in the child support you receive. The change in your child support is not automatic. You must file a motion to request it. If you have an attorney for your child support case, you should contact him or her immediately. If you do not have an attorney, you may obtain assistance through the Office of the Family Law Facilitator. The Office of the Family Law Facilitator can be reached at the following local contact information:

PERSONAL FINANCES

Los Angeles County: Multiple numbers apply by region. Call (213) 974-5004 to assist you in locating the applicable office, or search Los Angeles Superior Court website at www.lasuperiorcourt.org/familylaw.

Orange County: The Orange County Family Law Facilitator does not provide assistance over the telephone, but provides recorded information at (714) 935-8304. The office is located at Lamoreaux Justice Center, 341 The City Drive, 6th Floor –Room C-611, Orange, CA 92863.

Riverside County: For information on the family law division for the Riverside County Superior Court, call (951) 955-4600.

San Bernardino County: (909) 387-3154.

San Diego County: (619) 531-3234.

Santa Barbara County: (805) 568-3133.

Ventura County: (805) 662-6661.

Although the information provided here is based on the general tax provisions applicable to presidentially declared disasters such as the wildfires, it is possible that more specific administrative or legislative guidance will be released in the future that alters the tax provisions described here. Accordingly, you are strongly urged to obtain updated information by consulting your accountant or other tax advisor, checking the IRS website at www.irs.gov, or calling the IRS at (866) 562-5227 (Monday-Friday, 7:00 a.m. – 10:00 p.m. local time).

Can I defer paying taxes or reduce my taxes as a result of the wildfires?

In connection with certain disasters in the past, the IRS has extended deadlines for affected taxpayers in the disaster area to file certain tax returns or to make certain tax payments (including estimated tax payments), and has waived interest or late filing or late payment penalties that would otherwise apply to such tax returns or payments. Although the counties of Los Angeles, Orange, Riverside, San Bernardino, San Diego and Ventura have been declared disaster areas by President Bush, the IRS has not yet announced (as of the date of this handbook) whether it will offer such extensions and waivers for victims of wildfires. Accordingly, you are strongly urged to obtain updated information by consulting your accountant or other tax advisor, checking the IRS website at www.irs.gov, or calling the IRS at (866) 562-5227 (Monday-Friday, 7:00 a.m. – 10:00 p.m. local time). For more information, go to www.ftb.ca.gov/individuals/disaster.html.

Is there any additional tax relief for which I might qualify if my property has been damaged?

With respect to property taxes on real property damaged or destroyed in the wildfires, see “Other Housing Related Issues.”

For federal income tax purposes, the IRS allows certain deductions for property damaged or destroyed due to casualties, such as the wildfires. The amount of your deduction depends on the nature of your property (personal-use versus business-use) and, in the case of business-use property, whether it is completely destroyed.

With respect to casualty losses of personal-use property, you may deduct such losses but must reduce such losses by any insurance or other reimbursement you receive or expect to receive, further reduce each loss by \$100, and then further reduce your total casualty losses of personal-use property for the year by 10% of your adjusted gross income.

With respect to casualty losses of business or income-producing property (such as rental property), the amount you may deduct depends on whether the property is completely destroyed. If it is not completely destroyed, first determine: (1) the decrease in the fair market value of the property as a result of the casualty, and (2) your adjusted tax basis in the property, and then, from the smaller of these two amounts, subtract any insurance or other reimbursement you received or expect to receive. Conversely, if the property is completely destroyed, your loss is your adjusted basis in the property, reduced by any salvage value and any insurance or other reimbursement you received or expect to receive.

If your property is covered by insurance, file a timely insurance claim for reimbursement of the loss. Otherwise, you may not be able to deduct the amount of the loss for which you failed to claim coverage. (This does not apply to any portion of the loss not covered by insurance.)

You have the option of claiming fire-related casualty losses on your federal income tax return for either 2007 or 2006. Claiming such casualty losses on an amended return for 2006 may qualify you for a refund now, but waiting to claim the

PERSONAL FINANCES

losses on your 2007 return could result in a greater tax saving, depending on other income factors. If you want to claim such casualty losses on an amended return for 2006, you should write "Southern CA Wildfires 2007" in red ink at the top of the amended return.

For more information on casualty losses, please refer to IRS Publication 2194, "Disaster Losses Kit for Individuals – Help From the IRS," or IRS Publication 2194B, "Disaster Losses Kit for Business – Help from the IRS." These publications contain information about IRS tax services, forms and publications that will assist you with your loss. In addition, you may also need the following forms and publications:

- Form 1040X, "Amended U.S. Individual Income Tax Return";
- Form 1120X, "Amended U.S. Corporation Income Tax Return";
- Topic 507, "Casualty and Theft Losses";
- Publication 536, "Net Operating Losses (NOLs) for Individuals, Estates, and Trusts";
- Publication 547, "Casualties, Disasters, and Thefts";
- Publication 584, "Casualty, Disaster, and Theft Loss Workbook (Personal-Use Property)"; and
- Publication 584B, "Business Casualty, Disaster, and Theft Loss Workbook."

You may download and print IRS forms and publications from the IRS website at www.irs.gov or call the IRS at (800) 829-3676 to order free forms and publications. Additionally, you may want to consult with your accountant or other tax advisor.

May I take a deduction on my California state income taxes for my personal property that has been lost, damaged, or destroyed?

California law generally is similar to federal law for casualties and disasters. The Franchise Tax Board will allow victims to receive additional tax refunds this year by immediately reporting their disaster losses through amended 2006 returns. Please refer to FTB Publication 1034 for more information on claiming disaster losses. You can download this publication at the Franchise Tax Board's website at www.ftb.ca.gov or order one by calling (800) 852-5711. In order to expedite your refund, you should write "Southern CA Wildfires 2007" in red ink at the top of side 1 of the return. If you e-file your tax return, you should follow the software instructions to enter the above information when prompted.

Taxpayers whose losses exceed their income *may* qualify for 100% carryover of any excess casualty loss to future taxable years. This will require the California Legislature to enact legislation adding the wildfires to the list of eligible disasters for such treatment. At the time of printing of this handbook, the Legislature had not yet enacted such legislation. For the latest information, please check the California Franchise Tax Board's website at www.ftb.ca.gov or call (800) 338-0505.

Must I declare amounts of money received from my homeowners' insurance company as income on my tax returns?

It depends. You may be able to offset proceeds from insurance relating to property damage against the adjusted basis of the damaged property. In that case, only the excess proceeds will be treated as taxable income, and you may be able to elect to defer recognition of that income if you use the proceeds to purchase similar property within a specified time period. If you receive insurance proceeds for a loss for which you have already claimed a casualty loss deduction, the insurance proceeds generally will be taxable to you in the year of receipt. Additional rules apply if the amount received exceeds the amount of the claimed deduction. The rules relating to insurance recoveries are complicated. You are strongly encouraged to consult a tax advisor when filing tax returns for periods during which you received insurance proceeds or for which you are electing to defer gain.

If I receive a grant from a federal or state program, charitable organization, or employer to cover medical, transportation, or temporary housing expenses, is it taxable?

Generally no. If you are in the areas declared a disaster due to the fire, you generally do not have to include any of the following receipts in gross income, unless the same expenses are also reimbursed to you through insurance or otherwise through:

- grants for reasonable and necessary personal, family, living, or funeral expenses incurred as a result of the fire;
- grants for reasonable and necessary expenses incurred for the repair or rehabilitation of a personal residence, or for the repair or replacement of its contents, to the extent attributable to the fire; and
- payments made by a federal, state, or local government in connection with the fire.

PERSONAL FINANCES

Are other relief payments taxable?

Generally yes. You generally do have to include in gross income the following relief payments:

- grants or other relief payments for expenses for which you are also reimbursed by insurance or otherwise; and
- payments in the nature of income replacement, for example, payments to individuals of lost wages, unemployment compensation and payments in the nature of business income replacement.

Where can I get more tax-related information?

- The IRS: www.irs.gov or (800) 829-1040
- State of California Franchise Tax Board: www.ftb.ca.gov or (800) 338-0505
- State of California Board of Equalization: www.boe.ca.gov or (800) 400-7115
- Los Angeles County: <http://assessor.lacounty.gov> or (213) 974-3211
- Orange County: www.ocgov.com/assessor or (714) 834-2727
- Riverside County: <http://riverside.asrclkrec.com> or (951) 955-6200
- San Bernardino County: www.sbcounty.gov/assessor or (909) 387-8307
- San Diego County: <http://arcc.co.san-diego.ca.us> or (858) 505-6262
- Santa Barbara County: <http://www.sbcvote.com/assessor.aspx> or (805) 568-2550 (South County), (805) 568-2550
- Ventura County: <http://assessor.countyofventura.org> or (805) 654-2181

Although the information provided here is based on the general tax provisions applicable to presidentially declared disasters such as the wildfires, it is possible that more specific administrative or legislative guidance will be released in the future that alters the tax provisions described here. Accordingly, you are strongly urged to obtain updated information by consulting your accountant or other tax advisor, checking the IRS website at www.irs.gov, or calling the IRS at (866) 562-5227 (Monday-Friday, 7:00 a.m. – 10:00 p.m. local time).

GOVERNMENT BENEFITS

SOCIAL SECURITY

For direct deposit: If your Social Security check is automatically deposited into your bank account, your Social Security payment is scheduled to be deposited to your account as usual. However, if you experience any difficulty getting your payment, you can go to any open Social Security office and request an immediate payment. For more information on the nearest open Social Security office, you can call (800) 772-1213 (TTY (800) 325-0778).

