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**IDAPA 16
TITLE 04
Chapter 12**

**16.04.12 - RULES GOVERNING THE
INDIVIDUAL AND FAMILY GRANT PROGRAM**

000. LEGAL AUTHORITY.

This program is authorized by Public Law 93-288, the Disaster Relief Act of 1974 and Federal Emergency Management Agency (FEMA) Regulations, 44 CFR 205.54. Pursuant to Section 56-202, Idaho Code, the Idaho Legislature has delegated to the Department of Health and Welfare the responsibility to establish and enforce such rules and regulations and such methods of administration as may be necessary or proper to administer public assistance programs within the state of Idaho. Pursuant to Section 46-1008(6)(d), Idaho Code, the Idaho Legislature has delegated to the Governor the authority to enter into agreements with the federal government for the sharing of disaster assistance expenses to include individual and family grant programs. (6-16-84)

001. TITLE.

These rules shall be cited in full as Idaho Department of Health and Welfare Rules, Title 04, Chapter 12, "Rules Governing the Individual and Family Grant Program." (6-16-84)

002. PURPOSE.

The purpose of these rules is to provide grants to individuals and families who, as a result of a presidentially declared disaster, are unable to meet disaster-related "necessary expenses" or "serious needs" up to five thousand dollars (\$5,000). (12-1-91)

003. DISCLOSURE OF INFORMATION.

The Department must restrict the use or disclosure of information obtained from applicant households to purposes directly connected with the administration or enforcement of the provisions of the Individual and Family Grant Program or federal regulations pursuant thereto. (6-16-84)

004. -- 099. (RESERVED).

100. DEFINITIONS.

01. Administrative Panel. A panel of three (3) or more Department employees appointed by the Director to determine eligibility and grant amounts. (12-31-91)

02. Assistance From Other Means. Assistance, including monetary or in-kind contributions, from other governmental programs, insurance, voluntary or charitable organizations, or from any sources other than those of the individual or family. (6-16-84)

03. Department. The Idaho Department of Health and Welfare. (6-16-84)

04. Director. The Director of the Idaho Department of Health and Welfare or his designee. (12-31-91)

05. Family. A social unit living together and comprised of a husband and wife and dependents, if any, or a household comprised of an unmarried person living with a dependent son, stepson, daughter, stepdaughter, or a dependent descendant of a son or daughter. (6-16-84)

06. Individual. An individual is a person who is not a member of a family as defined in Subsection 100.04. (12-1-91)

07. Major Disaster. Any hurricane, tornado, storm, flood, high water, wind-driven water, tidal wave, tsunami, earthquake, volcanic eruption, landslide, mudslide, snowstorm, drought, fire, explosion, or other catastrophe in any part of the United States which, in the determination of the President, causes damage of sufficient severity and magnitude to warrant major disaster assistance under the Disaster Relief Act of 1974, above and beyond emergency services by the federal government, to supplement the efforts and available resources of states, local governments, and disaster relief organizations in alleviating the damage, loss, hardship, or suffering caused thereby. (6-16-84)

08. Necessary Expense. The cost of an item or service essential to an individual or family to prevent, mitigate or overcome a disaster-related hardship, injury, or adverse condition. (6-16-84)
09. Owner-Occupied. The residence which is occupied by: (6-16-84)
- a. The legal owner; or (6-16-84)
- b. A person who does not hold formal title to the residence but is responsible for payment of taxes, maintenance of the residence, and pays no rent; or (6-16-84)
- c. A person who has lifetime occupancy rights in the residence with formal title vested in another. (6-16-84)
10. Primary Residence. A residence where the owner-occupant lives for more than six (6) months a year, or to which he has recently moved or has acquired recently to move into for the same purpose. Recreational, vacation, or primarily income-producing property does not qualify as a primary residence. Normally, a primary residence is reasonably close to the applicant's place of work or business. (6-16-84)
11. Serious Need. The requirement for an item or service essential to an individual or family to prevent, mitigate or overcome a disaster-related hardship, injury or adverse condition. (6-16-84)
12. Welfare. A state payment of Aid to Dependent Children (ADC), Old Age Assistance (OAA), Aid to the Permanently and Totally Disabled (APTD), and Aid to the Blind (AB), and/or a federal payment of Supplement Security Income (SSI). (6-16-84)

101. ABBREVIATIONS.

01. DHW. The Idaho Department of Health and Welfare. (12-31-91)
02. FEMA. Federal Emergency Management Agency. (6-16-84)
03. FHA. Farmers Home Administration. (6-16-84)
04. SBA. Small Business Administration. (6-16-84)

102. -- 149. (RESERVED).

