

9055.0340 STATE SOLDIERS ASSISTANCE PROGRAM DISASTER RELIEF PROGRAM ACTIVITY.

Subpart 1. Program purpose.

A. Upon application approval, the commissioner must provide financial assistance as provided under this part to the following eligible persons who have been adversely affected by a declared emergency as defined in Minnesota Statutes, section 12.03, subdivision 1e:

- (1) a veteran and the veteran's dependents; and
- (2) a member of the armed forces called from reserve status to extended federal active duty per Minnesota Statutes, section 196.05, subdivision 1, clause (9), and the member's dependents.

B. To be eligible for the disaster relief benefit, an applicant must meet the requirements of this part and be:

- (1) a veteran;
- (2) a surviving spouse of a veteran; or
- (3) a member of the armed forces called from reserve status to extended federal active duty per Minnesota Statutes, section 196.05, subdivision 1, clause (9).

C. Two veterans married to each other are each authorized to receive the disaster relief benefit for a declared emergency.

D. This part applies only to the disaster relief program activity.

Subp. 2. Activation of disaster relief program activity. The commissioner must make available the disaster relief program activity benefits in the event of a declared emergency as defined in Minnesota Statutes, section 12.03, subdivision 1e, and the governor issues an emergency executive order authorizing the commissioner to provide benefits under this part.

Subp. 3. Residency requirement. To be eligible for financial assistance under this part, an applicant must meet the residency requirements of Minnesota Statutes, section 197.05, paragraph (b), and live in a county included in the governor's emergency executive order.

Subp. 4. Frequency of disaster relief benefits.

A. The number of times an individual is eligible for the disaster relief benefit for a declared emergency is determined by the impact and duration of a declared emergency.

B. If a declared emergency is a single incident, only one disaster benefit is authorized.

C. If a declared emergency is extended under Minnesota Statutes, section 12.31, more than one disaster relief benefit is authorized.

Subp. 5. Benefits provided.

A. The disaster relief benefit is limited to:

(1) financial assistance to offset a reduction in monthly household income or household assets due to a declared emergency;

(2) financial assistance to pay for an increase in costs or expenses due to a declared emergency; or

(3) financial assistance with costs and expenses incurred to repair or restore a primary residence or property the primary residence is built on that is vital to the structural integrity of the primary residence and is damaged in a declared emergency.

B. Eligibility for the disaster relief benefit is not subject to maximum monthly household income limits or maximum household asset limits.

C. The maximum benefit amount for each declared emergency and the costs and expenses covered under the disaster relief benefit are based on the impact and duration of a declared emergency.

D. The maximum benefit amount for a declared emergency applies only to that emergency and expires at the end of the benefit period for the emergency. Amounts remaining at the end of the benefit period do not carry over for future use.

E. The commissioner must pay the disaster relief benefit as either a payment or reimbursement to the recipient, a payment to an entity to which payment is due for costs and expenses covered under the disaster relief benefit, or a payment to a vendor or contractor for work performed or services provided to repair or restore the recipient's primary residence or property the primary residence is built on that is vital to the structural integrity of the primary residence.

F. The disaster relief benefit must not be used to reimburse or pay for repairs and restorations covered in full by private insurance or covered by other state and federal agencies or programs.

Subp. 6. Responsibility for repair and restoration.

A. Property authorized for repair and restoration under the disaster relief benefit is limited to:

(1) a dwelling that is owned or leased by a recipient or recipient's spouse and is the household's primary residence; and

(2) property the primary residence is built on that is owned by the recipient or recipient's spouse and is vital to the structural integrity of the primary residence.

B. Property affected by a declared emergency that is owned by the recipient or recipient's spouse must be the household's primary residence and must be homesteaded.

C. Repair and restoration of business and agricultural buildings or property not vital to the structural integrity of the primary residence is not eligible for the disaster relief program benefit under this part.

D. A recipient or recipient's spouse who is leasing the affected property must demonstrate to the commissioner a responsibility to repair and restore the property in the terms of the lease agreement.

E. A recipient must submit any of the following documents to the commissioner for the purposes of proving the recipient or recipient's spouse is an owner or lessee of the property and confirming the property is homesteaded:

- (1) a certificate of title;
- (2) a deed;
- (3) a current mortgage statement;
- (4) the current year's property tax statement;
- (5) a contract for deed; or
- (6) a standard lease agreement.

F. The commissioner must prorate repair and restoration costs and expenses according to part 9055.0280, subparts 4 and 5, if:

- (1) the recipient or recipient's spouse owns or leases the property with a person age 18 or older who is not eligible for the disaster relief benefit; and
- (2) joint liability for the property and its repair and restoration is shared with the person.

G. The commissioner must not prorate repair and restoration costs and expenses if the person not eligible for the disaster relief benefit relinquishes ownership or ceases to lease the property or is no longer liable for the property and its repair and restoration.

Subp. 7. Disaster relief benefit period.

