Recovering From Hurricane Andrew: Your Legal Rights
Recovering From Hurricane Andrew: Your Legal Rights

Legal Services of Greater Miami, Inc.*

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* Legal Services of Greater Miami, Inc. located at 225 N.E. 34th Street, Suite 300, Miami, FL 33137. Their telephone number is (305) 576-0080. This article was prepared October 15, 1992, and revised January 31, 1993. We would like to acknowledge the following staff attorneys and legal units for their contributions to this article: Sheryl Berkowitz, Terry Coble, Esther Cruz, Valory Greenfield, Miriam Harmatz, Carolina Lombardi and LSQMI Family Juvenile Education Unit, with the assistance of Nova Law School interns.

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I. HOUSING

1. My house was damaged and I can’t live in it—do I need to pay my mortgage?

Your duty to pay your mortgage continues even if your house is damaged and you cannot live in it. However, check with your lender since many companies are offering a grace period of several months to delay payments (although interest may continue to be added). Some lenders are also arranging for loan modifications, which allow for the missed payments to be added to the outstanding balance, thereby lengthening the term of the mortgage.

2. What if I cannot pay my mortgage?

If you have received a written foreclosure notice as a result of disaster-related financial hardship, you may be eligible for Federal Emergency Management Agency (FEMA) payments to help you with your mortgage payments. FEMA benefits are explained in another section of this article. You may file an application for FEMA benefits at a Disaster Assistance Center (DAC) site listed at the end of this handout.

If you have income and you want to keep your house, you may be able to file a Chapter 13 bankruptcy. In this type of bankruptcy, the homeowner proposes a plan of how (s)he will pay regular mortgage payments and all other living expenses, and also pay an amount every month toward the mortgage arrears. If you think you may want to file a Chapter 13 bankruptcy, you should consult an attorney.

3. What if I live in a condominium?

If you live in a condominium or pay maintenance to any type of homeowners’ association, you still need to pay your maintenance fees even if your homeowners’ association isn’t fixing the common areas or you don’t like the way they are doing repairs. You should attend the homeowners’ association meetings to voice your concerns, and talk with other owners and members of the board about your complaints. A group of you may want to get together to pool your money to seek legal advice. However, if you just stop paying maintenance, you can lose your home to foreclosure.

4. I have homeowner’s insurance, but I was told it will take months for an adjuster to look at my house and then it will take longer for a check to be issued—am I eligible for any type of assistance?

because my house needs lots of expensive repairs and I am not even sure I can live there until it is fixed?

If you have homeowners’ insurance, you will most likely be eligible for money for living expenses while you cannot live in your house. You need to contact your insurance company. If you did not have homeowners’ insurance then you may be eligible for assistance under the Individual and Family Grant (IFG) program to pay for necessary repairs to essential parts of your home. You may apply for IFG at the FEMA DARC site listed at the end of this handout.

5. The apartment I live in is really bad shape from the hurricane, but the landlord told me that if I want to stay I must pay full rent—what should I do?

Your landlord may also be experiencing financial hardship until his/her insurance money comes through for repairs. Talk to your landlord to see if the rent can be reduced until the apartment is repaired; see if the landlord will give you enough time to move to another place without your having to pay any more rent; see if the landlord will allow you to move to another unit in the building that is liveable.

6. What if my landlord won’t negotiate?

If your landlord has not started repairs within a reasonable time, and you cannot afford to move, you may want to consider withholding rent. Call Legal Services of Greater Miami at the telephone number listed on the cover of this handout for an article on the proper way to withhold rent.

7. All my belongings were destroyed when the roof fell in on the place I rent—what help can I get?

If you had renter’s insurance at the time of the hurricane, contact your insurance company. If your situation is desperate, make sure you describe your situation to the insurance company. If the company agrees that there is coverage, you can ask for an advance payment to cover a part of your loss. Read the information in the insurance section of this handout about how to prepare for the adjuster’s visit, and how to handle your insurance claim.

8. What if I do not have any insurance on my property?

If you didn’t have renter’s insurance, see if your landlord had insurance

http://nsuworks.nova.edu/nlr/vol17/iss3/11
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8. What if I do not have any insurance on my property?

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to cover your belongings. If your losses are not covered by any insurance policy, you may be able to get IFG money for replacement of necessary items of personal property. You may apply for these benefits at the FEMA DAC site listed at the end of this handout.

9. My landlord told me to move out the next day because he wanted the apartment for his daughter who lost her house in the hurricane. He told me if I wasn’t out, he would change the locks—do I have to move?

Florida law does not allow a landlord to just lock you out or turn off the utilities or to use any other "self help" means to get you to leave. The landlord must file an eviction action in County Court and then you only have to move out after the Judge in your eviction case enters a final judgment of eviction. Furthermore, in most instances, the landlord must first give you some type of written notice to vacate before the landlord can file in Court.