150. CASE RECORD.

A case record must be established for each individual and family applying for assistance. (6-16-84)

151. -- 199. (RESERVED).

200. ELIGIBILITY FOR GRANTS.

01. Certification. To qualify for a grant, an individual or family representative must certify, in writing, to each of the following: (6-16-84)
- a. That application has been made to other available governmental programs for assistance to meet a necessary expense or serious need and that neither he nor they have been determined to be qualified for such assistance or, for demonstrated reasons, any assistance received has not satisfied any such necessary expense or serious need. (6-16-84)
- b. That with respect to the specific necessary expense or serious need or portion thereof for which application is made neither he, nor to the best of his knowledge, any member of his family, has previously received or refused assistance from other means. (6-16-84)
- c. That should the individual or family receive a grant and assistance from other means which later

become available to meet the necessary expense or serious need, the individual or family must refund to DHW that part of the grant for which financial assistance from other means has been received; and (6-16-84)

d. That should the individual or family receive a grant, he or they must show proof of purchase of all items specified in the grant award. (6-16-84)

02. Alienage and Residency. Individuals or families who incurred a necessary expense or serious need in the major disaster area may be eligible for assistance without regard to their alienage or their residence in the major disaster area or their residency within the state in which the major disaster had been declared. (6-16-84)

03. Flood Insurance Required. Individuals or families must purchase and maintain or agree to purchase and maintain adequate flood insurance as a condition of receiving a grant for acquisition or construction if the structure to which the assistance relates is located in a designated special flood hazard area in which the sale of flood insurance is available under the National Flood Insurance Program. (6-16-84)

a. Adequate flood insurance must be maintained for the life of the structure or for so long as the individual or family occupies the residence, whichever is less. (6-16-84)

b. Adequate flood insurance for purposes of the IFG Program means: (6-16-84)

i. For an owner-occupant, a policy providing coverage of at least five thousand dollars (\$5,000) for the structure and two thousand dollars (\$2,000) for contents. (12-1-91)

ii. For a renter, a policy providing coverage of at least five thousand dollars (\$5,000) for contents. (12-1-91)

c. If the grant recipient fails to maintain the required flood insurance, he must repay to the Department the amount of the grant he received for acquisition and construction and the amount received for the first year's flood insurance premium. (6-16-84)

d. If the grant recipient fails to maintain the required flood insurance, he will receive grant assistance only for flood damage to insurable items which exceeds the face value of the flood insurance policy had the policy been maintained. (6-16-84)

e. The cost of the first year's minimum flood insurance is considered a necessary expense for those individuals or families who are required to obtain flood insurance. (6-16-84)

f. The grant recipient must provide proof of his purchase of adequate flood insurance following disbursement of his grant. (6-16-84)

04. Disaster Loan Assistance. (6-16-84)

a. Individuals or families must make application to the Small Business Administration (SBA) for disaster loan assistance and show proof of their ineligibility for such assistance unless they certify that they: (6-16-84)

i. Suffered only personal property damage; and (6-16-84)

ii. Are unemployed; and (6-16-84)

iii. Derive more than fifty percent (50%) of their income from welfare or Social Security payments. (6-16-84)

b. Farmers, ranchers, and persons engaged in agriculture or aquaculture who are qualified to apply to the FHA or the SBA must submit proof of the denial of such loan assistance from the FHA and/or the SBA before they may be considered eligible for a grant. (6-16-84)

05. Other Credit Available. If an applicant has been denied loan assistance because, in the determination of the FHA or the SBA, he is able to obtain necessary credit from other sources, he is not eligible for grant assistance for those items or services for which assistance may be provided by the emergency loan programs of the FHA or the SBA. (6-16-84)

201. -- 299. (RESERVED).

300. ELIGIBLE CATEGORIES.

Assistance may be made available to meet necessary expenses or serious needs by providing essential items or services as set forth in Subsection 300.01. Such assistance must not exceed the amounts set forth in Section 301. (12-1-91)

