

TITLE 29: EMERGENCY SERVICES, DISASTERS, AND CIVIL DEFENSE

CHAPTER I: EMERGENCY MANAGEMENT AGENCY
SUBCHAPTER d: STATE EMERGENCY RESPONSE

PART 410
INDIVIDUAL AND FAMILY GRANT PROGRAM

Section	
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AUTHORITY: Implementing and authorized by Federal Emergency Management Agency Regulations (44 CFR 205.54, April 12, 1982) and the Illinois Emergency Services and Disaster Agency Act of 1975 (Ill. Rev. Stat. 1981, ch. 127, par. 1105 (f)(7)).

SOURCE: Adopted and codified at 7 Ill. Reg. 5185, effective March 31, 1983.

Section 410.10 Statutory Authority

This Part is promulgated under the authority of Federal Emergency Management Agency Regulations (44 CFR 205.54, April 12, 1982) and the Illinois Emergency Services and Disaster Agency Act of 1975 (Ill. Rev. Stat. 1981, ch. 127, par. 1105 (f)(7)).

Section 410.20 Purpose

It is the purpose of this Part to establish policy to implement an individual and family grant program intended to meet the serious needs and necessary expenses of disaster victims for whom assistance from other means is either unavailable or inadequate.

Section 410.30 Definitions

"Administrative Panel" means a group of three State employees, representatives from the Emergency Services and Disaster Agency and the Department of Public Aid, which has the responsibility for determining eligibility for a grant and the grant amount.

"Appeals Coordinator" means the State appointed person, not involved in the initial decision-making on the case, with the responsibility for the decision on

appeals.

"Family" means a social unit living together and comprised of husband and wife and dependents, if any, or a household comprised of an unmarried person living with a dependent son, stepson, daughter, stepdaughter or a dependent descendant of a son or daughter.

"Grant Coordinating Officer" means the State official assigned management responsibility for the Individual and Family Grant Program.

"Individual" means a person who is not a member of a family, as defined in this Section.

"Maximum Standard Personal Property Values" means a listing of current prices of various items calculated by the Department of Public Aid.

"Necessary expense" means the cost of an item or service essential to an individual or family to prevent, mitigate or overcome a disaster-related hardship, injury or adverse condition.

"Project Application" means the form used by an individual or family to apply for Federal disaster assistance under the Individual and Family Grant Program.

"Serious need" means the requirement for an item or service essential to an individual or family to prevent, mitigate or overcome a disaster-related hardship, injury or adverse condition.

"State Coordinating Officer" means the individual appointed by the Governor to coordinate State and local disaster assistance efforts with those of the Federal Government.

"The State" means the State of Illinois.

Section 410.40 Organization and Administration

- a) Delegation of Responsibility
 - 1) The State Coordinating Officer shall be the Governor's authorized representative for the implementation of the Individual and Family Grant Program.
 - 2) The State shall publicize the availability of the Individual and Family Grant Program to potential applicants.

- 3) The State shall be responsible for interviewing applicants, receiving applications, and establishing case files.
 - 4) The State shall staff the Federal/State Disaster Assistance Centers for the purpose of accepting grant applications.
 - 5) The State shall be responsible for the verification of the necessary expenses and serious needs for which grant assistance has been requested.
 - 6) An Administrative Panel shall review each application and determine eligibility and grant amount. Criteria for eligibility determination is set forth in Section 410.50. Grant amount will be based on Maximum Standard Personal Property Values.
 - 7) The State shall notify every applicant by letter of the eligibility determination made on their application.
 - 8) The Appeals Coordinator shall consider each appeal within fifteen calendar days of receipt. Documentation provided by the applicant-appellant will be reviewed to determine if the applicant-appellant has, subsequent to denial by the Administrative Panel, demonstrated compliance with the requirements of Section 410.50. All determinations by the Appeals Coordinator will be final.
- b) Time Limitations
- 1) Applications will be accepted for 60 days following the date on which the major disaster was declared.
 - 2) Applications filed after the 60 day filing period, but within 90 days following the date on which the major disaster was declared, will be reviewed by the Grant Coordinating Officer. The review will center on documentation provided by the applicant indicating the applicant's inability to apply within the specified time frame due to circumstances either unavoidable to or beyond the control of the applicant, such as in cases where the applicant is physically unable to apply or to examine the damage because of illness or injury, or because the disaster itself has kept the applicant out of the disaster area. If it is determined that good cause existed for the late filing, the application will be accepted and the case file documented as to the reason for acceptance. If such a determination cannot be made, the application will be rejected.

