

**Proposed Rule**  
LSA Document #10-481

DIGEST

Amends [290 IAC 1-1-1](#) through [290 IAC 1-1-6](#). Adds [290 IAC 1-1-0.5](#), [290 IAC 1-1-2.5](#), [290 IAC 1-1-7](#), and [290 IAC 1-2](#) and replaces the emergency administrative rule that is currently in effect. Effective 30 days after filing with the Publisher.

[IC 4-22-2.1-5 Statement Concerning Rules Affecting Small Businesses](#)

[290 IAC 1-1-0.5](#); [290 IAC 1-1-1](#); [290 IAC 1-1-2](#); [290 IAC 1-1-2.5](#); [290 IAC 1-1-3](#); [290 IAC 1-1-4](#); [290 IAC 1-1-5](#); [290 IAC 1-1-6](#); [290 IAC 1-1-7](#); [290 IAC 1-2](#)

SECTION 1. [290 IAC 1-1-0.5](#) IS ADDED TO READ AS FOLLOWS:

**ARTICLE 1. STATE DISASTER RELIEF FUND**

**Rule 1. Public Assistance Grants Eligibility; Application Procedures**

**[290 IAC 1-1-0.5](#) Purpose**

Authority: [IC 10-14-4](#)

Affected: [IC 10-14-4](#)

**Sec. 0.5. The state disaster relief fund is established to:**

- (1) provide financial assistance to eligible entities for the costs of repairing, replacing, or restoring public facilities or individual residential real or personal property damaged or destroyed by a disaster; and**
- (2) assist eligible entities in paying for the response costs incurred by an eligible entity during a disaster.**

*(Department of Homeland Security; [290 IAC 1-1-0.5](#))*

SECTION 2. [290 IAC 1-1-1](#) IS AMENDED TO READ AS FOLLOWS:

**[290 IAC 1-1-1](#) Definitions**

Authority: [IC 10-14-4-11](#)

Affected: [IC 10-14-3-1](#); [IC 10-14-3-17](#); [IC 10-14-4](#); [IC 10-19-2-1](#); [IC 10-19-3-1](#)

Sec. 1. (a) The definitions in this section apply throughout this rule.

**(b) "Active disaster" means any damaging event currently under consideration by the department for funding under the state disaster relief fund.**

~~(b)~~ **(c) "Applicant" means any:**

- (1) county;**
- (2) city; or**
- (3) town; or**
- (4) township;**

whose executive submits an application for a grant pursuant to ~~[IC 10-4-1-29](#)~~ under [IC 10-14-4](#).

~~(c)~~ **(d) "Applicant's agent" means the person who is authorized by the governing body executive of the**

**applicant** to act on behalf of the applicant in administering grants for a grant.

(e) **"County emergency management director"** means the individual as described in [IC 10-14-3-17\(d\)\(2\)](#).

~~(d)~~ (f) **"Damage assessment"** means a comprehensive assessment of all public damages to public facilities to include verifiable estimates of repair or replacement costs.

~~(e)~~ (g) **"Department"** means the state emergency management agency. **Indiana department of homeland security established under [IC 10-19-2-1](#).**

~~(f)~~ (h) **"Director"** has the meaning as set forth in [IC 10-4-1-3-5](#); **means the executive director of the department appointed under [IC 10-19-3-1](#).**

~~(g)~~ (i) **"Disaster"** has the meaning as set forth in [IC 10-4-1-3](#)(3); **[IC 10-14-3-1](#).**

~~(h)~~ **"Emergency management director"** means the individual as described in [IC 10-4-1-10\(f\)](#) or [IC 10-4-1-10\(h\)](#).

~~(i)~~ **"Emergency management program"** means a program as described by [IC 10-4-1-9](#) and [IC 10-4-1-10](#).

(j) **"Disaster response costs"** means the additional expenses incurred by an eligible entity during a disaster for debris removal deposited within the public right of way and equipment costs at the rates contained in the department's state public assistance plan, as in effect on the date of the disaster. The term also includes the costs incurred for state verification surveys conducted by the state or a local unit of government at the written direction of the department.

(k) **"State public assistance plan"** means the plan prepared by the public assistance branch of the response and recovery division of the department, which plan contains the current equipment usage rates approved by the Federal Emergency Management Agency.