If you get eviction court papers, you can call Legal Services for a handout on how to file your answer to the eviction lawsuit.

10. My apartment is so bad I cannot live in it and I am going to move and want my security deposit returned—what are my rights?

If you have a written lease, read your lease to see what it says. If you do not have a written lease, or your lease does not say anything about deposits, then the landlord must either return your deposit within fifteen days after you move out or send you a letter saying why you won’t get your deposit back. However, before you leave, you must give your landlord your new address. If you and your landlord disagree about whether you should get your deposit back, you can call Legal Services to ask for our booklet on taking your landlord to small claims court to get back your security deposits.

II. INSURANCE

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

If you have any insurance policy which you think may cover your damage, whether it is a homeowner’s, renter’s or car insurance policy, call your agent, broker, or insurance company as soon as possible, and report your loss, even if you are not sure that there is coverage or if you do not know if the claim will exceed the deductible. Make sure you write down the name of the person you speak to and the claim number they will give you.

If you cannot get through to your insurance company by telephone, write them a letter telling them of your loss and keep a copy of it. If you cannot find the insurance policy, contact your agent, broker or insurance company. If you do not know the name of your homeowner’s insurance company, call your bank or mortgage holder. If you do not know the name of your car insurance company, call the Department of Motor Vehicles.

If you cannot stay in your home, make sure you give the insurance agent or representative your new address and telephone number.

2. What if I live in a condominium?

If you own a condominium, you should look at both the coverage provisions in your Association insurance policy, and the coverage under your individual unit owner’s insurance policy.

3. How do I get an insurance adjuster out to my home to assess the damage?

You should request the insurance company to send an adjuster to look at your property. It is best if this request is in writing. If necessary, you should contact the Florida Department of Insurance at the telephone number listed at the end of this handout.

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

If circumstances allow, make a list of all property damaged or destroyed, take pictures, collect names, addresses and telephone numbers of witnesses, obtain repair estimates, keep a record of expenses such as alternative housing, etc., and locate original bills and receipts for lost items. Submit these along with your claim to your insurance company.

Take any steps you can reasonably take to protect the property from further damage. Save all receipts for any expenses you incur in protecting your property.

5. What if I cannot wait for the insurance adjuster?

Some insurance policies provide for reimbursement for temporary housing relocation costs while your home is being repaired and for car rental costs while your car is being repaired or replaced. Check your policy or call
to cover your belongings. If your losses are not covered by any insurance policy, you may be able to get IFPG money for replacement of necessary items of personal property. You may apply for these benefits at the FEMA DAC site listed at the end of this handout.

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Florida law does not allow a landlord to just lock you out or turn off the utilities or to use any other “self help” means to get you to leave. The landlord must file an eviction action in County Court and then you only have to move out after the Judge in your eviction case enters a final judgment of eviction. Furthermore, in most instances, the landlord must first give you some type of written notice to vacate before the landlord can file in Court.

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If you have a written lease, read your lease to see what it says. If you do not have a written lease, or your lease does not say anything about deposits, then the landlord must either return your deposit within fifteen days after you move out or send you a letter saying why you won’t get your deposit back. However, before you leave, you must give your landlord your new address. If you and your landlord disagree about whether you should get your deposit back, you can call Legal Services to ask for our booklet on taking your landlord to small claims court to get back your security deposit.

II. INSURANCE

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If you cannot get through to your insurance company by telephone, write them a letter telling them of your loss and keep a copy of it. If you cannot find the insurance policy, contact your agent, broker or insurance company. If you do not know the name of your homeowner’s insurance company, call your bank or mortgage holder. If you do not know the name of your car insurance company, call the Department of Motor Vehicles.

If you cannot stay in your home, make sure you give the insurance agent or representative your new address and telephone number.

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

   You should **consult a lawyer** before signing any release or waiver and before cashing any check from the insurance company which might be deemed full and final payment of your claim. Before you settle with the insurance company, be **aware** of the full extent of your damage and the full value of your claim. It may be important for you to get estimates or to have the work completed before you can agree to a specific cost figure.

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

   You should demand that the insurance company give you its reasons **in writing** for denying coverage or limiting your claim, and consult a lawyer. Most insurance policies require that you bring suit against the insurance company for failure to pay a claim **WITHIN ONE YEAR** from the date of the occurrence of the damage. If you do not file suit in time, you may be prevented from receiving any reimbursement.

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

   You may be eligible for benefits under the FEMA program if you are unable to pay for repair or replacement of essential parts of your home or essential personal property. See the FEMA section of this handout.

   You may also keep all of your repair and replacement receipts and file your losses with the IRS either by amending your income tax return for last year or by declaring the losses on your income tax return next year. For information, you may go to the IRS table at the FEMA DAC site listed at the end of this handout.

