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# DISASTER PREPAREDNESS

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## WHAT HEIR PROPERTY OWNERS CAN EXPECT WHEN APPLYING FOR ASSISTANCE

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In the aftermath of a hurricane, flood, or other disaster, heir property owners may encounter an unexpected obstacle to receiving emergency disaster assistance from the Federal Emergency Management Agency (FEMA): providing proof of home ownership. Due to insecure ownership, or unclear title, many heir property owners' applications for FEMA's assistance are rejected. This fact sheet provides a brief overview of the FEMA Individuals and Households Program's (IHP) eligibility requirements and information on how heir property owners can prepare to apply for assistance.

### Individuals and Households Program Assistance Eligibility

FEMA is the primary federal agency tasked with assisting those impacted by natural disasters. FEMA's IHP provides financial assistance and direct services to individuals and households who are uninsured or underinsured. The IHP provides temporary housing, funding for home repairs, home replacement, and semi-permanent or permanent home construction. Generally, an applicant must meet the following criteria: (1) Must be a U.S. citizen, non-citizen national, or qualified alien; (2) FEMA must be able to identify the applicant's identity; (3) The applicant's insurance cannot cover the remainder of the disaster-caused needs; (4) Expenses and needs are directly caused by a declared disaster; and (5) **Must be an owner or occupant.**

FEMA defines an **owner-occupied residence** as: (1) The legal owner who permanently resides at the disaster-damaged residence; (2) A person who does not hold formal title and pays no rent but is responsible for the payment of taxes or for maintenance of the residence; or (3) A person who has lifetime occupant rights with formal title vested in another.



### Documentation Required to Verify Ownership and Occupancy

FEMA verifies ownership through virtual inspection, automated public and government records, or through documents submitted by the applicant. The submitted document(s) must include the name of the applicant applying for assistance; the address of the damaged residence, and must be current or dated within three months of the disaster.

This document provides general information only and is **not** intended to provide legal advice on a specific legal issue or to substitute for the advice and work of an attorney.

## DOCUMENTS TO PROVE OWNERSHIP

- Original deed, deed of trust, bill of sale, land installment contract
- Real property insurance document, bill, or payment record, dated within three months of the disaster
- Current property tax bill or receipt
- Will, naming applicant as heir to the property, with a death certificate
- Verification of intent to own (if applicant was unable to complete purchase before disaster)

## DOCUMENTS TO PROVE OCCUPANCY

- Utility bills (i.e. electric, gas, water/sewer)
- Merchant's statement (i.e. bank or credit card, phone bill, cable bill)
- Employer's statement (i.e. pay stubs)
- Lease or other housing agreement
- Rent receipt
- Driver's license or state-issued identification card

### What Can Heir Owners Do to Be Eligible for FEMA Assistance?

In most cases, heir property owners do not have a deed, estate file, or other contract to submit with a FEMA application. However, heir owners can take steps now to gather what they *do have* so that they are prepared should disaster strike.

**TIP #1 - Check to make sure that your name is listed on the property tax record, your state-issued identification card, your lease, and your utility bills.**

**TIP #2 - If there is a mortgage on the property, and you have the resources, contact the lender to see what steps you may need to take to assume the mortgage.**

**TIP #3- Work with the other heirs, and an attorney, to create a business entity or trust that can hold title to the property.**

As Tip #3 indicates, there are legal tools that can help to show clear title to the property, to consolidate ownership, and to streamline management of the property. These may also help heir owners with qualifying for FEMA and other disaster-related assistance. The most common tools are the creation of a business entity, family land trust, or tenancy-in-common agreement. More information about each of these options can be found in LLPP's handout "Disaster Preparedness: Considerations for Heir Property Owners." Heir property owners are encouraged to explore these legal tools with an attorney prior to a disaster to ensure that any entity created meets all of the requirements to qualify for FEMA and other disaster assistance.

If you are an heir property owner, consider taking the necessary steps now to protect and preserve the property for generations that follow.

If you cannot afford an attorney, you may be eligible for advice or assistance from the Land Loss Prevention Project. Contact our office using the information below:

### Land Loss Prevention Project

1-800-672-5839  
P.O. Box 179  
Durham, NC 27702