(l) **"Uninsured loss"** means a financial loss to an eligible public assistance applicant due to the costs of repair, restoration, or other actions relating to an eligible category of damages under section 5 of this rule to property that is owned by, maintained by, or operated by or on behalf of an eligible applicant, and which financial loss is not compensated by insurance. The term does not include a deductible amount the insured applicant must pay before any insurance proceeds are paid.

*(Department of Homeland Security; [290 IAC 1-1-1](#); filed Jan 25, 2001, 11:15 a.m.; 24 IR 1608; readopted filed Sep 25, 2007, 9:07 a.m.; [20071010-IR-290070492RFA](#))*

SECTION 3. [290 IAC 1-1-2](#) IS AMENDED TO READ AS FOLLOWS:

### **[290 IAC 1-1-2](#) Application procedures**

**Authority:** [IC 10-14-4-11](#)

**Affected:** [IC 10-14-4](#)

Sec. 2. (a) Eligible local government applicants suffering disaster damages shall apply for a state disaster relief fund **public assistance** grant as follows:

(1) Meet the eligibility requirements as set forth in section 3 of this rule.

(2) Complete the state disaster relief fund grant application form provided by the department **with including** the following information:

(A) The name and title of the person who will act as the applicant's agent.

(B) A description of the damages and verifiable repair costs by category, as set forth in section 5 of this rule.

(C) The physical address of the applicant.

(D) The mailing address of the applicant.

(E) The office phone number of the applicant.

(F) The amount and scope of insurance coverage held by the applicant.

(G) Identify any costs of services ~~and/or~~ **or** refunds, **or both**, that were or will be provided at no cost or recouped, such as expected or actual insurance settlements and donations of services ~~and/or~~ **or** materials, **or both**.

(H) A signed statement by the applicant's executive that the damaged public facility is the responsibility of the applicant.

**(I) Other information as required by the department to make eligibility and award determinations.**

(3) Submit the application to the ~~director of the department within thirty (30)~~ **ninety (90)** days following the governor's declaration of the state of disaster emergency. ~~or within thirty (30) days following the federal government's denial of the governor's request for federal disaster assistance, whichever is later.~~

~~(b) Applications will be reviewed and acted upon by the department. Applicants will be notified of the decision of the department within fifteen (15) working days of receipt of a properly completed application.~~

~~(c) The decision granting or denying, in whole or in part, the application for a state disaster relief grant shall be issued by the department in accordance with the requirements of Indiana Code 4-21.5-3-5. If a petition for review is subsequently granted under [IC 4-21.5-3-7](#), the department shall conduct the resulting administrative proceeding.~~

~~(d) State disaster relief fund grants will be made in the following manner:~~

~~(1) Grant amounts will be determined in accordance with the formulae specified in [IC 10-4-1-29](#) and the provisions of this rule.~~

~~(2) A warrant will be issued to the applicant identified on the grant application within thirty (30) days of grant approval.~~

**(b) As provided in section 2.5 of this rule, the grant ordinarily will be provided on a reimbursement basis. If the applicant believes that it will need a working capital advance to be able to cover its expected disbursement needs during the initial stages of its rebuilding and recovery projects, the applicant may request a working capital advance. If the applicant is requesting a working capital advance, the applicant must include the following information in its grant application:**

**(1) The amount of the working capital advance being requested.**

**(2) The bases for this amount.**

**(3) Information sufficient to demonstrate that it will not be able to proceed with the project unless a working capital advance is provided.**

**(c) Not more than fifty percent (50%) of the estimated project total may be advanced.**

*(Department of Homeland Security; [290 IAC 1-1-2](#); filed Jan 25, 2001, 11:15 a.m.: 24 IR 1609; readopted filed Sep 25, 2007, 9:07 a.m.: [20071010-IR-290070492RFA](#))*

SECTION 4. [290 IAC 1-1-2.5](#) IS ADDED TO READ AS FOLLOWS:

#### **[290 IAC 1-1-2.5](#) Grant award**

**Authority:** [IC 10-14-4-11](#)

**Affected:** [IC 4-21.5-3-5](#); [IC 4-21.5-3-7](#); [IC 10-14-4-7](#); [IC 10-14-4-8](#)

**Sec. 2.5. (a) Applications will be reviewed and acted upon by the department. The decision to grant or deny, in whole or part, the application for a state disaster relief fund public assistance grant shall not be made until it is determined whether the applicant will be eligible to receive federal public assistance disaster funds.**