### III. IMMIGRATION

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

   You can qualify for most of the disaster programs offered at the FEMA Disaster Assistance Center sites, even if you do not have a legal immigration status. This includes Temporary Housing Assistance, mortgage and rental assistance, and Individual and Family Grants for necessary home repairs and replacement of necessary household items.

2. **Will I be considered a public charge and denied residency if I apply for emergency disaster relief?**

   No. Acceptance of emergency disaster relief will not be considered public cash assistance preventing you from becoming a resident. You will not be classified as a public charge solely because you have accepted emergency disaster assistance.
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No. Acceptance of emergency disaster relief will not be considered public cash assistance preventing you from becoming a resident. You will not be classified as a public charge solely because you have accepted emergency disaster assistance.
3. If I lost my "green card" in the hurricane, how can I get a replacement?

You need to fill out a form I-90 and file it in person at the Miami District Office located at 7880 Biscayne Boulevard. Other locations may become available to accept these applications. Along with the I-90 you must submit two recent residency photographs (2" x 2", color with a white background) and a cashier's check or money order for $70.00.

4. If I lost my work permit in the hurricane, how can I get a replacement?

You need to fill out immigration form I-765. If you have a photocopy of your lost work permit, attach it to the I-765. Also include a photocopy of any applications or documents which entitle you to receive a work permit, such as an application for asylum, suspension of deportation, or adjustment of status. A $60.00 cashier's check or money order must be included to obtain a replacement work permit. You must mail the I-765 to INS Employment Authorization Unit, 7880 Biscayne Boulevard, Miami, Florida 33138.

5. How do I get the immigration forms I need to apply for new paper?

You can get immigration forms by mail from the INS by calling (800) 538-6046. This service is available twenty-four hours a day, seven days a week. You can get help in completing immigration forms from the agencies listed under "IMMIGRATION" at the end of this handout. These agencies may also have copies of immigration forms. If you have any concerns about your current immigration status, contact one of these agencies for legal assistance before applying for a green card or a work permit, because if you are not eligible you will lose your money.

6. Do I need to let INS or the immigration court know that I have moved as a result of the hurricane?

If you have a pending case, you are required to inform the immigration court of any change in address or telephone within five days of moving. Notice of a change of address is made on immigration form EOIR-33, which should be sent certified mail to: U.S. Department of Justice, EOIR, Office of the Immigration Judge, P.O. Box 381139, Miami, Florida 33238-1139. If you cannot obtain this form, mail a letter to the above address. In the letter include your name, alien registration number, and new address and telephone number.

If your case is pending before the asylum unit, notice of a change of address must be sent to: Miami Asylum Office, 701 S.W. 27th Avenue, Suite 1400, Miami, Florida 33135.

If your case is pending before the Immigration Service, notice of change of address should be sent to: 7880 Biscayne Boulevard, Miami, Florida 33138.

Be sure to include your alien registration number on all letters or forms sent to INS. If you are in a shelter or tent site because your home was damaged, you should provide the address of a relative or friend who can receive your mail until you are able to obtain other housing.

IV. DISASTER RELIEF (FEMA)

1. What kinds of benefits does FEMA provide?

The Federal Emergency Management Agency (FEMA) is an umbrella organization that coordinates state and federal government benefits for disaster victims, and determines eligibility for Temporary Housing Assistance (THA).

FEMA Disaster Assistance Centers (DAC) provide a central location for disaster victims to apply for Temporary Housing Assistance (THA), state-administered Individual and Family Grants (IFG), Unemployment Compensation benefits (UC), Food Stamps, Emergency Grants for Migrant and Seasonal Farmworkers, and SBA business and homeowners' low interest loans. FEMA DAC also offer legal advice, advice on Veteran's Administration benefits, and on amending income tax returns to reflect losses due to the disaster. The DAC site is listed at the end of this article.

2. Who is eligible for Temporary Housing Assistance (THA)?

You must have applied for temporary housing assistance (THA) on or before February 19, 1993. You must show that your primary residence has been made uninhabitable or that you are no longer living there because of the disaster. If you have insurance, you must also show that you have made reasonable efforts to obtain insurance benefits and that you have not been successful, and you must agree to repay FEMA to the extent that you later obtain insurance benefits.
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3. What kind of help can I get under THA?

Temporary Housing Assistance usually takes the form of a check to cover the cost of rent, mortgage or essential home repairs.

You may also be eligible for a FEMA trailer if you cannot obtain housing in another way. You should apply for a trailer at one of the FEMA housing centers listed at the end of this article.

You may apply for rental or mortgage assistance within six months of the disaster declaration, if you have received written notice of eviction for nonpayment of rent or mortgage. This kind of assistance may be provided for a period not to exceed eighteen months.

Money for home repairs is available for the purpose of quickly repairing or restoring the essential living areas of an owner occupied residence to a livable condition. Residents must be able to be made livable by repairs within thirty days.

