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**IDAPA 16
TITLE 04
CHAPTER 12**

16.04.12 – RULES GOVERNING THE INDIVIDUAL AND FAMILY GRANT PROGRAM

000. LEGAL AUTHORITY.

The Idaho Department of Health and Welfare is authorized to adopt rules for the administration of the Individual and Family Grant program by Section 56-202, Idaho Code. (3-30-01)

001. TITLE AND SCOPE.

These rules of the Idaho Department of Health and Welfare are known and will be cited as IDAPA 16.04.12, "Rules Governing the Individual and Family Grant Program." These rules provide for administration of the Individual and Family Grant Program. (3-30-01)

002. WRITTEN INTERPRETATIONS.

The Director or agency has no written interpretations pertinent to these rules. (3-30-01)

003. ADMINISTRATIVE APPEAL.

The administrative appeal process is set forth in IDAPA 16.05.03 and Section 423(a) of Public Law 100-107, the Robert T. Stafford Disaster Relief and Emergency Assistance Act. Any decision regarding eligibility for form, or amount of assistance may be appealed within sixty (60) days after the date the individual or family is notified of the award or denial of assistance. (3-30-01)

004. AVAILABILITY OF RULES.

Copies of these rules are available from the Administrative Procedures Section, 10th Floor, Towers Building - 450 West State Street, P.O. Box 83720, Boise, Idaho 83720-0036. (3-30-01)

005. DEFINITIONS.

01. Applicant. An individual who applies for the Individual and Family Grant Program. (3-30-01)

02. Assistance from Other Means. Money or in-kind contributions from other government programs, insurance, voluntary or charitable organizations, or from any sources other than the individual or family. (3-30-01)

03. Department. The Idaho Department of Health and Welfare. (3-30-01)

04. Family. A social unit living together and comprised of a husband and wife or dependents, if any, or a household comprised of an unmarried person living with his dependent child, stepchild, or dependent descendant of his child. (3-30-01)

05. Individual. A person who is not a member of a family as defined in Subsection 005.04. (3-30-01)

06. Major Disaster. A natural disaster or other catastrophe which the President determines causes sufficient damage to warrant major disaster assistance under the Robert T. Stafford Disaster Relief Act of 1974, as amended. (3-30-01)

07. 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. (3-30-01)

08. Owner-Occupied. A residence occupied by the legal owner, a person who does not hold formal title or pay rent but is responsible for taxes and maintenance, or a person who has lifetime occupancy rights in the residence with another having formal title. (3-30-01)

09. Primary Residence. A residence where the owner-occupant lives more than six (6) months in a year, or to which he has recently moved or acquired to move for the same purpose. Recreational, vacation or primarily income-producing property is not a primary residence. (3-30-01)

10. 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. (3-30-01)

11. Welfare. A state payment of Temporary Assistance to Families in Idaho (TAFI), Aid to the Aged, Blind and Disabled (AABD) and/or a federal payment of Supplemental Security Income (SSI). (3-30-01)

006. ABBREVIATIONS.

01. FEMA. Federal Emergency Management Agency. (3-30-01)

02. GFIP. Group Flood Insurance Program. (3-30-01)

03. IFG. Individual and Family Grant Program. (3-30-01)

04. SBA. Small Business Administration. (3-30-01)

007. -- 199. (RESERVED)

200. APPLICATIONS.

FEMA will take applications and provide the Department with the application information and documentation electronically. (3-30-01)

01. Alienage and Residency. An alien must be lawfully present in the United States. Eligibility is determined without regard to residence in the major disaster area or in the state in which the major disaster is declared. (3-30-01)

02. Flood Insurance. Flood insurance must meet the requirements of 44 CFR Section 206.131. Individuals and families will be enrolled in the National Flood Insurance Program's Group Flood Insurance Policy (GFIP) if they live in a special flood hazard area and their IFG grant covers structure or contents. The cost of the flood insurance premium will be deducted from the grant. The individual or family must maintain flood insurance coverage at the maximum grant amount after the GFIP expires to be eligible for future IFG assistance. (3-30-01)