For paper checks: The United States Postal Service (USPS) has suspended mail service in some areas damaged by the wildfires. Alternate mail pick-up locations for some closed post offices are listed at www.usps.com/communications/news/serviceupdates.htm. In addition, by calling the toll-free, 24-hour hotline, (800) ASK-USPS, you can receive information about which post offices in your area are holding Social Security checks that cannot be delivered. If you are not able to go to an alternate pick-up location or there is no alternative pick-up location for your post office, you can go to any open Social Security office and request an immediate payment. Please be prepared to present some form of identification to obtain your check.

You may also want to open a new account with a bank located in the area you are now in and contact Social Security Administration with the routing information of your new account. The staff at the bank where you open the new account should be able to help you do this. If you have temporarily relocated to a fixed address, you should contact the USPS on the Internet at www.usps.gov or call their toll-free, 24-hour hotline, to file a forwarding address: (800) ASK-USPS.

UNEMPLOYMENT

Call (800) 300-5616 or (800) 815-9387 (TTY) for more information about Unemployment Insurance and Disaster Unemployment Assistance.

ELECTRONIC BENEFIT TRANSFER (EBT) CARDS

For help in obtaining a replacement EBT card call (877) 328-9677.

FOOD STAMPS

I am currently receiving food stamps and I'm concerned I won't get them, or I am not receiving food stamps but would like to get them. What should I do?

Los Angeles County

For information regarding food stamps in Los Angeles County, you should contact the Department of Public Social Services at (877) 597-4777 or access DPSS's website at www.ladpss.org.

Orange County

For information regarding food stamps in Orange County, you should contact the Social Services Agency at (714) 575-2400 or access the SSA's website at www.ssa.ocgov.com.

Riverside County

For information regarding food stamps in Riverside County, you should contact the Department of Public Social Services at (951) 358-3000 or access DPSS's website at <http://dpss.co.riverside.ca.us>.

San Bernardino County

For information regarding food stamps in San Bernardino County, you should contact the Human Services System Transitional Assistance Department at (909) 388-0245 or access TAD's website at <http://hss.co.san-bernardino.ca.us>.

San Diego County

For information regarding food stamps in San Diego County, you should contact the Health and Human Services Agency at (866) 262-9881 or access the HSSA's website at <http://www2.sdcounty.ca.gov/hhsa>.

Santa Barbara County

For information regarding food stamps in Santa Barbara County, you should contact the Department of Social Services at (805) 737-7080 (Lompoc), (805) 346-7135 (Santa Maria), or (805) 681-4401 (Santa Barbara). http://www.countyofsb.org/social_services.

GOVERNMENT BENEFITS

Ventura County

For information regarding food stamps in Ventura County, you should contact the Human Services Agency at (866) 904-9362 or access HSA's website at www.countyofventura.org.

VETERANS' BENEFITS

If you currently receive benefit payments from the VA via electronic funds transfer (electronic 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 toll-free (800) 827-1000, or by visiting any of the VA regional offices throughout the country. Information about your benefits may also be obtained at <http://www.vba.va.gov>.

DOCUMENT & RECORD REPLACEMENT

A number of my personal records and identification cards (Social Security card, tax returns, passport, driver's license, etc.) were destroyed as a result of the fire. What should I do?

Social Security

You should apply to the Social Security Administration for a replacement Social Security card. To apply, mail or bring the following documents to your local Social Security office:

- Form SS-5, which is available at your local Social Security office, online at www.socialsecurity.gov/online/ss-5.html, or can be mailed to you upon request by calling (800) 772-1213;
- evidence of your identity, such as your U.S. driver's license, U.S. State-issued non-driver identity card, U.S. passport, U.S. military identity card, Certificate of Naturalization, or employee identity card, marriage or divorce record, military record, school record, final adoption decree, or life insurance policy (but not a birth certificate); and
- if you were born outside of the U.S., evidence of your U.S. citizenship or current lawful immigration status, such as a U.S. passport or unexpired document issued to you by the Department of Homeland Security showing your current immigration status.

The documents presented as evidence must be either originals or copies certified by the issuing agency. Uncertified or notarized photocopies will not be accepted. Requests usually take two weeks to process.

To find your local Social Security office, visit www.socialsecurity.gov/locator or call (800) 772-1213.

Medicare Card

If your Medicare card was destroyed, you should also apply to the Social Security Administration for a replacement card. There is no charge for this service. You can request a replacement card at your local Social Security office, online at www.socialsecurity.gov/medicarecard, or by telephone at (800) 772-1213. Requests usually take 30 days to process. If you need proof right away that you have Medicare, contact your local Social Security office or call the toll-free number noted above, and the office can provide you with proof that you can use until you receive your replacement Medicare card.

Federal Income Tax Returns

Copies of your federal income tax returns may be obtained from your tax preparer or the IRS. Alternatively, transcripts of your federal income tax returns may also be obtained from the IRS. (Transcripts are computer-created records of returns which include most of the line-items as filed with the IRS, including any accompanying forms and schedules.)

To apply for a copy of a tax return from the IRS, complete Form 4506, "Request for Copy of Tax Form," write "Southern CA Wildfires 2007" in red ink at the top of the form, and send it to the address indicated on the instructions to the form. To apply for a transcript of a tax return from the IRS, complete Form 4506-T, "Request for Transcript of Tax Return," write "Southern CA Wildfires 2007" in red ink at the top of the form, and send it to the address indicated on the instructions to the form. Both forms may be obtained online at www.irs.gov or by calling (866) 562-5227 (Monday-Friday, 7:00 a.m. – 10:00 p.m. local time). Copies and transcripts of tax returns from the IRS are free and expedited for affected taxpayers.

State Income Tax Returns

To get a free copy of your lost or damaged California state returns, you should complete Form FTB 3516, "Request for Copy of Tax Return." Write "Southern CA Wildfires 2007" in red ink at the top of the request. You may download the form at the Franchise Tax Board's website at www.ftb.ca.gov or order one by calling (800) 852-5711.

Passport

Information and forms about replacing a U.S. passport are available online at <http://travel.state.gov> or through the U.S. Passport Information Center at (877) 487-2778. If your passport was issued by a country other than the United States, you should contact that country's consulate and make an application for a replacement passport.

Visa/Resident Alien (Green) Cards

For information on how to replace your visa/resident alien (green) card, please see the "Immigration" section of this handbook.

DOCUMENT & RECORD REPLACEMENT

California Drivers License/ID Card

To replace your California driver's license and/or identification card, you should make an appointment to visit your local DMV office either online at <http://www.dmv.ca.gov> or by calling (800) 777-0133. You must submit application form DL 44 (available at your local DMV), give a thumb print, have your picture taken, and pay the application fee (\$21.00 for license, \$22.00 for ID card, or free for a senior citizen ID card). You will be issued an interim license and/or receipt for your ID card until you receive your new card in the mail.

Certificate of Title (Cars, Boats/Vessels)

To obtain a replacement certificate of title, you must complete an Application for Duplicate Title form (Reg 227), attach the damaged title if mutilated, and pay the duplicate title fee of \$17.00 (\$15.00 for boats/vessels). Reg 277 may be obtained online at <http://www.dmv.ca.gov/forms> or at your local DMV. You may submit the application either in person at your local DMV office or mail it to:

Department of Motor Vehicles
Registration Operations
P.O. Box 942869 Mail Station E-254
Sacramento, CA 94269-0001

Instructions are available at <http://www.dmv.ca.gov>.

Birth Certificate, Marriage Certificate, Divorce Decree, Death Certificates

Certified copies of birth, death, and marriage certificates may be obtained from the County Recorder's office in the county where the birth, death, or marriage occurred. You must fill out an application with information such as the full name of the person, date of event, and place of event. A fee in the amount of \$17.00 for a birth certificate, \$13.00 for a marriage certificate, or \$12.00 for a death certificate, is also required. If you need the documents quickly, you should go directly to the office to apply for the certificate. A list of the recorders' offices in Los Angeles, Orange, Riverside, San Bernardino, San Diego, Santa Barbara, and Ventura counties is at the end of this section.

Certified copies of birth, death, and marriage certificates may also be obtained from the Office of Vital Records by mailing your request to:

Office of Vital Records
Department of Health Services
MS: 5103
P.O. Box 997410
Sacramento, CA 95899-7410

Instructions and forms for requesting such certified copies are available at www.cdph.ca.gov. The Office of Vital Records has announced that it will expedite applications from fire victims that are directed from local assistance centers. For the assistance center nearest you, see the "FEMA/State Local Assistance Centers" section of this handbook.

To replace a divorce decree or judgment, contact the clerk of the court in the county where the judgment was issued. Procedures vary from court to court. To find the location, phone number, and website of the superior court, visit www.courtinfo.ca.gov.

As a result of the fires, records related to real property I own (such as the deed to my house) were destroyed. What should I do?

Certified copies of deeds to real property may be obtained from the County Recorder's office in the county where the property is located. To apply, you will need the name of the owner of the deed, property address, recorded year of the deed, and the title of the document or document number. Copy fees vary from \$1.25 to \$6.00 for the first page, and from \$1.00 to \$3.00 for each page thereafter.

As a result of the fires, my credit cards, debit cards, and/or checks and related statements were destroyed. What should I do?

To replace credit cards, debit cards, and/or checkbooks, contact your financial institution. Most banks and credit card companies have toll-free numbers to report lost or stolen cards. If you need replacement checks or bank statements but have no identification, you should go to the branch where you opened the account which has your original signature card on file.