- 01. Eligible Items and Services. Grants may be made for the following: (6-16-84)
 - a. Medical and dental; (6-16-84)
 - b. Housing grants with respect to private owner-occupied primary residences, including mobile homes, may be authorized to: (6-16-84)
 - i. Repair, replace, rebuild; (6-16-84)
 - ii. Provide access; (6-16-84)
 - iii. Clean or make sanitary; (6-16-84)
 - iv. Remove debris from such residences provided such debris removal is limited to the minimum required to remove health hazards or protect against additional damage to the residence; (6-16-84)
 - v. Provide minimum protective measures required to protect such residence against the immediate threat of damage; and (6-16-84)
 - vi. Move mobile homes to prevent and/or reduce the immediate threat of damage; (6-16-84)
 - c. Personal property, including: (6-16-84)
 - i. Clothing. (6-16-84)
 - ii. Household items, furnishings, or appliances. (6-16-84)
 - iii. Tools, specialized or protective clothing or equipment essential to or a condition of a wage earner's employment. (6-16-84)
 - iv. Repair, cleaning or sanitizing of any eligible personal property item. (6-16-84)
 - v. Moving and storage to prevent or reduce the immediate threat of damage. (6-16-84)
 - d. Transportation grants may be authorized to: (6-16-84)
 - i. Provide transportation by public conveyance provided the requirement for this transportation was the direct result of the disaster; and (6-16-84)
 - ii. Repair, replace, or provide private transportation, if the loss or requirement for such transportation was the direct result of the disaster, and transportation by public conveyance is inadequate or unavailable. Repair or replacement of private transportation is limited to the individual or family's primary vehicle which is designated as such by the individual or family. (6-16-84)
 - e. Funeral expenses to include only the minimum expenditures for interment or cremation; and

- (6-16-84)
- f. Rental accommodations to include motel, hotel, and other temporary accommodations. (6-16-84)
- g. The cost of the first year's minimum flood insurance premium for an individual or family required to purchase such insurance as a condition of receiving assistance. (6-16-84)
- h. The cost of obtaining two (2) estimates where the item or service is not listed in Section 301 and the cost of such item or service is reasonably expected to exceed one hundred dollars (\$100). (12-1-91)
02. Ineligible Items and Services. Assistance must not be made for any item or service in the following categories: (6-16-84)
- a. Business losses, including farm business. (6-16-84)
- b. Improvements or additions to real or personal property. (6-16-84)
- c. Landscaping. (6-16-84)
- d. Real or personal property used primarily for recreation. (6-16-84)
- e. Financial obligations incurred prior to the disaster. (6-16-84)
- f. Any necessary expense or serious need or portion thereof for which assistance was available from other means but refused by the individual or family. (6-16-84)
03. Other Categories. If an individual or family has an expense or need not specifically identified as eligible, the expense or need is to be considered allowable if, in the determination of the administrative panel, the expense is a necessary expense or the need is a serious need. (6-16-84)
04. Estimates Required. Where an eligible item or service other than medical or dental services, funerals, flood insurance, or those items of personal property listed in Section 301, can reasonably be expected to exceed a cost of one hundred dollars (\$100), the individual or family must obtain at least two (2) estimates of the cost of such item or service. The amount, if any, awarded for such item or service must not exceed the lower of the estimates. (12-1-91)

301. MAXIMUM ALLOWABLE PAYMENT/REIMBURSEMENT FOR REPLACEMENT OR REPAIR OF PERSONAL PROPERTY.

01. Household Goods and Furnishings. (7-1-93)
- a. Bedroom:
- | | |
|--|----------|
| Mattress and box springs (queen) | \$300.00 |
| Mattress and box springs (twin) | 180.00 |
| Mattress and box springs (full) | 240.00 |
| Bed frames: Queen | 40.00 |
| Full and twin | 22.00 |
| Rollaway bed and mattress (twin) | 110.00 |
| Chest, four drawer | 129.00 |
| Nightstand | 89.00 |
| Dresser | 129.00 |
| Mirror | 49.00 |
| Bedding: 2 blankets, 4 sheets, 1 thermal blanket | |
| Queen | 128.95 |
| Full | 94.93 |
| Twin | 75.95 |
| Lamp | 35.00 |

	Pillow (1 each - standard size)	3.49	
	1 blanket (1 each - queen)	20.99	(12-1-91)
b.	Baby Furniture:		
	Crib/bassinet	88.99 / 29.00	
	Crib mattress	22.99	
	High chair	48.99	
	Baby chest	119.99	
	Play pen	42.00	
	Bedding: 2 blankets, 4 sheets, comforter	60.00	(12-1-91)
c.	Miscellaneous:		
	Desk	109.99	
	Bookcase	109.99	
	Deepfreeze	399.99	
	Water heater: Gas (40 gal.)	299.99	
	Electric (40 gal.)	269.99	(6-16-84)
d.	Accessories:		
	Towels (per person):		
	Bath, hand, washcloth	10.67	(6-16-84)
e.	Living Room:		
	Divan or sofa	299.99	
	Chair	189.00	
	Coffee table	109.00	
	End table	99.00	
	Lamp	35.00	
	Drapes - 84" x 144" (per pair)	65.00	
	Curtains - 48" x 45" (per pair)	8.99	(12-1-91)
f.	Floor Covering*:		
	Vinyl (per square yard)	6.79	
	Carpeting (per square yard) - not to exceed Federal Housing Administration minimum standard in effect at time of purchase		
	* 1 running foot 9 ft. wide = 1 sq. yard		
	* 1 running foot 12 ft. wide = 1 1/3 sq. yard		(6-16-84)
g.	Miscellaneous:		
	Gas heater (15,000 BTU)	114.99	
	Gas heater (55,000 BTU)	169.99	
	Oil heater (75,000 BTU)	264.99	
	Wood heater	359.99	
	Vacuum cleaner (canister)	49.99	
	Sewing machine (portable)	145.95	
	Evaporation window cooler	199.99	
	Air conditioner	519.99	
	Chain saw, gas (14")	219.99	
	Chain saw, gas (16")	269.99	
	Chain saw, gas (20")	359.99	(6-16-84)