201. -- 299. (RESERVED)

300. DUPLICATION OF BENEFITS.

Duplication of benefits is prohibited. Benefits must be delivered in the following sequence to avoid duplication. (3-30-01)

01. Delivery Sequence. The delivery sequence is as follows: (3-30-01)

a. Emergency assistance provided by voluntary agencies. (3-30-01)

b. Insurance proceeds. (3-30-01)

c. Home repair grants provided by the FEMA Disaster Housing Program. (3-30-01)

d. Loans provided by the Small Business Administration (SBA). Individuals and families with structure or contents loss must apply to SBA for a loan. (3-30-01)

e. The IFG program. (3-30-01)

f. Additional assistance provided by voluntary agencies. (3-30-01)

g. The Cora Brown fund. (3-30-01)

h. Additional State-funded assistance, where available. (3-30-01)

02. Recovery of Duplicate Benefits. An agency that awards benefits out of the delivery sequence must recover the funds from the applicant. (3-30-01)

03. Welfare. Welfare is not duplicate benefits or assistance from other means. (3-30-01)

301. -- 399. (RESERVED)

400. ELIGIBLE CATEGORIES.

Assistance may be available to meet necessary expenses or serious needs by providing essential items or services in Subsection 400.01. (3-30-01)

01. Eligible Items and Services. Grants may be made for the following disaster-related costs: (3-30-01)

a. Medical and dental. (3-30-01)

b. Housing grants for owner-occupied primary residences, including mobile homes. (3-30-01)

c. Personal property, including clothing and household furnishings and appliances, tools and specialized or protective clothing required by an employer. (3-30-01)

d. Transportation grants to provide available public transportation. Transportation grants may also be made to repair or replace the primary vehicle owned by the individual or family when public transportation is inadequate or unavailable. The repair or replacement cost, less salvage value, must not exceed one-half (1/2) the maximum grant in Section 500. A vehicle is not eligible for replacement or repair unless the owner carries liability insurance. (3-30-01)

e. Moving and storage to prevent or reduce damage. (3-30-01)

f. Repairing, cleaning or sanitizing any eligible personal property item. (3-30-01)

g. Disaster-related funeral costs to include only the minimum costs for burial or cremation. (3-30-01)

h. Any necessary expense or serious need not identified as eligible if the IFG program determines the expense or need is necessary or serious. (3-30-01)

i. Cost of estimates required by IFG. (3-30-01)

02. Ineligible Items and Services. Ineligible items and services are: (3-30-01)

a. Business losses, including farm business. (3-30-01)

b. Improvements or additions to real property. (3-30-01)

c. Landscaping. (3-30-01)

d. Recreational property. (3-30-01)

e. Debts incurred before the disaster. (3-30-01)

f. Any necessary expense or serious need for which assistance was available from other means but refused by the individual or family. (3-30-01)

401. -- 499. (RESERVED)

500. GRANT PAYMENTS.

With respect to any one (1) major disaster, an individual or family must not receive a grant or grants exceeding the

maximum established according to 44 CFR Section 206.131 for the year in which the disaster occurred. (3-30-01)

501. MINIMUM GRANT PAYMENT.

An individual or family required to enroll in GFIP must not receive a grant for real or personal property loss that equals or is less than the GFIP premium in force for the major disaster. (3-30-01)

502. -- 599. (RESERVED)

600. OVERPAYMENTS.

An overpayment is a debt due to the state of Idaho and FEMA in proportion to federal financial participation in the grant. Efforts must be made to recover overpayments. (3-30-01)

601. -- 799. (RESERVED)

800. AVAILABILITY OF FUNDS.

Payment of IFG grants depends on the availability and receipt of appropriated funds or federal grant. (3-30-01)

801. -- 899. (RESERVED)

900. CONFIDENTIALITY.

Any disclosure of information is subject to the restrictions in Idaho Department of Health and Welfare Rules, IDAPA 16.05.01, "Use and Disclosure of Department Records," and the Privacy Act of 1974 (see 44 CFR, Part 6). (3-30-01)

901. -- 999. (RESERVED)

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