DOCUMENT & RECORD REPLACEMENT

As a result of the fires, my will and/or family trust document was destroyed. What should I do?

If the will and/or family trust was prepared by an attorney, you may be able to obtain a copy of the document by contacting the attorney who drafted it. If you do not have the attorney's current address, contact the State Bar of California at (415) 538-2577 or search for the attorney's contact information online at <http://members.calbar.ca.gov/search/member.aspx>. If the attorney does not have a copy of the document, you should have a new will or other document drafted.

As a result of the fires, my insurance policy, premium notice, or other insurance-related document was destroyed. What should I do?

If insurance documents are destroyed, contact your insurance agent or insurance company to obtain a copy of the policy.

County Recorder Office Contact Information

Los Angeles County Registrar/Recorder <i>www.lavote.net</i>		
12400 Imperial Highway Norwalk, CA 90650 (562) 462-2137	1028 W. Avenue J2 Lancaster, CA 93534 (661) 945-6446	14340 West Sylvan Street Van Nuys, CA 91401 (818) 374-7176
7807 South Compton Avenue Room 215 Los Angeles, CA 90001 (323) 586-6192	11701 South La Cienega Blvd. Sixth Floor LAX Courthouse Los Angeles, CA 90045 (310) 727-6142	4716 East Cesar E. Chavez Ave. Los Angeles, CA 90022 (323) 260-2991

Orange County Clerk-Recorder <i>www.oc.ca.gov/recorder</i>		
Old Orange County Courthouse 211 West Santa Ana Blvd. Santa Ana, CA 92701 (714) 834-2500	South County Branch Office Laguna Hills Civic Center 24031 El Toro Road, Suite 150 Laguna Hills, CA 92653 (714) 834-2500	
Hall of Records and Finance 12 Civic Center Plaza Rooms 101 and 106 Santa Ana, CA 92701 (714) 834-2500		

Riverside County Clerk/Recorder <i>http://riverside.asrclkrec.com</i>		
2720 and 2724 Gateway Drive Riverside, CA 92507 (951) 486-7000 or (800) 696-9144	4080 Lemon Street 1st Floor Riverside, CA 92502-2204 (951) 486-7000 or (800) 696-9144	880 North State Street Suite B-6 Hemet, CA 92543-1496 (951) 486-7000 or (800) 696-9144
82675 Highway 111 Room 113 Indio, CA 92201-5994 (760) 863-8732 or (800) 696-9144	41002 County Center Dr., #230 Temecula, CA 92591-6027 (951) 486-7000 or (800) 696-9144	270 N. Broadway Blythe, CA 92225 (760) 921-5050 or (800) 696-9144
3255 E. Tahquitz Canyon Way Room 114 Palm Springs, CA 92262 (760) 778-2400 or (800) 696-9144		

DOCUMENT & RECORD REPLACEMENT

San Bernardino County Recorder www.co.san-bernardino.ca.us/acr		
222 West Hospitality Lane San Bernardino, CA 92415 (909) 387-8314		
Marriage licenses/birth certificates since 1979 only:		
Fontana Library 16860 Valencia Ave. Fontana, CA 92335 (909) 854-6397	Apple Valley Library 14901 Dale Evans Parkway Apple Valley, CA 92307 (760) 240-7710	Montclair Library 9955 Fremont Avenue Montclair, CA 91763 (909) 624-7247
San Diego County Assessor/Recorder/County Clerk http://arcc.co.san-diego.ca.us		
County Administration Center 1600 Pacific Highway Room 260 San Diego, CA 92101 (619) 237-0502	590 Third Avenue Chula Vista, CA 91910 (619) 498-2200	9225 Claremont Mesa Blvd. San Diego, CA 92123 (858) 505-6262
200 South Magnolia Avenue El Cajon, CA 92020 (619) 401-5700	141 East Carmel St. San Marcos, CA 92078 (760) 940-6868	
Santa Barbara County Clerk-Recorder www.sbcvote.com/clerkrecorder.aspx		
Hall of Records 1100 Anacapa St. Santa Barbara, CA 93102 (805) 568-2250	401 E. Cypress St. Room 102 Lompoc, CA 93436 (805) 737-7705	
511 E. Lakeside Parkway Suite 115 Santa Maria, CA 93455-1341 (805) 346-8370		
Ventura County Recorder http://recorder.countyofventura.org		
County Recorder's Office Hall of Admin., Main Plaza 800 South Victoria Avenue Ventura, CA 93009-1260 (805) 654-2290		

COMMUNICATION SERVICES

How can I get public safety and news information about the wildfires?

In addition to free over-the-air broadcast channels, XM Satellite Radio is broadcasting news updates and public safety information, including traffic, weather, and evacuation news regarding the California wildfires on its 24-hour radio channel Emergency Alert (XM channel 247). Anyone who has an XM receiver (even if you are not an XM subscriber) can tune in to this station. So, for example, if you have an XM radio in your car (even if you do not pay to subscribe to XM), you can tune in to these updates.

How can I have my calls forwarded if I have evacuated?

Several telephone companies are offering free call forwarding and other services to customers who have evacuated due to the wildfires.

Verizon customers are eligible to add call-forwarding to their account at no charge. This will permit calls to be automatically forwarded to another location where you might be staying, or to your wireless number. Verizon will not charge for the one-time set-up fee or monthly charges for this call-forwarding, although customer will be responsible for any toll charges on forwarded calls (as well as wireless airtime charges). Residential customers who have been affected by the wildfires and who wish to add this call-forwarding service should call Verizon at (800) 483-1000. Business customers should instead call (800) 483-2000.

AT&T California customers displaced by the wildfires are also eligible for several free services to stay in touch with family and friends. Specifically, AT&T California is providing certain voice mail and call-forwarding features (including remote forwarding and remote access) free of charge for 30 days to displaced residential and small business customers. This will permit customers to redirect their phone calls to a temporary number or a wireless phone. For customers who need a local service line installed at a temporary or new location, AT&T will waive the installation fee. Residential customers should call AT&T at (877) 722-6787, and small business customers should call (800) 750-2355 for information regarding these free services.

Is there anywhere I can make free calls or check my email if I have evacuated?

For those displaced from their homes, **T-Mobile** is offering complementary Wi-Fi Internet service through October 31, 2007 at nearly 1,200 T-Mobile HotSpot locations in Southern California, including airports, Starbucks coffee shops, FedEx Kinko's, Borders Books & Music, Hyatt Hotels, Red Roof Inns, and select T-Mobile retail stores.

AT&T is also offering free Wi-Fi service at almost 600 hot spot locations in Riverside, San Diego, San Bernardino, Los Angeles, Santa Barbara, Orange and Ventura counties beginning on October 27, 2007. A full listing of AT&T Wi-Fi hot spots in California is available at www.attwifi.com.

Verizon is equipping several shelters and evacuation sites for free phone calls and/or Internet access for evacuees. These include:

- Providing emergency telephone lines to American Red Cross shelters to allow evacuees to stay in touch with family and friends at no charge;
- Providing a free calling center at the National Orange Show Fairgrounds in San Bernardino where evacuees can make local and long distance calls; and
- Deploying employees with wireless phones and laptops for evacuees to make calls, check email and charge their mobile devices at Qualcomm Stadium, El Toro High School, the Orange Show Fairgrounds, and Del Mar Racetrack relief centers.

AT&T has made 20,000 free GoPhones available to San Diego County residents who were ordered to evacuate. The phones are available on a first-come, first-served basis and are available at all AT&T-owned retail stores and local community assistance centers in Fallbrook, Ramona, Rancho Bernardo and Rancho San Diego. The phones contain \$10 worth of air time. Residents must be 16 years of age or older and show valid photo identification including a ZIP code indicating a mandatory evacuation area. Phones are limited to one per person.

IMMIGRATION

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

FEMA non-emergency disaster assistance and unemployment assistance programs are available only to U.S. citizens, non-citizen nationals, and qualified aliens (anyone with legal permanent residence, that is, a “Green Card”). If any member of the household is eligible, including a minor child, then the household is eligible, and FEMA states that no information regarding the status of non-qualified individuals will be gathered. Individuals not lawfully within the U.S. may qualify for *emergency*, non-cash, FEMA disaster assistance, including Crisis Counseling, Disaster Legal Services, and other short-term, non-cash assistance. Furthermore, state and local agencies, and private organizations such as the American Red Cross, are not restricted from providing services to illegal immigrants. Contact the specific organizations for eligibility information.

I am not a lawful resident but my child was born in the U.S. Is my child eligible to receive disaster relief?

If you have a minor child who is a U.S. citizen or a qualified alien residing with you, you can apply for FEMA assistance on your child’s behalf. FEMA states that no information regarding your status will be gathered. You will be asked to sign a declaration that your child is qualified as a U.S. citizen, non-citizen national, or qualified alien. You may also be required to provide his or her Social Security number.

My “Green Card” was destroyed by the wildfire. What must I do to replace it?