**(b) The decision granting or denying, in whole or in part, the application for a state disaster relief fund public assistance grant shall be issued by the department in accordance with the requirements of [IC 4-21.5-3-5](#). If a petition for review is subsequently granted under [IC 4-21.5-3-7](#), the department shall conduct the resulting administrative proceeding.**

**(c) State disaster relief fund public assistance grants will be made in the following manner:**

(1) After all applications have been received for a specific disaster, the department will determine the amount of public assistance state disaster relief funds available to provide grants for the disaster. The amount shall not exceed forty percent (40%) of the total amount in the state disaster relief fund as of the date of the governor's disaster declaration. If there is more than one (1) active disaster, the department may apportion the available public assistance state disaster relief funds among the active disasters.

(2) The grant amount to each applicant shall also not exceed the amount determined using the formula specified in [IC 10-14-4-7](#) or [IC 10-14-4-8](#), whichever is applicable. If the total of all of these grants would exceed the amount of public assistance disaster relief funds allocated for the specific disaster, each grant shall be reduced by an equal percentage so that the total of all the grants equals the amount of public assistance state disaster relief funds allocated to provide grants for the specific disaster.

(d) The state disaster relief fund public assistance grant will be provided to a grantee on a reimbursement basis unless the applicant has applied for and the department has approved a working capital advance for the project. If the department does provide the grantee with a working capital advance for the project, any further payment of the grant funds shall be reimbursements of the grantee's actual disbursements.

(Department of Homeland Security; [290 IAC 1-1-2.5](#))

SECTION 5. [290 IAC 1-1-3](#) IS AMENDED TO READ AS FOLLOWS:

#### [290 IAC 1-1-3](#) Public assistance eligibility requirements

Authority: [IC 10-14-4-11](#)

Affected: [IC 10-14-3-29](#); [IC 10-14-4](#)

Sec. 3. (a) Applicants must comply with the requirements of [IC 10-4-1-29](#) [IC 10-14-4](#) and meet all of the following eligibility requirements for the state disaster relief fund:

- (1) Maintain an emergency management program or be incorporated into a county emergency management program that is established before the disaster.
- (2) Maintain a current applicable emergency operations plan, which shall have been implemented in a timely manner at the beginning of the disaster.
- (3) Declare a state of local disaster emergency **in the applicant jurisdiction** in accordance with [IC 10-4-1-23](#) [IC 10-14-3-29](#) and have expediently transmitted a copy of the declaration to the department **not more than seventy-two (72) hours after the local disaster emergency has been declared.**
- (4) Verify the commitment of local resources by means of a signed statement by the applicant's executive.
- (5) Conduct a local damage assessment, including verifiable repair costs, transmitting the results, **in writing**, to the department through the county emergency management director ~~in a timely manner.~~ **not more than twenty-one (21) days after the date of the local disaster emergency declaration.**
- (6) **Must have damage in one (1) or more of the categories listed in section 5 of this rule in an amount equal to or greater than one hundred percent (100%) of the FEMA Public Assistance Per Capita Indicator as published in 44 CFR Part 206 as in effect on the date of the declaration described in subdivision (4).**

(b) An applicant that is eligible to receive federal public assistance disaster funds pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (referred to as the Stafford Act - 42 U.S.C. 5721 et seq.) is not eligible to receive a state disaster relief fund public assistance grant.

(Department of Homeland Security; [290 IAC 1-1-3](#); filed Jan 25, 2001, 11:15 a.m.: 24 IR 1609; readopted filed Sep 25, 2007, 9:07 a.m.: [20071010-IR-290070492RFA](#))

SECTION 6. [290 IAC 1-1-4](#) IS AMENDED TO READ AS FOLLOWS:

#### [290 IAC 1-1-4](#) Inspection and returned funds

Authority: [IC 10-14-4-11](#)

Affected: [IC 10-14-4](#)

Sec. 4. (a) Inspections of the projects funded by the **state** disaster relief fund may be made by a representative of the department at any time. ~~Audits of contracts, force account work, and receipts may be conducted for a period of up to three (3) years to verify grant approved use of grant funds.~~ **The department may request an audit by the state board of accounts of any grant. Both the department and the applicant shall maintain records of all grant applications and grant files for three (3) years after completion of the project or projects funded by the grant to enable such an audit to be completed.**

(b) Grant funds found by the ~~director~~ **department** to have been spent in a manner inconsistent with the specific purpose for which the applicant originally applied:

- (1) shall be refunded by the applicant and returned to the **state** disaster relief fund; and
- (2) the department may, in addition to the amount of the inappropriately spent grant funds, seek reimbursement for all costs associated with the collection of the ~~improperly~~ **inappropriately** expended grant funds.

