



**LEGAL AID**  
OF NORTH CAROLINA

# DISASTER

## RESPONSE



# Disaster Legal Need Timeline



## FIRST SIX WEEKS

FEMA Applications, Utility Shutoffs, Lease Terminations, False Evictions, Security Deposit Disputes, Tenant Repair & Demand, Insurance Claims, Document Replacements, Emergency Custody, Protective Orders



## 1 MONTH – 6 MONTHS

Public Benefit Applications/Appeals, Unemployment Applications/Appeals, SBA Disaster Loan Applications, Mobile Home/Section 8 Questions, Property Title Clearing, Landlord-Tenant Disputes, Wage Theft, Identity Theft



## 6 MONTHS – 1 YEAR

FEMA Appeals, SBA Appeals, Evictions, Foreclosure Prevention, Contractor Fraud, Price Gouging, Insurance Disputes, Insurance Scams, Custody Disputes



## 1 YEAR – ONWARDS

Foreclosure, Flood Insurance Disputes, FEMA Recoupments, Disaster Tax Relief, Bankruptcies, Civil & Disability Rights, Succession and Probate



# The Top 5 Things to Know About Landlord Tenant Cases

1

## **No special disaster provisions:**

There are no special provisions for tenants or landlords in a disaster. Follow basic landlord tenant law.  
*But see 42-12*

2

## **Tenant may terminate lease:**

If the housing unit is destroyed or extensively damaged, the tenant may terminate the lease if the tenant notifies the landlord in writing within ten days of the date of the damage. The tenant must pay all rent owed through the date of termination, including any rent in arrears. Landlords can contract around this provision.  
*See NCGS 42-12*

3

## **If tenant remains, tenant must continue to pay rent:**

Even if the house is damaged or destroyed, the tenant must continue to pay rent if the tenant does not terminate. Tenant can file an affirmative action for rent abatement.

4

## **Landlord has a duty to repair:**

Landlord still has a duty to repair, but will likely be given more time by the court.  
*See NCGS 42-42*

5

## **Public housing tenants have more protections:**

If there is an imminent risk to safety or damage to their units from a disaster, the public housing authority should relocate them.  
*See 24 CFR 905.108*



# The Top 5 Things to Know About FEMA Benefits

1

**Encourage people to a FEMA claim:** Anyone with damage or loss associated with the storm should make a claim. Benefits are available for multiple purposes and HUD determines the allocation of resources to the disaster zone based on the # of claims submitted. Apply at <https://www.disasterassistance.gov/> or call (800) 621-3362. The FEMA app from the App Store is also great.

1. Emergency needs benefits - \$750.00
2. Hotel or housing assistance if your house is not accessible due to trees, branches, debris, continued flooding, loss of power, etc.
3. Reimbursements for purchasing generators (\$629), fuel or chain saws (\$219), if they are needed

2

**Take photos and SAVE photos and receipts:** Before making repairs, take photos. Save every repair and expense receipt. Consider saving photos and receipts in multiple places.

3

**Disaster unemployment benefits are available:** Unemployment is available to those who lose their jobs or are injured and cannot work as a result of the storm.

4

**Home repair assistance is available:** This assistance is intended for basic repairs to the home. It is not intended to return your home to pre-disaster condition. Homeowners must mitigate damage, e.g., put a tarp on a hole in the roof.

5

**Appeals:** If FEMA denies the relief sought, the applicant may appeal.

# What comes after FEMA assistance?

- **Displacement Assistance:** NC Emergency Management is putting registered survivors in hotels for 6 months. Will work with FEMA to get them into housing plans.
- **Community Development Block Grant: CDBG-DR** is a HUD program that provides grants to state and local government to support long-term recovery after a disaster. Congressional appropriation expected by December 2024.
- **Short Term Recovery to Long Term Recovery:** crisis counseling, temporary housing and financial assistance moves to direct housing and stability.



# ADDITIONAL RESOURCES

- Online: [www.legalaidnc.org/helene](http://www.legalaidnc.org/helene)
- Call the Hotline: **1-866-219-5262**
- Allison Constance, *Pro Bono Coordinator*:  
[allisonc@legalaidnc.org](mailto:allisonc@legalaidnc.org) or **(919) 794-7219**
- Alicia Edwards, *Director of Disaster Relief Project*: [aliciae@legalaidnc.org](mailto:aliciae@legalaidnc.org) or  
**336-272-0148 ext. 1334**