4. Is any other housing assistance available?

Yes. There are special section eight housing vouchers for disaster victims which will pay up to seventy percent of your rent. In order to be eligible, your home must have been destroyed or severely damaged by the hurricane, and you must be otherwise eligible for HUD housing. The vouchers can be used anywhere in the United States and are good for up to two years.

If your home was destroyed as a result of the hurricane, you may also be eligible for special FHA mortgage which requires no down payment. You may be eligible for this assistance whether you were renting or purchasing a home in the disaster area at the time of the hurricane. You may apply for this 100% financing at your local financial institution.

5. Who is eligible for Individual and Family Grants (IFG’s)?

You must have applied for IFG on or before February 19, 1993. IFG is available to individuals and to families who have disaster related necessary expenses or serious needs and who do not have adequate assistance from other sources, such as insurance.

6. What kind of help can I get under the IFG program?

The maximum grant under the IFG program is $11,500 per family or individual. It is provided to cover necessary expenses or serious needs for essential items or services in the following categories:

7. Will IFG benefits affect my eligibility for SSI, AFDC, Medicaid or Food Stamps?

No. Individual and Family Grant benefits may not be counted either as income or resources in determining your eligibility for any income-tested programs supported by the federal government.

8. If I owe money, can my IFG benefits be taken by my creditor?

No. IFG benefits are exempt under federal law from garnishment, seizure, encumbrance, levy, execution, pledge, attachment, release, or waiver. They also cannot be assigned or transferred away from the recipient to someone else.

9. Do I have to be a U.S. citizen to qualify for IFG benefits?

No. You do not have to be a U.S. citizen or legal resident to get IFG benefits. You may qualify for these benefits even if you do not have a legal residency status. However, in order to obtain money to repair an owner occupied residence, you must show that you are the owner of the home and that you reside there.

10. Who is eligible for Small Business Administration (SBA) loans?

In order to qualify for a low interest SBA loan, you must show that your home or business was damaged by the hurricane, and that you have the ability to repay the loan.

11. What kind of help can I get from the SBA loan program?

The maximum SBA loan for a residence is $100,000. The maximum SBA loan for a business is $500,000. The interest rate is different for home and business loans, and varies depending on whether other financing is available.
3. What kind of help can I get under THA?

Temporary Housing Assistance usually takes the form of a check to cover the cost of rent, mortgage or essential home repairs.

You may also be eligible for a FEMA trailer if you cannot obtain housing in another way. You should apply for a trailer at one of the FEMA housing centers listed at the end of this article.

You may apply for rental or mortgage assistance within six months of the disaster declaration, if you have received written notice of eviction for nonpayment of rent or mortgage. This kind of assistance may be provided for a period not to exceed eighteen months.

Money for home repairs is available for the purpose of quickly repairing or restoring the essential living areas of an owner occupied residence to a livable condition. Residences must be able to be made livable by repairs within thirty days.

4. Is any other housing assistance available?

Yes. There are special section eight housing vouchers for disaster victims which will pay up to seventy percent of your rent. In order to be eligible, your home must have been destroyed or severely damaged by the hurricane, and you must be otherwise eligible for HUD housing. The vouchers can be used anywhere in the United States and are good for up to two years.

If your home was destroyed as a result of the hurricane, you may also be eligible for special FHA mortgage which requires no down payment. You may be eligible for this assistance whether you were renting or purchasing a home in the disaster area at the time of the hurricane. You may apply for this 100% financing at your local financial institution.

5. Who is eligible for Individual and Family Grants (IFG's)?

You must have applied for IFG on or before February 19, 1993. IFG is available to individuals and to families who have disaster related necessary expenses or serious needs and who do not have adequate assistance from other sources, such as insurance.

6. What kind of help can I get under the IFG program?

The maximum grant under the IFG program is $11,500 per family or individual. It is provided to cover necessary expenses or serious needs for essential items or services in the following categories:

- For the repair, replacement or rebuilding of owner occupied housing;
- To provide clothing, household items, furnishings, and appliances, tools and equipment required as a condition of employment;
- To replace or repair vehicles or provide public transportation;
- To provide medical or dental expenses;
- To pay for funeral expenses.

8. Will IFG benefits affect my eligibility for SSI, AFDC, Medicaid or Food Stamps?

No. Individual and Family Grant benefits may not be counted either as income or resources in determining your eligibility for any income-tested programs supported by the federal government.

9. If I owe money, can my IFG benefits be taken by my creditor?

No. IFG benefits are exempt under federal law from garnishment, seizure, encumbrance, levy, execution, pledge, attachment, release, or waiver. They also cannot be assigned or transferred away from the recipient to someone else.

10. Do I have to be a U.S. citizen to qualify for IFG benefits?

No. You do not have to be a U.S. citizen or legal resident to get IFG benefits. You may qualify for these benefits even if you do not have a legal residency status. However, in order to obtain money to repair an owner occupied residence, you must show that you are the owner of the home and that you reside there.