If your Permanent Resident Card (“Green Card”) was destroyed, you must replace it as soon as possible. To replace your Green Card you must fill out a USCIS Form I-90. To fill out this form you must have your complete name, A number and Date of Admission. If you do not have this information, then make an appointment to see a U.S. Citizenship and Immigration Services (“USCIS” (formerly known as INS)) officer at www.uscis.gov. Then click on *infopass*. Once you have this information then fill out the Form I-90. All I-90 forms have to be mailed to this address: USCIS, Post Office Box 54870, Los Angeles, CA 90054-0870. You may also file the Form I-90 electronically if you have a credit card in your name or your spouse’s name. Form I-90 is available at www.uscis.gov by following the links for “Immigration Forms” or “Electronic Filing,” or you may call the USCIS Forms request line at (800) 870-3676. You may also pick up the form in person at the Los Angeles District Office in room 1001. The filing fee for the I-90 is \$370.00. This includes an \$80 biometric (fingerprint) fee. All checks or money orders are payable to the U.S. Department of Homeland Security. Once the Form I-90 has been received by USCIS a receipt will be issued within 1-2 months. If filing the Form I-90 electronically the receipt is generated immediately. In 2 months you will receive the biometric appointment. When you go to this appointment, you will also need to bring an identity document, such as a driver’s license, passport, or a copy of another document containing your name, date of birth, photograph, and signature. Processing time for the Form I-90 is 6-12 months.

How can I obtain “temporary proof” that I am a U.S. Lawful Permanent Resident while my Form I-90 is being processed?

Once you have the Form I-90 filing receipt you may request what is known as an I-551 stamp. This I-551 stamp is legal proof of your lawful permanent residency status. This stamp is valid for travel and/or employment purposes. To request this stamp make an *infopass* appointment at www.uscis.gov. Bring your passport so the USCIS officer can place the stamp in your passport. If you don’t have a valid passport then bring 2 passport photos. The USCIS officer will create an I-94 document with the I-551 stamp.

My Naturalization Certificate was destroyed by the wildfire. What must I do to replace it?

If your Naturalization Certificate (Citizenship Paper) was destroyed, you must replace it as soon as possible. To replace your Naturalization Certificate you must fill out a USCIS Form N-565. To fill out this form you must have your complete name, A number and Certificate Number. If you do not have this information then make an appointment to see a USCIS officer at www.uscis.gov. Then click on *infopass*. Once you have this information then fill out the Form N-565. All N-565 forms have to be mailed to this address: USCIS, Nebraska Service Center, Post Office Box 87565, Lincoln, NE 68501-7565. Form N-565 is available at www.uscis.gov by following the links for “Immigration Forms” or you may call the USCIS forms request line at (800) 870-3676. You may also pick up the form in person at the Los Angeles District Office in room 1001. The filing fee for the Form N-565 is \$380.00. All checks or money orders are payable to the Department of Homeland Security. Also include 2 passport photos with the form. Once the Form N-565 has been received by USCIS a receipt will be issued within 1-2 months. Processing time for the Form N-565 is 4-6 months. Sometimes the Form N-565 can be “expedited.” Use the *infopass* to speak to an officer about this procedure. Make sure you bring the N-565 filing receipt with you.

IMMIGRATION

What must I do to replace a lost work permit?

To replace a lost work permit you must fill out and submit Form I-765. The form is available through the USCIS website and phone number given above. Along with the completed form include a photocopy of any applications or documents that entitle you to obtain a work permit, such as application of asylum, suspension of deportation, or adjustment of status. Depending on your status, you may also have to pay a \$340 filing fee (check the website or call the toll-free number to determine whether you are entitled to waive the fee). Completed I-765 forms may be mailed; check the website to determine the proper mailing address for your status. You may also be able to submit this form electronically, through the USCIS website. Almost all necessary immigration forms can be found at the web address above. For further information regarding the replacement of immigration papers, please contact USCIS at www.uscis.gov, or call (800) 375-5283. Sometimes the Form I-765 can be "expedited." Use the infopass to speak to an officer about this procedure. Make sure you bring the Form I-765 filing receipt and any papers you have from your employer.

Do I need to let USCIS know that I have moved as a result of the wildfires?

All non-U.S. citizens are required to promptly notify the USCIS of any change of address. To report a change of address you must file Form AR-11, available through the USCIS website or phone number given above. It is recommended that Form AR-11 be filed by mail or electronically. Mail form AR-11 to DHS/USCIS, Change of Address, Post Office Box 7134, London, KY 40742-7134. Go to www.uscis.gov to file Form AR-11 electronically. In most cases, filing this form will update information for any case you have pending, but you should check the website to be sure.

Where is my local USCIS office?

Los Angeles District Office (serving Los Angeles, Santa Barbara, and Ventura counties):
300 North Los Angeles Street, Room 1001
Los Angeles, CA 90012

Santa Ana Field Office (serving Orange County):
34 Civic Center Plaza
Santa Ana, CA 92701

San Bernardino Field Office (serving San Bernardino and Riverside counties):
655 W. Rialto Ave
San Bernardino, CA 92410

San Diego District Office:
U.S. Federal Building
880 Front Street, Suite 1234
San Diego, CA 92101

Chula Vista Field Office:
1261 3rd Avenue, Suite A
Chula Vista, CA 91911

These offices now require appointments, which can be made through the website or by calling the toll-free number listed above. In addition, the website lists additional local Application Support Centers throughout the area.

I missed my USCIS appointment due to the fire. What do I do?

The USCIS website has announced that USCIS Field Offices in the Los Angeles, CA area (Los Angeles field office, San Bernardino field office, and Santa Ana field office) and San Diego, CA (San Diego field office and Chula Vista field office) will automatically reschedule applicants who missed naturalization (N-400) or adjustment of status (I-485) interviews due to the massive Southern California wildfires. Anyone who misses an INFOPASS appointment should/may reschedule the appointment on their own, or the customer may go to the office where the appointment was originally scheduled with the appointment notice.

Where can I find more information?

Additional immigration information is available from USCIS at (800) 375-5283 or at www.uscis.gov. Individuals with immigration-related questions are encouraged to consult an attorney since this is a complicated area of law. Please see the "Lawyer Referral Services & Legal Aid" section of this handbook, for legal services available in your area.

CONSUMER TIPS & FRAUD PREVENTION

Could I become a victim of fraud?

Unfortunately, after a disaster some people try to take advantage of victims by engaging in financial scams and frauds. In some cases these individuals and companies claim to be offering help by engaging in what may be legal acts but which in reality result in additional financial hardship to those already suffering. In the aftermath of the wildfires, you should take precautions and be on the lookout for financial scams and con artists.

What should I be doing to prevent a fraud or a financial scam?

The old saying applies: *Things that sound too good to be true usually are.* As a general matter, the following tips should be followed when hiring or contracting with anyone: (1) verify that the company or person is licensed with the appropriate regulatory agencies if the industry is subject to state licensing; (2) obtain multiple estimates of the cost of the service to be performed from different sources so you know that you are getting a fair price; (3) obtain estimates in writing; (4) ask for references so you can speak directly with prior customers to determine whether they were satisfied; (5) when individuals show up at your home, ask for identification to verify that they are who they say they are; (6) read all contracts or service agreements before signing; and (7) file complaints with the appropriate regulatory agencies if confronted with potential fraud or abuse. Additionally, whenever you have telephone calls with any person at a company or agency, keep a log of the calls for your records. You should log the name of the person you spoke with, the date and time of the call, and the subject matter of the call.

If you believe that someone is attempting to defraud you, contact the California Department of Consumer Affairs at (800) 952-5210 or file a complaint online at www.dca.ca.gov.

What if someone asks me to sign something?

You should look out for anyone that is in a hurry to have you sign a document or contract. A red flag should go up if someone says that you must sign right away in order to get a low price or a special deal. A person or company that is really trying to aid victims and/or provide legitimate services will not make such demands when asking you to sign documents but will want you to truly understand what you are signing. Most importantly, read everything before you sign it and make sure you understand what you are signing. Do not be afraid to ask questions about the meaning of the contract. Consider getting the assistance of a qualified attorney (if you do not have your own attorney, you may want to refer to "Lawyer Referral Services & Legal Aid"). Get copies of everything you sign at the time you sign.

What is a public insurance adjuster and what should I look for if I decide to hire one?

Public insurance adjusters claim that they can maximize your insurance benefits by finding damage that an insurance company adjuster might not find. It is generally recommended that you try and settle an insurance claim directly with your insurance company before you hire a public insurance adjuster. Your insurance company provides an adjuster to you at no charge. If you use the insurance company's adjuster, you still have the right to separately hire a public adjuster to help you. Public adjusters are paid a fee or a percentage of your claim. It is important that you understand what the fees are and how they are calculated before you hire a public adjuster. It is always a good idea to rely on referrals from friends and family to determine which public adjusters are legitimate. If you decide to hire a public adjuster, make sure that they are licensed. Call the California Department of Insurance (CDI) at (800) 967-9331 or access the CDI's website at www.insurance.ca.gov for licensing verification and other information regarding public adjusters.

What do I need to consider if I am offered a home loan?

Before you get a loan to rebuild your house, you should always shop around for different lenders to determine which one is offering you the best interest rates and the lowest fees. Before getting a loan from a private lender, always check to see if you qualify for any government assistance programs, such as FEMA, HUD programs, or assistance from the State of California (see "Housing: Repair or Rebuilding"). Be on the lookout for "guaranteed loans," when a person contacts you and "offers" a guaranteed loan for an upfront fee. Legitimate lenders do not guarantee that you will qualify for a loan before you complete an application and they run a credit check. Legitimate lenders may charge a small application fee but they do not promise that you will get the loan until they complete their review. Make sure that you are dealing with a licensed lender. The California Department of Corporations licenses most lenders and you should check with them to determine whether the lender is legitimate. They can be reached at (866) 275-2677 or online at www.corp.ca.gov.

What should I look out for when hiring contractors to do repair work on my house?