h.	Personal Property:		
	Stove:		
	Gas	379.99	
	Electric	319.99	
	Refrigerator:		
	Electric (cubic ft.)	469.99	
	Dining Set:		
	Table with 6 chairs	449.00	
	Table with 4 chairs	299.00	
	Cooking utensils:		
	Pots/pans/skillet	31.99	
	Dinnerware (service for 8)	79.98	
	Drinking glasses (service for 8)	10.99	
	Tableware (stainless, service for 8)	40.00	
	4 dish towels (each)	1.50 ea	
	Iron (electric)	19.99	
	Ironing board with pad and cover	33.98	
	Washer	379.99	
	Dryer:		
	Gas	349.99	
	Electric	279.99	
	Miscellaneous kitchen tools:		
	Toaster	17.99	
	Coffee pot (electric)	24.99	
			(12-1-91)
02.	Clothing.		
a.	Male - Under 6 years of age:		
	5 pants	7.00 ea.	
	6 shirts	3.99 ea	
	2 pairs shoes	15.00 ea	
	1 jacket	8.99	
	1 pajama	7.00	
	6 undershirts	8.58	
	6 undershorts	7.50	
	6 socks	5.98	
			(12-1-91)
b.	Male - Ages 6 - 12:		
	6 shirts	42.00	
	2 pants	22.00	
	6 socks	5.98	
	2 pairs shoes	25.00	
	6 undershirts	9.98	
	6 undershorts	7.50	
	1 jacket	20.00	
	1 pajama	7.00	
			(12-1-91)
c.	Male - Adult and Teenager:		
	1 suit	96.00	
	6 socks	8.99	
	2 pairs shoes	60.00	
	6 undershirts	9.99	
	6 undershorts	9.99	

	1 jacket	36.00	
	1 pajama	12.50	(12-1-91)
i.	In addition to adult and teenage male, one of the two following:		(6-16-84)
(a)	White Collar Worker:		
	4 dress shirts	10.00 ea.	
	2 work shirts	10.00 ea.	
	4 dress pants	19.00 ea.	
	2 work pants	15.00 ea.	(12-1-91)
(b)	Blue Collar Worker:		
	2 dress shirts	10.00 ea.	
	4 work shirts	10.00 ea.	
	2 dress pants	19.00 ea.	
	4 work pants	15.00 ea.	(12-1-91)
d.	Female - Under 6 years of age:		
	2 dresses	10.00 ea.	
	5 pants	9.00 ea.	
	6 blouses/shirts	20.00	
	2 pairs shoes	12.00 ea.	
	1 jacket	15.00	
	1 pajama/nightgown	5.50	
	6 panties	8.58	
	6 socks	.99 ea.	(12-1-91)
e.	Female - Ages 6 - 12:		
	2 dresses	15.00 ea.	
	4 pants	13.00 ea.	
	7 shirts/blouses	11.00 ea.	
	3 undershirts	4.29	
	2 slips	5.98	
	5 hose/socks	5.87	
	2 pairs shoes	14.00 ea.	
	1 jacket	20.00	
	1 pajama/nightgown	6.50	
	6 panties	4.77	(12-1-91)
f.	Female - Adult and Teenager:		
	2 dresses	28.00 ea.	
	3 pants	17.00 ea.	
	2 shirts	9.89 ea.	
	5 blouses	12.00 ea.	
	5 bras	6.50 ea.	
	2 slips	11.04 ea.	
	5 hose	4.09	
	2 pairs shoes	24.00 ea.	
	1 jacket	39.00	
	1 pajama	12.00	
	6 panties	9.25	(12-1-91)

i. Special Consideration:
1 women's work uniform 30.00
1 women's sweater 20.00
1 women's coat 76.66
(12-1-91)

g. Toddlers - Male and Female:
7 shirts/7 pants (set) 12.00 ea.
6 socks .67 ea.
2 pairs shoes 12.00 ea.
6 undershirts 6.28
6 undershorts 9.29
1 jacket 5.99
6 pajamas 7.00 ea.
(12-1-91)