11. What kind of help can I get from the SBA loan program?

The maximum SBA loan for a residence is $100,000. The maximum SBA loan for a business is $500,000. The interest rate is different for home and business loans, and varies depending on whether other financing is available.

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V. UNEMPLOYMENT COMPENSATION

If you became unemployed because your employer’s business was destroyed or closed because of Hurricane Andrew, or you lost your job because your house or your car was destroyed, or because you were no longer able to get to work due to the hurricane, you may be entitled to receive Unemployment Compensation (UC) benefit.

1. Where can I apply for Unemployment Compensation (UC)?

You may apply for either regular Unemployment Compensation benefit at your neighborhood Unemployment Compensation office. All of the neighborhood offices are open, except for the Perrine office, which was destroyed in the hurricane. (The Homestead office is operating out of trailers at its usual location.) A list of all the place you can apply for UC is at the end of this handout.

2. When should I apply for UC and DUA?

You should apply as soon as possible since you may have to wait about four weeks before your first check is sent to you. In addition, you should plan to go to the office or site as early in the morning as possible. The offices usually open at 8:00 a.m., and there is often a very long line waiting well before 8:00 a.m. to get into the building.

3. How do I know if I am eligible for UC benefits?

You are eligible for regular UC benefits if you are an unemployed U.S. citizen, permanent or temporary U.S. resident, or you have a valid work permit, and:

a. You have filed a UC claim; and
b. You have registered for work at a local Employment Service Office; and
c. You are able to work and available for work; and
d. You meet certain wage requirements; and
e. You have served a one week waiting period; and
f. You are unemployed through no fault of your own.

Even if you meet the requirements listed above, you can be disqualified from receiving UC if:

a. You voluntarily quit your job without good cause; or
b. You were terminated because of misconduct; or
c. You refused employment without good cause.

4. What if I am told that I am not eligible for UC benefits?

If you are denied UC benefits, you have a right to appeal the decision within twenty days from the date on the decision notice. After you have appealed you will get a notice telling you about your appeal rights. If you need a translator, you should ask for one in advance. At the hearing, you will have an opportunity to explain to the appeals referee why you are entitled to UC. You should bring witnesses and documents with you to prove your case.

VI. PUBLIC EDUCATION

1. If my child was in a special program or an ESOL program last year, will (s)he be placed in the same kind of program in the new school?

Your child has a right to continue in a special program or an ESOL program. Make sure that the principal of your child’s new school knows what type of program your child was in last year, because there may be a lot of confusion with school records as a result of transfers. If your child is not placed in the kind of program (s)he needs, your child will be prevented from learning as much as (s)he can.

2. Will I need any documents to show that my child was in a special or ESOL program last year?

If your child was in a special or ESOL program in Dade County, you will not need any documents to prove that (s)he needs a special or ESOL program, because the information will be on the Dade County Public Schools computer. If your child was in a special or ESOL program outside of Dade County last year, tell the school officials or teachers. If the records from your child’s former school district are not sufficient, your child’s new school may need to test your child.

3. Will the change in schools affect my child’s graduation?

The Dade County Public Schools will do its best to make sure that all students graduate on time. If your child is in High School, it is especially important that (s)he takes all the courses needed to graduate. The Dade
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County Public Schools computer system should indicate what subjects each child has taken and what credits still need to be earned. Be sure to let the school office or teacher know if your child is assigned to a subject that (s)he has already taken. You should help to get your child's records to the guidance office or have your child's new school reconstruct his/her records so that the school can make sure that your child is taking the subjects needed to graduate.

4. What will I need to show for my child to begin school?

If your child has been a student in the Dade County Public School system before, you may register your child by giving the child's name and former address. If the child has any ID's, birth certificates, notarized statements from parents, and especially school records, this will also be helpful. You will also have to show that your child was immunized.

5. How can I prove that my child was immunized?

Your child only needs to be immunized once in his/her school career. If your child was previously enrolled in the Dade County Public Schools, that fact will be accepted as proof of immunization. Your child's new school should be able to find your child's record in its computer if you give them your former address. If your child was immunized at a public health clinic or by a private doctor, ask them for a paper indicating when the immunization was performed. You should try to get your child immunized or obtain his/her record before the first day of school if possible.

6. Where can I get my child immunized?

You can have your child immunized at a public health clinic, or by a doctor. You can call the Dade County Public Schools Help Line at 995-HELP or 995-4357 to obtain the names, addresses, and phone numbers of nearby clinics.

7. Our family has moved to another part of Dade County. Can my child attend the public school in our new neighborhood?

Yes. The school system expects many children to be reporting for schools far from their previous school. It is best to enroll your child in the school near where you are actually living. It would be helpful but not necessary if you have official school records from the old school and any evidence of your child's new address along with your ID when you register your child at his/her new school.