Problems with home repair contractors such as abandonment and shoddy work often happen after disasters. Watch out for door-to-door offers of repair services, and never provide the contractor with a cash deposit. You should also get a

CONSUMER TIPS & FRAUD PREVENTION

written contract that details every aspect of the work to be done. Before signing a contract with a contractor, be sure to check his or her license status and references. You can check licenses online at the California Contractor State License Board's website, www.cslb.ca.gov. You can also file complaints at the same site. In addition, the CSLB has established a hotline where disaster victims can obtain more information: (800) 962-1125.

Is loan consolidation a good idea?

While the decision whether to consolidate loans or transfer loans to a new finance company depends on your particular situation and the terms being offered, you should be aware that some financial companies may try and take advantage of you during a disaster. Because of the disaster, you may not be able to pay your creditors on time. As such, you may be contacted by finance companies promising to consolidate your home mortgage, credit card debt, car loans, and repair loans. They will claim that such consolidation will lower your monthly payments and give you more time to pay the debt. Such companies often pressure you to sign multiple loan agreements without giving you a chance to review the documents or consult with an attorney. In many instances, these refinancings result in high fees, payments to bogus creditors, and defaults on the loan. You should carefully review the terms of the refinancing, verify that the company you are dealing with is legitimate and licensed, and have referrals from previous customers. It is also recommended that you hire an attorney to review the documents and provide advice.

Can I do anything about being hassled by a collection agency?

Creditors are not required to let you know that they are referring your account to a collection agency. However, you have certain legal rights that protect you from the harassment of a collection agency. For example, debt collectors may only call between 8 a.m. and 9 p.m. (They can contact your employer for certain information, as well as contact you at your work, however.) Debt collectors cannot use obscene or profane language or make threats to harm you or your property. There is no law that limits the number of calls that an agency may make, but repeated calls over a short period are prohibited if they would constitute harassment.

You can obtain more information about your rights with respect to collection agencies by consulting the California Attorney General's website at: <http://ag.ca.gov>. Click on the "Consumers" link, then "Consumer Alerts, Info, & Complaints," and then "Debt Collectors." You can also file a complaint with the Federal Trade Commission. You can contact the Commission by mail at Consumer Response Center, Washington, DC 20580-0001; by telephone at (877) FTC-HELP; or through its website, at www.ftc.gov.

What if I am the victim of identity theft?

Identity thieves steal personal information and use it to obtain credit cards, loans, or bank accounts in other peoples' names. When the bills aren't paid, the victims may be held responsible for the charges.

Identity theft is likely to happen in the chaos following a disaster, because people may be forced to evacuate in a hurry, leaving personal information vulnerable. Identity thieves may also pose as authority figures to steal personal information or impersonate disaster victims to obtain FEMA checks or other emergency services.

You should never give your complete Social Security number, bank account number, or credit card information to anyone unless you are certain that the person actually is a representative of a legitimate organization.

If you believe that you are a victim of identity theft, you should: (1) contact the fraud department of the three major credit agencies to request a 90-day fraud alert — you can call Experian at (888) 397-3742, Equifax at (800) 685-1111, and TransUnion at (800) 888-4213; (2) contact your local police and report the identity theft — be sure to obtain a copy of the police report; (3) fill out the ID Theft Affidavit provided by the Federal Trade Commission at: www.ftc.gov; and (4) contact your creditors and request information about the fraudulent accounts. You can use the police report and affidavit to help prove that you were the victim of identity theft.

For more information, visit the California Office of Privacy Protection's website at: www.privacyprotection.ca.gov.

What do I look for when hiring a moving company?

When hiring a moving company that you are unfamiliar with, you should: (1) ask for references; (2) make sure the mover is licensed and in good standing by calling the California Public Utilities Commission at (800) 877-8867 or by checking the index of licensed movers maintained by the Commission at their website, listed below; (3) get an estimate in writing of the cost of the move and how long it will take — oral or internet estimates are not binding; (4) know that if you do not get a written estimate, the moving company must provide a "not to exceed" price for all household moves; and (5) make sure you understand the moving company's insurance limits and consider whether you should purchase additional insurance.

CONSUMER TIPS & FRAUD PREVENTION

More information, including an updated list of licensed movers, information about maximum rates, and several consumer-protection resources, is available at: www.cpuc.ca.gov. Also, you can file a complaint against a moving company online at www.cpuc.ca.gov or by calling (415) 703-1216 or (800) 366-4782.

What do I look for when hiring a storage company?

Before you turn your belongings over to anyone for storage you should make sure that: (1) the storage company is legitimate and reputable, by talking with people who have use their services; (2) you have a written agreement with the storage company that lists what will be provided, the cost to you, and, specifically, the property you are turning over for storage; and (3) the storage company is licensed and bonded.

If the storage is for a period shorter than 90 days, you may direct complaints to the California Public Utilities Commission at www.cpuc.ca.gov or by calling (415) 703-1216 or (800) 366-4782.

What do I look for when hiring an attorney?

It is important to always start with a referral from a trusted source. If you do not have a trusted friend or family member who can refer you to an attorney, you may want inquire with a local lawyer referral service that has been certified by the State Bar of California. We have listed such certified services for the affected counties in the “Lawyer Referral Services & Legal Aid” section. To obtain a listing of State Bar–certified referral services in other counties, you can call the State Bar at (415) 538-2250 or (866) 442-2529 or look them up on the internet at www.calbar.ca.gov. Additionally, you may want to review the State Bar’s consumer pamphlets, “How Can I Find and Hire a Lawyer?” and “What Can I Do If I Have a Problem with My Lawyer?” which are located online at www.calbar.ca.gov. Click the “Public Service” link, then the “Consumer Information” link, and then the “Pamphlets” link. To order printed copies of the pamphlets, send an email to pamphlets@calbar.ca.gov or call (415) 538-2280 for more information. Finally, if you need to file a complaint against an attorney, you should contact the State Bar of California at (800) 843-9053 or (213) 765-1200 or visit their website at www.calbar.ca.gov and click on the “Attorney Complaints” link.

After a disaster can a seller of products radically increase the price to make a quick buck?

After the governor declares a state of emergency, it is illegal for businesses to increase the cost of certain goods by more than 10% unless they can prove it was based on an increase in their supplier’s price. The prohibition on price gouging applies to food, emergency and medical supplies, gasoline, repairs, and reconstruction. If you suspect price gouging, contact your local District Attorney or the California Attorney General’s Office at (800) 952-5225.

PETS & ANIMALS

I had to leave my pets when I was evacuated. Are there resources to help me find them?

The following are lost animal hotlines:

<p>National Hotlines for reporting lost pets:</p> <ul style="list-style-type: none"> • (888) PETS-911 • (800) Humane-1 <p>SPCA LA, an animal emergency hotline:</p> <ul style="list-style-type: none"> • (888) 772-2521 <p>San Diego County Animal Services:</p> <ul style="list-style-type: none"> • (619) 236-4250 (press 1) 	<p>Pet Loss Support Hotline, a hotline run by the UC Davis School of Veterinary Medicine for people struggling to cope with the deaths or unknown status of their animals:</p> <ul style="list-style-type: none"> • (800) 565-1526
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Owners can also check the following websites to help locate a lost pet:

<http://www.pets911.com>
<http://www.hsus.org>
<http://www.sddac.com>
<http://www.ocpetinfo.com>
<http://www.petharbor.com>

Our house was destroyed by the fire, including the barns and stables we used to shelter our larger animals. Although we were able to evacuate the animals, we now must find some place to keep them. Can anyone help?

Many shelters in the affected areas are continuing to care for animals displaced by the fire, sometimes at no charge. Southern California VCA Animal Hospitals are offering free boarding for pet evacuees through November 5th. Information on VCA Animal Hospital locations can be found at <http://vca.know-where.com/vca>. Most Red Cross evacuation centers are accepting household pets in carriers or crates. If possible, pet guardians are urged to bring their own supplies such as food and leashes. For a list of animal shelters in your area, visit the following websites: www.petfinder.org/disaster/index.html or <http://www.rescuers.com/shelters.htm>.

For a list of designated animal shelters in your area, county specific information is below:

LOS ANGELES COUNTY

Animal Evacuation Information:

- An emergency hotline has been set up to help animal guardians evacuate their pets – (818) 991-6384
- Los Angeles Pet Shelter Information – (818) 756-9325 or -9323
- (661) 257-3191

Evacuees can house their animals at the following temporary animal shelters:

<p>Large Animals:</p> <ul style="list-style-type: none"> • Pierce College 6201 Winnetka Avenue Woodland Hills, CA 91371 (818) 991-8065 (call first) <i>*no stallions</i> • Antelope Valley Fairgrounds 2551 West Avenue H Gate 3 Lancaster, CA 93536 	<p>Small Animals:</p> <ul style="list-style-type: none"> • Agoura Animal Shelter 29525 Agoura Road Agoura Hills, CA 91301 (818) 991-0071 • Castaic Animal Shelter 31044 N. Charlie Canyon Road Castaic, CA 91384 (661) 257-3191 • A New Leash on Life 16742 Placerita Canyon Road Santa Clarita, CA 91321 (661) 255-0097
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PETS & ANIMALS

ORANGE COUNTY

Animal Evacuation Information:

- Animal Control Hotline – (714) 935-6848
- Animal Care Hotline – (714) 935-7158 *large animal evacuation information

Evacuees can house their animals at the following temporary animal shelters:

<p>Large Animals:</p> <ul style="list-style-type: none">• Orange County Fairgrounds (714) 708-1588 <i>*owners should provide feed for their animals</i>• Los Alamitos Racetrack 4961 Katella Avenue Los Alamitos, CA <i>*horses only</i> <i>*owners must bring food and supplies and care for their own horses, water available onsite</i>• Industry Hills Expo Center 16200 Temple Avenue City of Industry, CA (626) 330-0324	<p>Small Animals:</p> <ul style="list-style-type: none">• Orange County Fairgrounds (714) 708-1588 <i>*owners should provide feed for their animals</i>• El Toro High School 25255 Toledo Way Lake Forrest, CA 92630• Orange County Animal Shelter 561 The City Drive South Orange, CA 92868
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SAN BERNARDINO COUNTY

Evacuees can house their animals at the following temporary animal shelters:

<p>Large Animals:</p> <ul style="list-style-type: none">• Victorville Fairgrounds 14800 7th Street Victorville, CA• Glen Helen Rodeo Grounds 2555 Glen Helen Parkway Devore, CA• Orange Show Fairgrounds 689 South E Street San Bernardino, CA	<p>Small Animals:</p> <ul style="list-style-type: none">• Devore Animal Shelter 19777 Shelter Way Devore, CA• San Bernardino Valley Humane Society 374 W. Orange Show Road San Bernardino, CA• Orange Show Fairgrounds 689 South E Street San Bernardino, CA
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Other pet-related information and services in San Bernardino, Riverside, and Inland Valley Areas:

- **Humane Society of San Bernardino Valley**, (909) 386-1400 Ext. 221, can provide information on animal shelters and help reunite owners with their animals.
- **Riverside Hotline**, for fire victims and evacuees with animals, (800) 500-8884.
- **Inland Valley Humane Society and S.P.C.A.**, (909) 623-9777 can provide information on animal shelters and lost pets.
- **City of San Bernardino Animal Control**, (909) 384-1304, can provide information on lost animals.
- **San Bernardino County Animal Control**, (800) 472-5609.
- **Animal Evacuation Centers and Temporary Animal Shelters** are listed at <http://www.sbcounty.gov/evocdata.asp>, and include the following: San Bernardino International Airport, 2065 E. Perimeter, San Bernardino, (909) 888-1485; San Bernardino County Fairgrounds, 14800 Seventh St., Victorville, (800) 472-5609; San Bernardino Shelter, 333 Chandler, San Bernardino, (909) 384-1304 or (909) 384-5275.

PETS & ANIMALS

SAN DIEGO COUNTY

Animal Evacuation Information:

- Department of Animal Service - (619) 236-4250 (press 1) or (619) 531-6051
- http://www.sddac.com/shelter_locations.asp
- <http://www.sdhumane.org>

Large Animals:	Small Animals:
<ul style="list-style-type: none">• Fiesta Island Mission Bay Park• Gillespie Field 1960 Joe Crosson Drive El Cajon, CA• Lakeside Rodeo Grounds Hwy 67 & Mapleview Street <i>*for animals evacuated by DAS or SDHS and affiliated agencies only</i>• North County Humane Society 2905 San Luis Rey Road Oceanside, CA (760) 757-4357• San Diego County Fairgrounds 2260 Jimmy Durante Blvd Del Mar, CA	<ul style="list-style-type: none">• Qualcomm Stadium San Diego, CA• All Red Cross Centers http://www.sdarc.org• Mira Mesa High School 10510 Reagan Road San Diego, CA 92126• Del Mar Fairgrounds 2260 Jimmy Durante Boulevard Del Mar, CA• El Camino High School 400 Rancho Del Oro Drive Oceanside, CA• North County Humane Society 2905 San Luis Rey Road Oceanside, CA (760) 757-4357• El Cajon Animal Shelter 1275 N. Marshall El Cajon, CA (619) 441-1580

Other pet-related information and services in San Diego County:

- Animal Rescue Hotline at the San Diego Humane Society, (619) 299-7012 x2322, will provide information on missing animals and local animal shelters. Additional information can be found at the San Diego Humane Society's website at www.sdhumane.org.

For additional information, contact the Office of Emergency Services for your county:

- Los Angeles County: (323) 980-2261
- Orange County: (714) 628-7055
- Riverside County: (951) 955-4700
- San Bernardino County: (909) 356-3998
- San Diego County: (619) 565-3490
- Santa Barbara County: (805) 681-5526
- Ventura County: (805) 654-2551

I need a house, apartment, or hotel that allows pets. How can I find one?

Individuals seeking pet-friendly lodging should visit:

<http://www.petrent.net>
<http://www.petswelcome.com>
<http://www.petfriendly.com/travel>

PETS & ANIMALS

My pet was injured in the fire. Can I obtain financial assistance to care for my pet?

Animals that have been injured, orphaned, or otherwise affected by the wildfires may be eligible to receive aid through the United Animal Nations' LifeLine Crisis Relief program. The program can provide assistance in transporting the animal to safety, temporary boarding, and veterinary care to treat injury or illness caused by the disaster. Grants usually range between \$100 and \$400. The guidelines for the program and an application can be obtained at <http://www.uan.org/index.cfm?navid=167>.

LAWYER REFERRAL SERVICES & LEGAL AID

Who can help me understand all these legal issues?

Southern California has a number of lawyer referral services and legal aid organizations that offer services, some at no charge, to fire victims. The referral services listed below have been certified by the State Bar of California (see its lawyer referral webpage, www.calbar.ca.gov to get a complete listing of certified lawyer referral services in all California counties, or call (866) 442-2529 (toll-free in California) or (415) 538-2250 (from outside California)), while the other organizations offer direct legal assistance. Legal aid and self-help resources can also be found at www.lawhelpcalifornia.org. The State Bar of California also publishes a consumer pamphlet, "How Can I Find and Hire the Right Lawyer?" which can be obtained online at www.calbar.ca.gov/state/calbar/calbar_generic.jsp?cid=10581&id=2165 or by calling (888) 875-5297 or (415) 538-2280.

All Counties	
<p>Attorney Referral Service P.O. Box 27076 San Diego, CA 92198-1076 (877) 277-2771 (877) 277-6388 – FAX info@lawyerreferral.com – EMAIL www.lawyerreferral.com</p>	<p>Attorney Search Network 16161 Ventura Blvd., #672 Encino, CA 91436 (800) 215-1190 (818) 817-0935 – FAX director@getareferral.com – EMAIL www.Getareferral.com</p>
Los Angeles County	
<p>Glendale Bar Association Lawyer Referral Service P.O. Box 968 Glendale, CA 91209-0968 (818) 956-1633 (818) 956-1985 – FAX info@glendalebar.com – EMAIL www.glendalebar.com</p>	<p>Lawyer Referral Specialists, Inc. 541 W. Colorado Blvd., #104 Glendale, CA 91204 (818) 243-3399 (818) 547-3733 – FAX lawyerreferralspecialists@yahoo.com</p>
<p>Lawyer Referral and Information Service of the Santa Monica Bar Association 854 Pico Blvd. Santa Monica, CA 90405 (310) 581-5163 (310) 581-5308 – FAX smbaoffice@aol.com – EMAIL www.smba.net</p>	<p>Legal Grind's Lawyer Referral and Information Service 2640 Lincoln Blvd. Santa Monica, CA 90405 (888) 474-6395 (310) 581-2880 lg@legalgrind.com – EMAIL www.legalgrind.com</p>
<p>Beverly Hills Bar Association Lawyer Referral and Information Service P.O. Box 7277 Beverly Hills, CA 90212 (310) 601-2440 (310) 601-2441 – FAX Iris@bhba.org – EMAIL www.bhba.org</p>	<p>Mexican American Bar Association of Los Angeles County Lawyer Referral and Information Service 714 W. Olympic Blvd., #450 Los Angeles, CA 90015 (213) 745-6574 (213) 749-1740 – FAX mabalaco@sbcglobal.net – EMAIL</p>
<p>Lawyer Referral Service and Legal Aid of the Burbank Bar Association 2219 West Olive Ave., #PMB 100-40 Burbank, CA 91506 (818) 843-0931 (818) 865-1552 – FAX burbankbar@aol.com – EMAIL</p>	<p>Los Angeles County Bar Association Lawyer Referral & Information Service P.O. Box 55020 Los Angeles, CA 90055-2020 (213) 243-1525 (213) 626-0296 – FAX http://smartlaw.org</p>
<p>Lawyer Referral Service of the Long Beach Bar Association 3515 Linden Ave. Long Beach, CA 90807 (562) 988-1122 (562) 988-1155 – FAX director@longbeachbar.com – EMAIL</p>	<p>Lawyers Referral Service of the Southeast District Bar Association 12749 Norwalk Blvd., Rm. 107 Norwalk, CA 90650-8373 (562) 868-6787 (562) 864-7247 – FAX</p>

LAWYER REFERRAL SERVICES & LEGAL AID

Los Angeles County	
<p>Lawyer Referral Service of the Los Angeles Gay and Lesbian Community Services Center 1625 North Schrader Ave. Los Angeles, CA 90028 (323) 993-7670 (323) 308-4420 legalservices@laglc.org – EMAIL www.laglc.org</p>	<p>San Fernando Valley Bar Association Lawyer Referral and Information Service 21300 Oxnard St., Ste. 250 Woodland Hills, CA 91367 (818) 340-4LAW (805) 523-7959 (818) 227-0499 – FAX http://www.sfvba.org/needalawyer.htm</p>
<p>Lawyer Referral Service of the South Bay Bar Association 2463 Torrance Blvd., Suite D Torrance, CA 90501 (310) 787-9405 (310) 787-8405 – FAX lrs@southbaybar.org – EMAIL www.southbaybar.org</p>	<p>San Gabriel Valley Lawyer Referral Services 1175 E. Garvey Ave., Ste. 105 Covina, CA 91724-3618 (626) 966-5530 (626) 915-4755 – FAX sgvlrs@earthlink.net – EMAIL http://sgvlawyer.com</p>
<p>Neighborhood Legal Services of L.A. County 13327 Van Nuys Blvd. Pacoima, CA 91331 (818) 896-5211</p>	