(Department of Homeland Security; [290 IAC 1-1-4](#); filed Jan 25, 2001, 11:15 a.m.: 24 IR 1609; readopted filed Sep 25, 2007, 9:07 a.m.: [20071010-IR-290070492RFA](#))

SECTION 7. [290 IAC 1-1-5](#) IS AMENDED TO READ AS FOLLOWS:

**[290 IAC 1-1-5](#) Available categories of public assistance**

**Authority:** [IC 10-14-4-11](#)

**Affected:** [IC 10-14-4-5](#)

Sec. 5. (a) State disaster relief fund assistance is available **to provide financial assistance to assist eligible entities in paying** for the **costs of** repair, restoration, or actions relating to the following categories of damages owned by, maintained by, or operated by or on behalf of an eligible applicant:

- (1) For **response costs incurred by an eligible public assistance entity during a disaster for** debris removal, ~~wind generated materials, mud, and/or woody materials resulting from flooding,~~ deposited within the public right-of-way **and equipment costs at the rates contained in the department's state public assistance plan, as in effect on the date of the disaster.**
- (2) For **publicly-owned** transportation systems, roads, streets, highways, bridges, ~~or~~ **and** other public way ways and their necessary appurtenances.
- (3) For ~~publicly-owned~~ **publicly-owned** buildings and structures.
- (4) For **publicly-owned** water control facilities, dams, levees, dikes, ditches, and other drainage ~~and/or~~ **or** flood control, **or both**, devices.
- (5) For **publicly-owned** recreation facilities, parks, and recreation facilities.
- (6) For ~~public~~ **publicly-owned** utilities:
  - (A) sanitary sewer systems, storm sewers, lift stations, or wastewater treatment facilities; and
  - (B) water treatment, water storage, or water distribution facilities.
- (7) For other ~~improvements or~~ infrastructure owned by or operated by or on behalf of an eligible **public assistance** applicant.

(b) Any costs relating to snow removal are not eligible.

**(c) Financial assistance to an eligible public assistance entity is limited to uninsured losses for the available categories of public assistance.**

**(d) In accordance with [IC 10-14-4-5](#), the state disaster relief fund is available to allow the department to pay for disaster response costs, including state verification surveys conducted by the state or a local unit of government at the written direction of the department.**

(Department of Homeland Security; [290 IAC 1-1-5](#); filed Jan 25, 2001, 11:15 a.m.: 24 IR 1609; readopted filed Sep 25, 2007, 9:07 a.m.: [20071010-IR-290070492RFA](#))

SECTION 8. [290 IAC 1-1-6](#) IS AMENDED TO READ AS FOLLOWS:

## **290 IAC 1-1-6 Duplication of benefits prohibited**

**Authority:** IC 10-14-4-11

**Affected:** IC 10-14-4

Sec. 6. Any damage costs recouped or services ~~and/or~~ or materials, **or both**, provided at no cost, such as any insurance settlements and donations of services or materials, will be considered in the evaluation of an application to ensure that a grant from the fund is not duplicating benefits received from other sources. The following are examples of benefits that must be identified on the application form:

- (1) Insurance settlements.
- (2) Donations of services or materials.

(Department of Homeland Security; 290 IAC 1-1-6; filed Jan 25, 2001, 11:15 a.m.: 24 IR 1610; readopted filed Sep 25, 2007, 9:07 a.m.: 20071010-IR-290070492RFA)

SECTION 9. 290 IAC 1-1-7 IS ADDED TO READ AS FOLLOWS:

## **290 IAC 1-1-7 Audits**

**Authority:** IC 10-14-4-11

**Affected:** IC 10-14-3; IC 10-14-4

Sec. 7. Random audits of grant awards may be conducted by or on behalf of the department when all eligible grant awards to public assistance applicants have been made. Audits of grant award application files and receipts may be conducted for a period of up to three (3) years after the grant award to verify approved use of grant funds. In addition, grant application files may be audited to ensure that an application was properly processed even if no grant was awarded to the applicant.