03. Shipping Charges. Actual shipping charges for catalog mail orders and premium freight charges assessed merchants and passed along to customers as an increment in retail cost of any item must be added to the maximum allowable payment and/or reimbursement for replacement of personal property. (6-16-84)

04. Sales Tax. Idaho state sales tax must not be allowed because the state of Idaho is exempt from state sales tax. Sales tax from which the state of Idaho is not exempt is to be allowed and added to the maximum allowable payment and/or reimbursement for replacement of personal property. (6-16-84)

05. Price Disparity. Where disaster area prices vary by more than ten percent (10%) from the amounts in the price list as a result of either normal urban/rural price disparity or disaster-related inflated prices or disaster-related extraordinary demand due to shortages, the additional amount can be allowed. The case file must be documented to justify such increased allowance. (7-1-93)

302. -- 399. (RESERVED).

400. APPLICATIONS.

Applications shall be taken for sixty (60) days following a major disaster declaration from any disaster victim desiring to apply for grant assistance. (6-16-84)

01. Application Forms. Application must be made in writing on forms prescribed by the Department. (6-16-84)

02. Interview. Each individual or family representative must participate in an interview during which the interviewer must fully explain the scope and purpose of the Individual and Family Grant Program, ensure that each applicant clearly identifies on his application the specific needs or expenses for which he is seeking assistance and explain to the applicant that any approved grant must be used for the specific identified disaster-related services needs or necessary expenses. (6-16-84)

03. Extension of Filing Time Limit. An applicant must be allowed to file an application during the thirty (30) day period following the initial sixty (60) day application period if the applicant who encountered problems making him unable to file during the initial sixty (60) day period through no fault of his own. The Department will determine whether the applicant had good cause for his failure to file within the initial period. (6-16-84)

401. -- 499. (RESERVED).

500. VERIFICATION.

01. On-Site Visit. The necessary expenses and serious needs for which assistance has been requested must be verified. On-site visits are to be made by the verifier, as required, to establish serious need or necessary

expense and the results of such visit documented in the case record. (6-16-84)

02. Documentary Evidence. Where an on-site visit is not required, convincing corroborating documentary evidence must be obtained in lieu of the on-site visit. (6-16-84)

03. Documentation. A copy of any documentation used to make a determination of eligibility must be retained in the case record including any certification of loan eligibility from SBA and verification of benefits provided by the Red Cross. (6-16-84)

501. -- 599. (RESERVED).

600. ADMINISTRATIVE PANEL.

An administrative panel will review each application, and determine eligibility and grant amounts. The panel must send each applicant written notice of its determination of the applicant's eligibility and, if eligible, grant amount. (6-16-84)

601. -- 699. (RESERVED).

700. FORM OF PAYMENT.

Assistance to eligible individuals and families will be made in the form of payments directly to vendors of eligible items and services except where the individual or family presents documentary evidence that he or they have already made payment for the item or service. (6-16-84)

701. -- 899. (RESERVED).

900. OVERPAYMENTS.

Any overpayment is a debt due the state of Idaho and efforts must be taken to secure repayment. (6-16-84)

901. -- 994. (RESERVED).

995. AVAILABILITY OF FUNDS.

The provisions in Sections 000 through 995 are contingent upon availability and receipt of appropriated funds or federal grant. (12-1-91)

996. ADMINISTRATIVE PROVISIONS.

Contested case appeals shall be governed by Idaho Department of Health and Welfare Rules, IDAPA 16, Title 05, Chapter 03, Sections 000, et. seq., "Rules Governing Contested Cases and Declaratory Ruling." (12-1-91)

997. CONFIDENTIALITY OF RECORDS.

Any disclosure of information obtained by the Department is subject to the restrictions contained in Idaho Department of Health and Welfare Rules, IDAPA 16, Title 05, Chapter 01, "Rules Governing the Protection and Disclosure of Department Records." (12-1-91)

998. INCLUSIVE GENDER.

As used in these rules, the masculine, feminine, or neuter gender, and the singular or plural number, will each be deemed to include the others whenever the context so requires. (6-16-84)

999. SEVERABILITY.

The rules contained in Title 04, Chapter 12, are severable. If any regulation, or part thereof, or the application of such regulation to any person or circumstance is declared invalid, such invalidity shall not affect the validity of any other provision contained herein. (6-16-84)