8. If my child is staying with relatives or friends, will (s)he be allowed to register for school where (s)he is staying?

Yes. It will help if you give the adult who is caring for your child a notarized statement authorizing him/her to care for your child, but this is not necessary. The adult with whom your child is living should register your child. The adult will need identification and (s)he needs to bring any available records on your child.

9. How can I obtain my child's school records, if I do not have copies?

Once your child is registered, his/her new school is in charge of obtaining and reconstructing school records.

10. What can I do if the local public school refuses to accept my child or refuses to place my child in a special program (s)he needs?

If you are unable to resolve your child's problem by working with the officials at the school, you should call the Office of Student Advocacy at 995-1234.

11. My child is living in another county or state now, and has started school there. Is this O.K.?

Both Broward and Monroe County schools have offered to take in Dade County students without charging any fees. Other counties in Florida are authorized to waive the usual fees for out of district students during an emergency. Other states are required to offer all educational services to their residents. Any student who intends to reside in the area for an indefinite period is a resident and should qualify for free public education.

VII. FAMILY ISSUES

1. My child is living with a relative. Will my child be able to get medical care if I cannot be reached by telephone?

If a doctor believes that your child's health or well-being will be in danger without immediate medical treatment, the doctor can provide emergency medical care and treatment without your consent. If your child's
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medical need is not an emergency and you cannot be reached, the following people can consent to your child's treatment in the following order: 1) someone to whom you gave the authority to consent to your child's medical treatment through a power of attorney; 2) your child's stepparent; 3) your child's grandparent; 4) your child's adult brother or sister; or 5) your child's adult aunt or uncle.

2. Is it still possible to do something about violence in our home?

A natural disaster such as Andrew causes a great deal of stress on everyone. This can lead to increased tension and violence in family and household units. You can obtain a protective injunction from the Dade County Circuit Court at the Metro Justice Building, 1351 N.W. 12th Street, Miami, or at any branch Courthouse (even the one in Cutler Ridge). Free counselling is also available for victims and families facing increased stress and tension. See answer to question 4 below.

3. What can be done about child abuse or neglect?

The same tension and stress which leads to domestic violence can also cause child abuse or neglect. You can report abuse by calling the statewide Child Abuse Registry at 1-800-96-ABUSE. The Child Abuse Registry should refer appropriate cases to the Hurricane Relief Fund for Dade Foster Kids, and try to get immediate relief for families to prevent separation. The Registry should also take appropriate action when it is necessary to remove children to protect them. It is important for families to know that if their children are removed, they have the right to a court hearing and a right to have a lawyer appointed to represent them. Homelessness alone should never be the reason for separating families. Instead HRS should work to help a family find housing assistance to stay together. Free counselling is also available. See answer to question four below.

4. How can I get counseling for myself or my family?

Free Operation Snap Back group counselling related to the storm is available through Family Counselling Services at 379-5720 and Jewish Family services at 445-0555. Individual and family counselling is also available through Family Counselling services in North Dade at 653-9908, West Dade at 279-3722 and central Dade at 379-5730. Similar services will be established as soon as possible in South Dade and can be located by calling 379-5730. Other services are being offered on a daily basis. You can find a listing in the latest edition of the Miami Herald which reports on assistance in the aftermath of the Hurricane. Additional counselling is also be available for children through the school system when school starts.

VIII. FOOD STAMPS

A. Expedited Food Stamps

1. What are expedited Food Stamps?

Expedited food stamps are available to very needy persons within five calendar days of application. The expedited process is part of the regular food stamp program application process.

2. How do I know if I am eligible for expedited Food Stamps?

To be eligible for expedited Food Stamps, you must show one of the following:

a. you or your household has no more than $150 in monthly income before taxes, and $100 or less in cash and bank accounts; or
b. your basic shelter and utility expenses are greater than your present income and resources combined; or
c. you are homeless; or
d. you are a migrant or seasonal farmworker household with $100 or less in cash and bank accounts.

3. What verification do I need for expedited Food Stamps?

You must only be able to verify that you are who you say you are by showing documents bearing your name, or by having someone say they know you.

4. Do I have to meet any other eligibility requirements?

You will be asked for verification of your immigration status, your social security number, your income and your expenses at the time you apply. However, you will be eligible for expedited food stamps within five days after you apply even if all of the verification cannot be obtained.

5. How long do expedited food stamp benefits last?

You can only get expedited food stamps for one month. After that, you
medical need is not an emergency and you cannot be reached, the following people can consent to your child’s treatment in the following order: 1) someone to whom you gave the authority to consent to your child’s medical treatment through a power of attorney; 2) your child’s stepparent; 3) your child’s grandparent; 4) your child’s adult brother or sister; or 5) your child’s adult aunt or uncle.

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6. If I do not qualify for expedited food stamps, can I still get regular food stamps?