(Department of Homeland Security; 290 IAC 1-1-7)

SECTION 10. 290 IAC 1-2 IS ADDED TO READ AS FOLLOWS:

## **Rule 2. Individual Assistance Eligibility; Application Procedures**

### **290 IAC 1-2-1 Definitions**

**Authority:** IC 10-14-4-11

**Affected:** IC 10-14-3-1; IC 10-14-4-13; IC 10-19-2-1; IC 10-19-3-1; IC 25-4; IC 25-31

Sec. 1. (a) The definitions in this section apply throughout this rule.

(b) "Affected area" means the county or counties that are included in the USSBA disaster declaration.

(c) "Amount of loss" means the total estimated loss suffered by the applicant that:

- (1) may be compensated; and
- (2) shall be:
  - (A) not less than five hundred dollars (\$500); and
  - (B) not more than five thousand dollars (\$5,000).

(d) "Applicant" means any individual who submits an application on behalf of a household for financial assistance under IC 10-14-4.

(e) "Certification" means that part of the application where the applicant must certify that he or she is not engaging in any fraudulent conduct.



(f) "Compensation" means a grant not to exceed five thousand dollars (\$5,000) per household for any loss of real or personal property suffered by the applicant as a direct result of an event for which the USSBA declared a disaster.

(g) "Damage assessment" means a comprehensive assessment of all damages to include verifiable estimates of repair or replacement costs.

(h) "Department" means the Indiana department of homeland security established under [IC 10-19-2-1](#).

(i) "Director" means the executive director of the department appointed under [IC 10-19-3-1](#).

(j) "Disaster" has the meaning set forth in [IC 10-14-3-1](#).

(k) "Disaster response costs" means the additional expenses incurred by an eligible individual in removing damaged improvements, furnishings, and debris from the home site. The term also includes the costs incurred for state verification surveys for individual assistance conducted by the state or a local unit of government at the written direction of the department.

(l) "Eligible items" means the following for individual assistance applicants:

- (1) General repairs to the applicant's primary residence, including mobile home repairs.
- (2) Utilities replacement or repairs.
- (3) Heating, ventilating, or air conditioning equipment replacement or repairs.
- (4) Personal property, including, without limitation, clothing, appliances, essential tools for employment or school, repairs, or replacement.
- (5) Motor vehicles that are essential transportation and currently registered to the applicant.

(m) "FEMA" means the United States Federal Emergency Management Agency.

(n) "Individual disaster assistance program" means the program described in the provisions of [IC 10-14-4-13](#).

(o) "Nature of loss" means damage or loss of eligible items.

(p) "Proof of loss" means documentation required as part of the application process described in section 2 of this rule and including, without limitation, one (1) or more of the following:

- (1) A damage report of a damage estimate from the following:
  - (A) A contractor regularly engaged in the business of disaster damage repair or replacement.
  - (B) A professional engineer registered under [IC 25-31](#) or a registered architect registered under [IC 25-4](#).
  - (C) An employee of a local, state, or federal government agency.
- (2) An invoice from any person described in subdivision (1) that documents the nature of loss and eligible items.
- (3) A letter of denial of coverage from the applicant's insurer for eligible items.

(q) "Resident" means an individual renting, leasing, or owning real property that is their primary residence within the affected area at the time of a USSBA declared disaster.

(r) "Uninsured loss" means a financial loss to an eligible individual assistance claimant resulting from damage to an item or items in an available category under section 6 of this rule belonging to an applicant who receives no insurance recovery for the loss. The term does not include a deductible amount the insured applicant must pay before any insurance proceeds are paid.

(s) "USSBA" means the United States Small Business Administration.

(t) "USSBA declared disaster" means a disaster declaration only by the USSBA.

(u) "USSBA disaster loan program" means the USSBA loan program operated pursuant to 15 U.S.C. 631 et seq.