Section 410.50 Eligibility for Assistance

- a) Eligibility Requirements
 - 1) The applicant must certify that:
 - A) Application has been made to all available governmental disaster assistance programs for assistance to meet the necessary expense or serious need, and that neither the applicant nor any of the applicant's family has been determined to be qualified for such assistance or, for demonstrated reasons, any assistance received has not satisfied any such necessary expense or serious need;
 - B) With respect to the specific necessary expense or serious need or portion thereof for which application is made, neither the applicant, nor any member of the applicant's family, has previously received or refused assistance from other means;
 - C) Should the applicant receive a grant and assistance from other means later becomes available to meet the necessary expense or serious need, the applicant shall refund to the State that part of the grant for which financial assistance from other means has been received. If the applicant does not spend the grant for the identified needs, a refund must also be made.
 - 2) Applicants who incurred a necessary expense or serious need in the major disaster area may be eligible for assistance under paragraph (a)(1) of this Section without regard to their alienage, residency in the major disaster area, or residency within the State in which the major disaster has been declared.
 - 3) Applicants must comply with time limitations as set forth in Section 410.40(b).
 - 4) In lieu of a formal application to the Small Business Administration (SBA) for disaster loan assistance, applicants may be considered to have been denied such assistance if they are able to certify that they:
 - A) Suffered only personal property damage, or
 - B) Are unemployed, or
 - C) Derive more than 50 percent of their income from Social Security

or public income assistance payments.

- 5) Farmers, ranchers and persons engaged in aquaculture must apply to Farmers Home Administration (FmHA) or SBA and obtain a denial of such assistance from either FmHA or SBA before they may be considered eligible for grant assistance. If applicants have been denied such loan assistance because, in FmHA's determination, they are able to obtain necessary credit from other sources, they will be considered ineligible for grant assistance for those items or services for which assistance may be provided by the FmHA's Emergency Loan Program.

b) Eligible Categories

- 1) Assistance may be made available to meet necessary expenses or serious needs by providing essential items or services in certain categories, as follows:
 - A) Medical and dental
 - B) Housing
 - C) Personal property
 - D) Public/Private transportation
 - E) Funeral expenses
 - F) Flood insurance
 - G) Hazard minimization measures
 - H) Cost of damage estimates
- 2) Assistance may be made available to meet necessary expenses or serious needs in other categories, as determined by the State and consistent with Federal law and regulation.

c) Ineligible Categories

- 1) Assistance will not be made available for any item or service in the following categories:
 - A) Business loans, including farm businesses, or self-employment,

- B) Improvements or additions to real or personal property,
 - C) Landscaping,
 - D) Real or personal property used exclusively for recreation,
 - E) Financial obligations incurred prior to the disaster.
- 2) Assistance may also be denied for any other category which is deemed by the State not to fall within the definition of "necessary expense or serious need".
- d) Multiple Ownership
- 1) Assistance shall be made available to grant applicants claiming multiple ownership of a non-public facility that provides service to more than one individual or family. Prior to the issuance of the grant, all applicants must agree to joint ownership of the non-public facility and verify that:
 - A) All applicants have a common necessary expense or serious need;
 - B) Any assistance provided under a project application is taken into consideration when determining whether a need exists; and
 - C) All applicants have jointly applied for assistance from other government programs such as SBA Disaster Loan Program and have been determined not to be qualified for such assistance.
 - 2) Each qualified applicant may receive a separate grant if the cost of repairing or replacing the non-public facility exceeds the maximum grant available to an individual or family as set forth at 44 CFR 205.54 (April 12, 1982).
 - 3) The grant recipients may combine their grant funds to repair or replace the non-public facility.

Section 410.60 Funding

Following an emergency declaration by the Governor and a major disaster declaration by the President, as provided for at 42 U.S.C.A. 5141 (1981), State and Federal disaster assistance programs will be made available to disaster victims suffering loss or damage in the designated disaster area. The Individual and Family Grant Program, authorized by the Disaster Relief Act

of 1974, 42 U.S.C.A. 5178 (1981), is designed to aid those disaster victims whose necessary expenses or serious needs cannot be met by governmental programs or from other sources. The program is administered by the State of Illinois, and is seventy-five percent Federally funded and twenty-five percent State funded.