Orange County	
<p>Public Law Center 601 Civic Center Drive West Santa Ana, CA 92701-4002 (714) 541-1010 (714) 541-5157 – FAX info@publiclawcenter.org - EMAIL http://www.publiclawcenter.org</p>	<p>Legal Aid Society of Orange County and Community Legal Services 2101 N. Tustin Ave. Santa Ana, CA 92705 (800) 834-5001 WEBQ@legal-aid.com - EMAIL http://legal-aid.com</p>
<p>Orange County Bar Association Lawyer Referral and Information Service P.O. Box 17777 Irvine, CA 92623-7777 (949) 440-6747 (949) 440-6710 http://www.ocbar.org</p>	<p>UC Irvine Legal Clinic D200 Student Center Irvine, CA 92697 (949) 824-2412 http://www.asuci.uci.edu</p>
<p>College Legal Clinic, Inc. Headquarters (CSUF) 1231 East Chapman Ave. Fullerton, CA 92834-3759 (714) 870-5757</p>	<p>College Legal Clinic, Inc. Annex Office (CSUF) 800 North State College Blvd. Fullerton, CA 92834 (714) 278-5850</p>

Riverside County	
<p>Inland Counties Legal Services — Riverside 1737 Atlanta Ave., Ste. H-3 Riverside, CA 92507 (909) 368-2555 (888) 455-4257 (909) 368-2542 – FAX www.inlandlegal.org</p>	<p>Lawyer Referral Service of the Riverside County Bar Association 4129 Main St., Ste. 100 Riverside, CA 92501 (909) 682-7520 or (909) 568-5555 (909) 682-0106 – FAX lrs@rcba.net – EMAIL www.riversidecountybar.com</p>
<p>Public Service Law Corporation of the Riverside County Bar Association 4129 Main Street Riverside, CA 92501 (909) 682-7968 or (909) 244-2920 for Lake Elsinore, Perris, Temecula, and Sun City www.riversidecountybar.com</p>	<p>San Bernardino County Bar Association Lawyer Referral Service 555 N. Arrowhead Ave. San Bernardino, CA 92401-1201 (909) 888-6791 (909) 889-0400 – FAX referral@SBCBA.org www.SBCBA.org</p>

LAWYER REFERRAL SERVICES & LEGAL AID

San Bernardino County	
College Legal Clinic, Inc., San Bernardino San Manuel Student Union ASI Suite SMSU 108 5500 University Parkway San Bernardino, CA 92407 (909) 537-5936	Inland County Legal Services – Victorville 14196 Armagosa Road, Suite K Victorville, CA 92392 (760) 241-7073 (888) 805-6455 www.inlandlegal.org
Inland County Legal Services – Blythe 137 N. Broadway Blythe, CA 92225 (760) 922-2988 (760) 921-3261 – FAX www.inlandlegal.org	Lawyer Referral Service of the Western San Bernardino County Bar Association 10630 Town Center Dr., #119 Rancho Cucamonga, CA 91730 (909) 945-2980 (909) 483-0553 – FAX westernlrs@aol.com – EMAIL www.wsbcba.org
Inland County Legal Services – Indio 82632-C Highway 111 Indio, CA 92201 (800) 226-4257 (760) 342-1591 www.inlandlegal.org	Legal Aid Society of San Bernardino 354 W. 6 th San Bernardino, CA (909) 889-7328 (866) 889-7328
Inland County Legal Services – Rancho Cucamonga 10601 Civic Center Dr., Ste. 260 Rancho Cucamonga, CA 91730 (909) 980-0982 (800) 977-4257 www.inlandlegal.org	Redlands Legal Aid Clinic 16 Olive St. Redlands, CA (909) 792-2762
Inland County Legal Services – San Bernardino 715 N. Arrowhead Ave., #113 San Bernardino, CA 92401 (909) 884-8615 (800) 677-4257 www.inlandlegal.org	San Bernardino County Bar Association Lawyer Referral Service 555 North Arrowhead Ave. San Bernardino, CA 92401-1201 (909) 888-6791 (909) 889-0400 – FAX www.SBCBA.org
Inland County Legal Services Tenant Housing Hot Line Indio: (800) 226-4257, San Bernardino: (800) 677-4257, Rancho Cucamonga: (800) 977-4257 Victorville: (888) 805-6455	West End Legal Aid Clinic 10970 Arrow Route, Ste. 106 (YMCA) Rancho Cucamonga, CA Wednesday at 10:00 a.m.
San Diego County	
Lawyer Referral and Information Service of the San Diego County Bar Association 1333 Seventh Ave. San Diego, CA 92101-4309 (800) 464-1529 or (619) 231-8585 (619) 696-3987 – FAX Iris@sdcba.org – EMAIL www.sdcba.org/LRIS/	Lawyer Referral Service of Bar Association of Northern San Diego County 249 S. Indiana Ave., 2d Floor Vista, CA 92084 (760) 758-4755 (760) 758-3979 – FAX Irs@bandsdc.org – EMAIL www.lawreferral.org/
Legal Aid Society of San Diego Downtown Office 1475 Sixth Avenue, 4th Floor San Diego, CA 92101 (760) 722-1935 (877) LEGAL AID or (877) 534-2524 www.lassd.org	Legal Aid Society of San Diego North County Office 216 South Tremont St. Oceanside, CA 92054 (760) 722-1935 (877) LEGAL AID or (877) 534-2524 www.lassd.org

LAWYER REFERRAL SERVICES & LEGAL AID

San Diego County	
Legal Aid Society of San Diego Main Office 110 S. Euclid Avenue San Diego, CA 92114 (760) 722-1935 (877) LEGAL AID or (877) 534-2524 www.lassd.org	East San Diego County Lawyers Referral Service 275 E. Douglas Ave., Ste. 104 El Cajon, CA 92020-4545 (619) 588-1936 (619) 442-8060 – FAX
San Diego Volunteer Lawyer Program 625 Broadway, Suite 925 San Diego, CA 92101 (619) 235-5656 www.sdvlp.org	University of San Diego Law School Legal Clinic 5998 Alcalá Park San Diego, CA 92110 (619) 260-7470
Elder Law & Advocacy – Senior Citizens Legal Services 3675 Ruffin Rd., Suite 315 San Diego, CA 92123 (858) 565-1392 270 F Street Chula Vista, CA 91910 (619) 425-2460 www.seniorlaw-sd.org	California Rural Legal Assistance, Inc. 215 S. Coast Highway, #201 Oceanside, CA 92054 (760) 966-0511 www.crla.org
California Indian Legal Services (760) 746-8941 www.calindian.org	

Santa Barbara County	
Lawyer Referral Service of Santa Barbara County P.O. Box 93 Carpinteria, CA 93014 (805) 569-9400 lawyer.referral@verizon.net – EMAIL	

Ventura County	
Ventura County Bar Association's Lawyer Referral & Information Service 4475 Market St., Ste. B Ventura, CA 93003 (805) 650-7599 (805) 650-8059 – FAX bar@vcab.org – EMAIL www.vcba.org	San Fernando Valley Bar Association Lawyer Referral and Information Service of the 21250 Califa St., Suite 113 Woodland Hills, CA 91367 (818) 340-4LAW (818) 227-0490 (818) 227-0499 – FAX www.sfvba.org

STATE/FEDERAL AGENCY QUICK PHONE LIST

FEMA	(800) 621-3362
(TTY line).....	(800) 462-7585
<i>www.fema.gov</i>	
California Attorney General's Office	(800) 952-5225
<i>www.ag.ca.gov</i>	
California Contractors State License Board (disaster hotline)	(800) 962-1125
<i>www.cslb.ca.gov</i>	
California Dept. of Corporations (lender licensing).....	(866) 275-2677
<i>www.corp.ca.gov</i>	
California Dept. of Insurance	(800) 927-4357
<i>www.insurance.ca.gov</i>	
California Dept. of Insurance (licensing issues)	(800) 967-9331
<i>www.insurance.ca.gov</i>	
California Dept. of Motor Vehicles (DMV)	(800) 773-0133
<i>www.dmv.ca.gov</i>	
California Dept. of Social Services	(800) 759-6807
(TTY line).....	(800) 952-8349
<i>www.dss.cahwnet.gov</i>	
California Dept. of Toxic Substances Control.....	(916) 255-6504
<i>www.dtsc.ca.gov</i>	
California Employment Development Office	(800) 300-5616
(SDI Benefits)	(800) 480-3287
<i>www.edd.ca.gov</i>	
California Franchise Tax Board	(800) 338-0505
<i>www.ftb.ca.gov</i>	
California Office of Emergency Services	(916) 845-8532
(disaster assistance division)	
<i>www.oes.ca.gov</i>	
Los Angeles County Assessor's Office	(213) 974-3211
<i>www.lacountyassessor.com</i>	
Riverside County Assessor's Office.....	(800) 746-1544
<i>http://riverside.asrclkrec.com</i>	
San Bernardino County Assessor's Office	(909) 387-8307
<i>www.sbcounty.gov/assessor</i>	
San Diego County Assessor's Office.....	(858) 505-6262
<i>http://arcc.co.san-diego.ca.us</i>	
Ventura County Assessor's Office	(805) 654-2181
<i>http://assessor.countyofventura.org</i>	
Small Business Administration (SBA).....	(800) 488-5323
<i>www.sba.gov</i>	
State Bar of California (attorney contact information).....	(415) 538-2577
<i>www.calbar.ca.gov</i>	
State Bar of California (lawyer referral service).....	(415) 538-2550
<i>www.calbar.ca.gov</i>	
United States Citizenship & Immigration Services	(800) 375-5283
<i>www.uscis.gov</i>	
United States Internal Revenue Service	(800) 829-3676
<i>www.irs.gov</i>	

STATE/FEDERAL AGENCY QUICK PHONE LIST

United States Social Security Administration(800) 772-1213
www.socialsecurity.gov

OTHER RESOURCES

Is assistance available in my local county with my wildfire-related concerns?