(Department of Homeland Security; [290 IAC 1-2-1](#))

### [290 IAC 1-2-2](#) Application procedures

Authority: [IC 10-14-4-11](#)

Affected: [IC 4-21.5-3-5](#); [IC 4-21.5-3-7](#); [IC 10-14-3](#)

Sec. 2. (a) Eligible individuals and families suffering damages shall apply for individual disaster assistance program financial assistance as follows:

- (1) Meet the eligibility requirements as set forth in section 3 of this rule.
- (2) Complete the individual disaster assistance program financial assistance application form provided by the department and including the following information:
  - (A) The applicant's name, address, and telephone number.
  - (B) A description of the loss and the eligible items as a result of the disaster.
  - (C) The applicant's proof of ownership or rent receipts.
  - (D) The applicant's proof of loss.
  - (E) Other information required by the department to determine eligibility and award amounts.
- (3) Submit the application to the department not more than ninety (90) days after the denial of a USSBA disaster loan.

(b) The decision granting or denying, in whole or in part, the application for individual disaster assistance program financial assistance shall be issued by the department in accordance with the requirements of [IC 4-21.5-3-5](#). If a petition for review is subsequently granted under [IC 4-21.5-3-7](#), the department shall conduct the resulting administrative proceeding.

(c) Individual disaster assistance program financial assistance amounts shall be determined based upon the receipts or repair estimates supplied by the applicant.

(d) The total amount of individual assistance for any disaster shall be limited to forty percent (40%) of the available balance in the state disaster relief fund as of the date of the USSBA disaster declaration.

(Department of Homeland Security; [290 IAC 1-2-2](#))

### [290 IAC 1-2-3](#) Eligibility requirements

Authority: [IC 10-14-4-11](#)

Affected: [IC 10-14-3](#); [IC 10-14-4](#)

Sec. 3. Applicants shall comply with the requirements of the program and meet all of the following eligibility requirements for individual disaster assistance program financial assistance:

- (1) The applicant shall prove that he or she did not qualify for a USSBA disaster loan by presenting a copy of the letter of denial issued by the USSBA. For each USSBA agency declared disaster, the USSBA provides a list to the department of denied disaster loan applicants. If the applicant is identified by the USSBA as a denied applicant on the list, the applicant need not provide a copy of the letter of denial issued by the USSBA.
- (2) The applicant shall demonstrate that the amount of loss is an uninsured loss by:
  - (A) presenting a letter from the applicant's insurance company stating that it is an uninsured loss; or
  - (B) submission of an affidavit on a form provided by the department under penalty of perjury by the applicant that the applicant does not have insurance coverage for the amount of loss.
- (3) The applicant shall demonstrate a need for the grant by documenting proof of loss.
- (4) The applicant shall correctly complete the individual disaster assistance program financial



assistance application form.

(5) The applicant's damages must have occurred at his or her primary residence, and the applicant shall be either owner or renter of the primary residence.

(6) The applicant shall provide a copy of a deed, lease, or sworn statement of the property owner stating that the applicant does reside at the location described in subdivision (5).

(7) The applicant shall be a resident of a county included in the USSBA disaster declaration.

(8) The application shall be delivered to the department or postmarked not later than ninety (90) days after the date of the denial letter from the USSBA described in subdivision (1).

(Department of Homeland Security; [290 IAC 1-2-3](#))

#### **[290 IAC 1-2-4](#) Inspection and returned funds**

Authority: [IC 10-14-4-11](#)

Affected: [IC 10-14-3](#); [IC 10-14-4](#)

Sec. 4. (a) Inspections of the property that is the subject of the financial assistance application may be made by an inspector employed by, or authorized to act on behalf of, the department to verify the following:

(1) The damages claimed.

(2) The documents required under section 3 of this rule.

(3) General repairs, electrical repairs, utility repairs, heating and plumbing repairs, and mobile home repairs.

(4) Personal property repair or replacement costs.

(5) Transportation costs.

(6) Medical costs limited to medical equipment or devices.

(b) Verification of medical costs described in subsection (a)(6) shall consist of written verification from the physician who prescribed or recommended the medical equipment or device.

(c) Financial assistance found by the department to have been spent for a purpose other than the specific purpose for which the financial assistance was made:

(1) shall be refunded to the department by the applicant and returned to the state disaster relief fund; and

(2) the department may, in addition to the amount of the inappropriately spent financial assistance, seek reimbursement for all costs associated with the collection of the improperly expended financial assistance.