A. The disaster relief benefit period:

- (1) is based on the impact and duration of a declared emergency; and
- (2) is the period during which the commissioner must issue disaster relief benefits.

B. Reimbursement or payment for costs and expenses incurred on the first and final days of the benefit period is authorized.

C. A recipient of the disaster relief benefit may request an extension of the benefit period to complete repairs or restorations to the primary residence or property the primary residence is built on that is vital to the structural integrity of the primary residence.

D. A recipient must request to extend a disaster relief benefit period through a county veterans service officer, a department field operations claim representative, or a department Tribal veterans service officer.

E. A recipient making a request under this subpart to extend a disaster relief benefit period must submit a written statement to the commissioner explaining the need for extending the benefit period before the current benefit period has ended.

F. The commissioner must extend the length of a disaster relief benefit period for any of the following reasons preventing a recipient from completing the needed repairs or restorations to the primary residence or property the primary residence is built on that is vital to the structural integrity of the primary residence:

- (1) a lack of or unavailability of vendors or contractors to provide needed services;
- (2) a delay in receiving insurance settlement funds; or
- (3) unforeseen circumstances preventing the recipient from completing repairs or restorations.

Subp. 8. Disaster relief approval letter.

A. The commissioner must issue a disaster relief approval letter to a recipient of the disaster relief benefit.

B. The disaster relief authorization letter must explain:

- (1) the start and end dates of the benefit period;
- (2) the maximum benefit amount authorized;
- (3) the types of costs and expenses covered under the disaster relief benefit;
- (4) the final day upon which proof of a reduction in monthly household income or household assets or an increase in covered costs and expenses due to a declared emergency must be submitted to the commissioner; and
- (5) the final day upon which proof of costs and expenses incurred to repair or restore the primary residence or property the primary residence is built on that is vital to the structural integrity of the primary residence that is damaged in a declared emergency must be submitted to the commissioner.

Subp. 9. Disaster relief denial letter.

A. The commissioner must issue a disaster relief denial letter to an applicant who is denied the disaster relief benefit.

B. The disaster relief denial letter must explain the reasons for denial and the applicant's right to appeal under part 9055.0290, subpart 8.

Subp. 10. Vendor and contractor participation. A vendor or contractor participating in the disaster relief program must:

- A. comply with this part;

B. have the appropriate licensure to perform the work or provide the services contracted for; and

C. bill only for the work completed or services provided.

Subp. 11. Disputes between vendor or contractor and household.

A. The commissioner is not a party to disputes between a vendor or contractor and a recipient of the disaster relief benefit over the quality of work performed or services provided.

B. The commissioner must withhold payment to a vendor or contractor until the work is completed or services are provided if a recipient informs the commissioner that a vendor or contractor is seeking payment but has failed to perform or provide any of the work or services.

Subp. 12. Disaster relief payments.

A. For reimbursement or payment under this part, a recipient must submit to the commissioner proof of:

- (1) a reduction in monthly household income;
- (2) a reduction in household assets; or
- (3) an increase in costs or expenses covered under the disaster relief benefit due to the declared emergency.

B. The commissioner must make a reimbursement or payment directly to a recipient to offset the reduction in monthly household income or household assets or directly to entities to which payment is due for costs and expenses covered under the disaster relief benefit.

C. Proof, as required by item A, and any receipts, invoices, or billing statements or other documentation submitted to the commissioner for reimbursement or payment of disaster relief benefits under item B must include and confirm:

- (1) the recipient's household experienced as a result of the declared emergency a reduction in monthly household income, a reduction in household assets, or an increase in costs or expenses covered under the disaster relief benefit;
- (2) the name, location, and payment address of the entity to which payment is due for covered costs and expenses; and
- (3) proof that the recipient or recipient's spouse is responsible for paying for the covered costs and expenses.

Subp. 13. Disaster relief payments for property damage.

A. A recipient, vendor, or contractor must submit to the commissioner proof of the costs and expenses incurred for the repair or restoration of a primary residence or property the primary residence is built on that is vital to the structural integrity of a primary residence for reimbursement or payment under this part.

B. The commissioner must make reimbursements or payments directly to the recipient or to a vendor or contractor for work performed or services provided.

C. Proof, as required by item A, and any receipts, invoices, or billing statements or other documentation submitted to the commissioner for reimbursement or payment of disaster relief benefits under item B must include and confirm:

(1) the recipient incurred and paid the costs and expenses to repair and restore a primary residence or property the primary residence is built on that is vital to the structural integrity of a primary residence;

(2) the dates the repair and restoration costs were incurred;

(3) an itemized breakdown of the costs and expenses of work performed, or services provided if a vendor or contractor is requesting direct payment;

(4) the name, location, and payment address of a vendor or contractor providing services;

(5) proof of vendor or contractor licensure to provide services; and

(6) proof of homeowner's or renter's insurance, payments received from the insurance carrier, and any deductible applied to the amount paid by the insurance carrier.

Statutory Authority: *MS s 14.06; 196.04; 196.05; 197.03; 197.05; 197.06; 197.75*

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