Yes. HRS must process your food stamp application within thirty days and mail you a written decision stating whether you are eligible and the amount of benefits to which you are entitled. If you are denied benefits or you do not receive them within thirty days of your application, and you believe you are entitled to them, you can call Legal Services of Greater Miami.

B. Regular Food Stamps

1. There are long lines at the food stamp office in my area, and it is hard to get my food stamps or apply for new stamps. Can I go somewhere else?

If you are applying for food stamps for the first time, you can apply at the food stamp office in Dade County, which serves your zip code or neighborhood.

You can also go to any food stamp office in Dade or Broward Counties to pick up your food stamps so long as your case is active and is on HRS’ computers. You should bring your identification and your food stamp card when you go to collect your food stamps. The location of the three Broward County food stamp offices nearest to Dade County are:

- 7261 Sheraton Street, Hollywood
- 311 North State Road 7, Plantation
- 1350 South Pompano Way, Pompano Beach

IX. AFDC BENEFITS

1. Could I be eligible for AFDC even if I never was before?

Yes. If you live in the same household as your minor children, you are poor, and the other parent of your children either does not live in your household or is unemployed, you may be eligible for AFDC. You should apply at the HRS office nearest to you. A list of HRS offices is provided at the end of this handout. If you are denied benefits, or if HRS takes longer than forty-five days to make a decision in your case, call Legal Services.

2. Could my family be eligible for AFDC even if we are a two parent family, if the principal wage earner in the household is unemployed?

Yes. Your family might be eligible and you should apply at your closest HRS office. Unfortunately, the AFDC program can take up to 45 days from the date of your application to provide benefits. If you are denied or HRS takes longer than forty-five days to issue you benefits, call or come by Legal Services.

X. MEDICAID BENEFITS

1. What if my Medicaid card is lost next month?

You should go to an HRS office and ask for a form 2040 as temporary proof of Medicaid eligibility to show to your pharmacy, doctor, or clinic.

2. Could I be eligible for Medicaid now even if I never was before?

Yes. If you are pregnant, have young children, are disabled, elderly, or an unemployed head of household, you and your family may be eligible for Medicaid depending on your immigration status, income, resources, and the size of your household. You should apply at an HRS office. If you are denied or you do not receive a decision within forty-five days, call Legal Services.

XI. SOCIAL SECURITY AND SSI BENEFITS

1. Could I be eligible now even if I never was before?

If you are blind, over the age of sixty-five, or disabled and cannot perform any kind of work, you should apply for benefits at the Social Security office nearest you. You can also start an application by calling the Social Security Administration’s toll free telephone number (1-800-772-1213). Once Social Security has all the necessary documentation, such as proof of earnings, and medical evidence of disability, they will send you a written decision. If you are denied and you think you are eligible, you
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should file a request for reconsideration within sixty-five days of the date of the initial decision. If you are denied again, you should request a hearing and contact Legal Services.

2. Are there any other benefits besides old age and disability benefits for which I might be eligible?

Yes. You may be eligible for other kinds of Social Security or SSI benefits: on your own account; or on the account of another if you want to retire; or you are an aged or disabled widow or widower, or you are the dependent family member of a disabled, retired or deceased worker. If you think you are eligible for any of these benefits, you should contact the Social Security Administration and apply.

XII. DIRECTORY

A. Hotlines & Telephone Assistance

Child Abuse Registry (800) 96-ABUSE

Dade County Public Schools HELP LINE 995-HELP / 995-4357

FEMA Information (800) 257-1407

FEMA Registration by phone (800) 462-9029

FEMA Assistance for speech or hearing impaired (800) 462-7585

Florida Department of Insurance Consumer Hotline (800) 528-7044

Legal Services of Greater Miami, Inc. (800) 974-2954

Legal Hotline for Older Floridians 576-5997

Medicaid Confirmation (800) 289-7799 / 498-4665

Office of Student Advocacy 995-1234

Operation Snap Back (Family Counselling) 379-5720

North Dade

West Dade

South Dade

Social Security Administration (800) 772-1213

AILA Pro Bono Project Haitian Refugee Center

225 N.E. 34 Street, Suite 300 119 N.E. 54 Street

Miami, Florida 33137 Miami, Florida 33137

576-0080 757-8538

South Dade Immigration Association Lutheran Ministries

21 South Krome Avenue 100 N.W. 37 Avenue, 5th Floor

Homestead, Florida 33030 Miami, Florida 33125

247-4779 642-6822

C. Unemployment Compensation Offices

Miami Claims Office Hialeah Claims Office

401 NW 2nd Avenue, Room N-207 4102 West 12th Avenue

Miami, Florida Hialeah, Florida

Key West Claims Office Fort Lauderdale Claims Office

3133 Riviera Drive 2660 W. Oakland Park Blvd.

Key West, Florida Fort Lauderdale, Florida

Naples Claims Office Immokalee Claims Office

1034 6th Avenue N. 210 S. First Street

Naples, Florida Immokalee, Florida

Hollywood Claims Office Marathon Job Service Office

6151 Miramar Pkwy. 1400 Overseas Hwy., Room 202

Room 1091 Marathon, Florida

Hollywood, Florida

Homestead Temp (Trailers) W. Homestead Elementary

381 N. Krome Avenue 1550 SW 6th Street

Homestead, Florida Homestead, Florida
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1993