(Department of Homeland Security; [290 IAC 1-2-4](#))

#### **[290 IAC 1-2-5](#) Audits**

Authority: [IC 10-14-4-11](#)

Affected: [IC 10-14-3](#); [IC 10-14-4](#)

Sec. 5. Random audits of financial assistance may be conducted by or on behalf of the department when all eligible financial assistance to individual assistance applicants has been made and all appeals are final. Audits of financial assistance application files and receipts may be conducted for a period of up to three (3) years after the award of financial assistance to verify approved use of financial assistance funds. In addition, financial assistance application files may be audited to ensure that an application was properly processed even if no financial assistance was awarded to the applicant.

(Department of Homeland Security; [290 IAC 1-2-5](#))

#### **[290 IAC 1-2-6](#) Available categories**

Authority: [IC 10-14-4-11](#)

Affected: [IC 10-14-3](#); [IC 10-14-4-5](#)

**Sec. 6. (a)** Individual financial assistance is available for the repair of, replacement of, restoration of, or actions relating to the following categories of damages to property owned or rented by an eligible applicant:

- (1) Home repairs, building materials, electrical, plumbing and plumbing materials, floors and floor coverings, paint, hardware, and wall coverings.
- (2) Essential furnishings, such as living room furniture, bedroom furniture, and kitchen furnishings. Debris removal is allowed for damaged carpet, furniture, furnishings, appliances, and disaster generated debris on the home site.
- (3) Appliances, such as a cooking range, refrigerator, water heater, and furnace. Space heaters or portable heaters may be counted only if they are the sole source of heat for the room in the house. Air conditioners, either central units or window units, may be counted if there is a medical condition for which the appliances are required by a physician. Window fans or any other fans to move air that is used for cooling or drying wet surfaces are allowed.
- (4) Uninsured medical expenses to cover medical devices such as the following:
  - (A) Eyeglasses or contact lenses.
  - (B) Dentures.
  - (C) Wheelchairs.
  - (D) Crutches.
  - (E) Leg braces.
  - (F) Prosthetic devices.
  - (G) Motorized chairs.
- (5) Essential transportation motor vehicle repair (two (2) estimates are required). The motor vehicle must be used and essential for employment or medical care, a current license and registration to the applicant or coapplicant is required, and the motor vehicle shall be covered by the minimum motor vehicle insurance required by the state of Indiana. If the immediate need for the family is essential transportation, the entire amount of financial assistance may be used for that purpose.
- (6) Essential tools and equipment that are needed for employment shall be verified by the applicant's employer on company letterhead, with a listing of what tools or equipment are needed for the employee's job. The applicant's employer's letter shall include a statement concerning the need for tools or equipment for the performance of the job.
- (7) Most immediate need to the family/individual, that is, the individual or household, may determine how the financial assistance is to be allocated among eligible items when the value of the damage or loss to more than one (1) of the eligible items equals or exceeds the total amount of the financial assistance.

**(b)** Individual financial assistance shall not be used for costs of any of the following:

- (1) Medical care.
- (2) Injuries from the disaster.
- (3) Prescription medicines.
- (4) Allergies.
- (5) Removal of mold or mildew.

**(c)** In accordance with [IC 10-14-4-5](#), the state disaster relief fund is available to allow the department to pay for disaster response costs.

*(Department of Homeland Security; [290 IAC 1-2-6](#))*

#### **[290 IAC 1-2-7](#) Duplication of benefits prohibited**

Authority: [IC 10-14-4-11](#)

Affected: [IC 10-14-4](#)

**Sec. 7.** Duplication of benefits is prohibited. Any damage costs recouped or services or materials, or both, provided at no cost, such as any insurance settlements or donations of services or materials, will be considered in the evaluation of an application to ensure that financial assistance from the fund is not duplicating benefits received from other sources. The following are examples of benefits that must be identified on the application form:

(1) Insurance settlements.

(2) Donations of services or materials.

(Department of Homeland Security; [290 IAC 1-2-7](#))

### **[290 IAC 1-2-8](#) Recovery of duplicated payments, overpayments, or illegally expended funds**

Authority: [IC 10-14-4](#)

Affected: [IC 10-14-3](#)

**Sec. 8. When information resulting from an audit conducted under section 5 of this rule identifies financial assistance that constitutes overpayment or duplicate payment, or financial assistance that has been spent in violation of Indiana law, the department may exercise all of its legal rights to recover the financial assistance.**

(Department of Homeland Security; [290 IAC 1-2-8](#))

### **[Notice of Public Hearing](#)**

Posted: 09/15/2010 by Legislative Services Agency

An [html](#) version of this document.