Many county agencies and other organizations may be able to offer assistance directly or by referral to other appropriate agencies. Contact numbers, organized by county, are set forth below.

Orange County (www.oc.ca.gov)

- Orange County Public Information Hotline: (714) 628-7085
- Arson Tip Line: (800) 540-8282
- Animal Control: (714) 935-6848
- Assessor: (714) 834-2727
- Building and Safety Permits: (714) 834-2626
- Clerk – Recorder: (714) 834-2500
- Community Services Agency (CSA): (714) 567-7420
- Emergency Management Division (Sheriff): (714) 628-7055
- Environmental Health: (714) 433-6000
- Orange County Fire Authority: (714) 744-0400
- Health Care Agency: (714) 834-4722
- Housing Authority: (714) 480-2700
- Public Works: (714) 567-6300
- Social Services Agency: (714) 541-7700
- Tax Collector: (714) 834-3411
- Donation information: (714) 247-4300

Representatives of several private and public agencies are also on hand to help wildfire evacuees at the Local Assistance Center, 125 Technology Drive West, Suite 200, Irvine, CA 92618.

Riverside County (<http://www.countyofriverside.ca>)

- Animal Control: (888) 636-7387, or call the fire hotline at (800) 500-8884
- Building and Safety Department: (909) 955-2000
- County Tax Assessor: (951) 955-3900 (tax relief information)
- Department of Mental Health: (800) 706-7500, (951) 358-4500 (mental health services for fire victims)
- Fire Department: (951) 940-6900
- Riverside County Office on Aging: (800) 510-2020
- Victim's Assistance: (951) 955-5450
- Waste Management/Debris Removal Questions: (951) 486-3200

San Bernardino County (www.co.san-bernardino.ca.us)

- The disaster assistance hotline is available through the 2-1-1 phone system
- Arson Tip Hotline: (866) 346-7632
- City of San Bernardino Planning Division: (909) 384-5057 (offering a number of services and fee waivers to assist fire victims in rebuilding)
- Community Services Department (CSD): (909) 723-1500 (providing various services for low-income victims)
- Assessor's Office: (866) 854-3700 (providing updates on damage to victims' property)
- Building and Safety Department: (909) 387-8311 (providing structural assessment of damaged property)
- Department of Behavior Health: (888) 743-1478 (providing mental health services for fire victims) [Note: this is through FEMA]
- Disaster Assistance Hotline: (800) 621-3362 or (800) 462-7585 (TTY) (for the speech and hearing impaired)
- Fire Department: (909) 355-8800
- Joint Information Center: (909) 382-7661
- Office of Emergency Services Donation Hotline: (909) 356-3998
- Health Department: (909) 387-6280, or (800) 782-4264 (providing information on food disposal and fire cleanup)
- Spanish Information Service: (800) 514-4494
- County Tax Collector's Office: (909) 387-8308 (tax relief information)
- Sheriff's Department: (909) 387-0641 (Re-Entry Passes for property threatened by the fires)

OTHER RESOURCES

- Sandbags are available at the following locations:
 - Mentone: 1511 Devore Road, (909) 473-8680; 1300 Crafton Avenue, (909) 794-1284
 - Angelus Oaks: 2413 North Euclid Avenue, (909) 982-2611; 5766 Frontage Road, (909) 794-3227
 - Summit Valley: 497 Lytle Creek Road, (909) 887-2212; 4691 Summit Valley, (760) 389-2470
 - Fontana: 7110 Citrus Avenue, (909) 350-1470
 - San Bernardino County Service Center: 2824 East W Street, (909) 382-5404, extension 1
 - FEMA Local Assistance Center: 105 N. Leland Norton Way, San Bernardino (Airport location)
 - Hesperia High School: 9898 Maple Ave, Hesperia
 - Hesperia Lake Park: Arrowhead Lake Road south of Rancho Street Highway 138, North of Highway 173, Silverwood Lake area
 - San Bernardino International Airport: Evacuation Center, 3rd Street at Del Rosa Drive, San Bernardino
 - Sultana High School: 17311 Sultana Avenue, Hesperia
 - Wildwood Park: Waterman Avenue at 40th Street, San Bernardino

San Diego County (<http://www.sdcountry.ca.gov>)

- Call 2-1-1 for disaster information.
- San Diego County Wildfires Hotline: (866) 402-6044 or (858) 495-5494 (8 a.m. – 5 p.m., Monday-Friday) (providing centralized information about county programs)
- San Diego Regional Storm Water Hotline: (888) 846-0800 (providing centralized information about erosion control for fire victims)
- San Diego Department of Housing and Community Development: (858) 694-4801 or (858) 694-4871, (providing comprehensive information about San Diego affordable housing and shelter programs to wildfire victims)
- Department of Parks and Recreation: (858) 565-3600 (offering reduced campsite fees; call for further information)
- Tax Collector's Office: (877) 829-4732 (tax relief information)
- San Diego District Attorney's Office – Consumer Fraud Unit: (619) 531-3507 (assistance with information about how to avoid contractor and debris removal scams)
- Mental Health Services: (800) 479-3339, www.sandiego.networkofcare.org
- Department of Planning and Use, Building Division: (888) 336-7553
- Our One Earth, San Diego County Recycling and Hazardous Waste Hotline: (877) R-1-EARTH (for information about disposal of debris and household hazardous waste)
- Department of Animal Services: (619) 236-4250, www.sddac.com
- San Diego Erosion Control Centers (providing sandbags, special erosion control seed mix, and other erosion control devices, as well as advice from erosion control experts) — NO NUMBER LISTED
- Erosion Control Hotline: (888) 846-0800
- Alpine Road Station: 2914 Tavern Road, (619) 445-2314
- Lakeside Road Station: 13115 Willow Road (619) 443-1298
- Julian Road Station: 1524 North State Route 78, (760) 765-0636
- Ramona: 116 5th Street, (760) 787-3312
- Valley Center: 28565 Cole Grade Road, (760) 749-0521

Los Angeles County (<http://www.lacounty.info>)

- Call 2-1-1 for non-emergency wildfire assistance.
- Los Angeles City Attorney Office wildfire assistance hotline: (877) LA-CARES (providing assistance with finding financial aid and shelter and information on how to work with insurance agencies, health care providers, and crisis counselors)
- City of Claremont, Building Division: (909) 399-5471 or www.ci.claremont.ca.us
- Department of Public Works: (626) 458-5100. Additionally, information regarding mudslide and erosion control may be obtained.
- Department of Social Services: (888) 393-5327 (providing various services for low-income victims)
- San Dimas District Office for Los Angeles County Supervisor Michael D. Antonovich: (909) 394-2264
- Department of Mental Health 24-hour hotline: (800) 854-7771 (mental health services for fire victims)
- Assessor's Office: (888) 807-2111 or (213) 974-3211 (property assessment and other local tax relief information)

OTHER RESOURCES

- Office of Small Business: (323) 881-3964
- Sandbags are available at the following local fire stations:
 - Santa Clarita, 24875 N. San Fernando Rd.
 - San Dimas, 164 S. Walnut Ave.

Santa Barbara County (<http://www.lacounty.info>)

- Call 2-1-1 for non-emergency wildfire assistance.
- General County Phone Numbers (these numbers will reach an automated telephone directory system. To reach an operator, press 0 after calling the number.): (805) 737-7775 (Lompoc); (805) 681-4200 (Santa Barbara); (805) 934-6295 (Santa Maria); (805) 686-5011 (Solvang)
- County Clerk-Recorder-Assessor: (805) 568-2550
- Fire: (805) 681-5500
- Sheriff-Coroner: (805) 681-4100
- Social Services: (805) 681-4401
- Treasurer-Tax Collector-Public Administrator: (805) 568-2920; (805) 346-8330

Ventura County (<http://www.countyofventura.org>)

- Behavioral Health Department, Mental Health Services: (805) 652-6737 or (800) 671-0887 (providing mental health services)
- Building & Safety Department: (805) 654-2771
- Building Inspection Services: (805) 654-2791
- Auditor-Controller: (805) 654-3152
- County Phone Listings: (805) 654-5000
- Planning Division: (805) 654-2488 (offering services to assist fire victims in rebuilding)
- Recorder: (805) 654-2290
- Sheriff: (805) 654-2380; (805) 654-2551 (Sheriff's Office of Emergency Services)
- Tax Collector's Office: (805) 654-3744; County Assessor: (805) 654-2181 (tax relief information)
- Environmental Health Department: (805) 654-2813
- FOODShare of Ventura County: 4156 N. Southbank St., Oxnard, CA 93030; (805) 983-7100
- Salvation Army: Ventura – 650 S. Petit Ave., Ventura, (805) 659-3598; Oxnard – 622 W. Wooley Rd., (805) 483-9235