North Dade 653-9908
West Dade 279-3722
South Dade 379-5730

Social Security Administration (800) 772-1213

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Room 1091 Marathon, Florida
Hollywood, Florida

Homestead Temp (Trailers) W. Homestead Elementary
381 N. Krome Avenue 1550 SW 6th Street
Homestead, Florida Homestead, Florida

Published by NSUWorks, 1993
**Dislocated Workers Assistance Center**
4990 NW 36th Street
Miami, Florida

**FEMA Assistance Centers**
Cutler Ridge Mall
U.S. 1 & Florida Turnpike

**FEMA Housing Centers**
Perrine Homestead Florida City
9843 SW 184 St. 950 Krome Ave. 499 W. Palm Dr.

**HRS Offices (Food stamps, Medicaid and AFDC)**

For information call:

<table>
<thead>
<tr>
<th>English</th>
<th>(800) 4-HRS-181</th>
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<tr>
<td>Spanish (Espanol)</td>
<td>(800) 4-HRS-960</td>
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**Office Locations**

1) Juanita Mann 7900 NW 27 Avenue
2) West Dade 9766 SW 24 Street
3) Hialeah South 5700 NW 37 Avenue
4) *Little Havana 970 SW 1st Street
5) Caleb 5400 NW 22 Avenue
6) Hialeah North 245 West 74 Place
7) Northeast Dade 18301 North Miami Avenue
8) Opa Locka 3400 NW 135 Street
9) **Jackson Memorial Hospital**

<table>
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<th>Legal Services of Greater Miami</th>
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<tr>
<td>10) Miami Beach 1132 Sixth Street</td>
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<tr>
<td>11) North Central 7900 NE 2nd Avenue</td>
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<tr>
<td>12) Coconut Grove 3750 South Dixie Hwy</td>
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<tr>
<td>13) Central 701 SW 27 Avenue</td>
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<td>14) Culmer 1600 NW 3 Avenue</td>
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</table>

*Little Havana and Culmer provides Food Stamp issuance only.

**Jackson Memorial Hospital does not issue Food Stamps.**

**Other Government Agencies**

INS Employment Authorization Unit (305) 536-5741

Immigration & Naturalization
Miami District Office
7880 Biscayne Boulevard
Miami, Florida 33138

US Dept of Justice, EOIR
Office of the Immigration Judge
P.O. Box 381139
Miami, Florida 33238-1139

Miami Asylum Office
701 SW 27 Avenue
Suite 1400
Miami, Florida 33135
et al.: Recovering From Hurricane Andrew: Your Legal Rights

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Miami, Florida

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Cutler Ridge Mall
U.S. 1 & Florida Turnpike

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Miami District Office
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Restrictions Against the Use of Hurricane Shutters: Are They Enforceable After Hurricane Andrew?

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I. INTRODUCTION

In the wake of Hurricane Andrew, many homeowners have discovered that there is more to a deed than merely a conveyance of title to reality. Many housing developments and planned unit developments are governed by deed restrictions which limit the use of properties within these developments. One such restriction is to prohibit the use of hurricane shutters.

* The author wishes to thank the following people for their invaluable insight and help: Ronald Benton Brown, Professor of Law, Nova University Shepard Broad Law Center, Fort Lauderdale, Florida; Joseph M. Grohman, Associate Dean for External Affairs and Professor of Law, Nova University Shepard Broad Law Center, Fort Lauderdale, Florida; Ellen Hirsch, Attorney at Law, Becker & Poliakoff, P.A., Fort Lauderdale, Florida; and everyone else who contributed to this article.

1. Called "PUD" for short and defined as "a device which has as its goal a self-contained mini-community, built within a zoning district, under density and use rules controlling the relation of private dwellings to open space, of homes to commercial establishments, and of high income dwellings to low and moderate income housing." BLACK'S LAW DICTIONARY 1233 (6th ed. 1990).

2. For the purpose of this article, the term "deed restriction" means that there is a land use restriction expressed in a deed to property or a separate document, other than a deed, usually called a declaration of covenants and restrictions. Telephone interview with Ellen Hirsch, Attorney at Law, Becker & Poliakoff, P.A., Fort Lauderdale, Fla. (Dec. 29, 1992).

3. Id.

4. Some of the most common land use restrictions are ones that give homeowners' associations basic architectural control over community developments and each individual lot therein, or require that no material alterations or additions be made to homes without prior approval. Id. Because the installation of hurricane shutters can change the architectural