



Louisiana
APPLESEED

FREE GUIDE

Revised 2025

BE READY FOR ANYTHING

Disasters in Louisiana



How homeowners can prepare
themselves for post-disaster relief

Acknowledgments

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The information in this pamphlet is provided as a matter of public service and is for informational use only. The information does not constitute legal advice and should not be used as such. Users are strongly urged to talk with a lawyer in matters involving preparing their documents in case of a Disaster.

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Want a deeper understanding of some of the terms in this guide? Check out Louisiana Appleseed's glossary of legal terms:

LOUISIANAAPPLESEED.ORG/GLOSSARY





Disasters require preparation, including planning for food, shelter, and water. Estate planning should be prioritized in this process to ensure that post-disaster relief is possible if needed. The time to consider making donations and consolidating ownership among multiple owners is prior to disaster—this is especially true of extended family living in other states.



Families should include a clear title to their property and estate planning documents in their disaster preparation plans. In some situations, homeowners can access disaster relief funding only if they have a clear title to their property.

- ▶ Without a clear title, individuals may face **difficulties obtaining relief after a disaster.**

- ▶ Estate planning should also be prioritized in preparation for **medical changes or death during or immediately following a disaster.**

- ▶ A Will is essential for **transferring any property post-disaster.**

- ▶ Other estate planning documents, such as powers of attorney, should be drafted if families must make **difficult medical decisions quickly.**

- ▶ Additionally, due to the trauma of disasters, **mental illnesses and disabilities may exacerbate emergencies** and require interdictions.

Further, as discussed in this guide, all estate planning and title-related documents should be adequately secured before, during, and following disasters.





Importance of Clear Title for Disaster Recovery Funding

Often, homes are passed down through generations informally or orally rather than through the legal system. Residents own their homes and may even pay property taxes, yet legal documents do not list them as owners.¹ Because of financial barriers, emotional burdens, systemic obstacles, or lack of knowledge of the processes, many people do not have documents listing them as legal owners of homes in which they reside.

Property passed down without the necessary legal paperwork is known as “heirs’ property.”²



For more information on what to do if you think you have Heirs' Property, check out *Protect Your Property—Heirs' Property in Louisiana*, another guide in the series of free resources created by Louisiana Appleseed to help residents of Louisiana plan their estate. To find it, visit:

LOUISIANAAPPLESEED.ORG



Without legal paperwork, the title is clouded (lacking “clear title”) because it does not reflect the current owner of the home.³ For example, a grandchild may live in a home passed down in the family from their great-grandparent, but the legal documents may list the deceased grandparent as the current owner of record.

Historically, the lack of clear titles has impeded disaster recovery for many Louisiana residents. Hurricane Katrina placed a spotlight on the informal, undocumented property ownership and inheritance practices of many New Orleans families. Because of the barriers to formal succession, many families passed homes down the family for years without legal paperwork.⁴



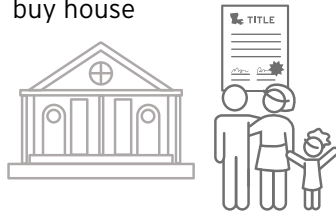
Alice Cousin applied for government aid to fix her New Orleans home after Hurricane Katrina yet was denied due to lack of a clear title. Like many

families in lower-income areas of Louisiana, Cousin's parents bought their home, and the title never changed after her parents died, even though Cousin lived in and maintained the home as her own.

Because Cousin did not have a clear title, her home remained in disrepair from lack of access to government or private aid, even two and a half years after Hurricane Katrina.

Cousin's story is unfortunately not unique. In 2005, post-Hurricane Katrina, twenty thousand heirs' property owners (lacking clear title) were denied federal aid for disaster recovery.⁵

Alice Cousin's parents buy house



After Alice's parents pass away, Alice lives in and maintains the home as her own.



Title still in parent's name when Hurricane Katrina happens.



Alice is denied government aid due to lack of clear title, and home remains in disrepair years after the storm.



In recent years, federal funding has relaxed its eligibility requirements for assistance in rebuilding and repairing homes. FEMA revised the eligibility requirements to allow individuals to “self-certify” homeownership to receive federal funding in 2017 when more than eighty thousand applications for disaster relief were denied because of title issues post-Hurricane Maria in Puerto Rico.⁶ These requirements, however, can change with each new presidential administration.

TODAY, FOR FEDERAL FUNDING, AN INDIVIDUAL IS ELIGIBLE FOR FEMA'S INDIVIDUALS AND HOUSEHOLDS PROGRAM IF THE INDIVIDUAL CAN SHOW THE RESIDENCE IS OWNER-OCCUPIED USING AN ARRAY OF MATERIALS:



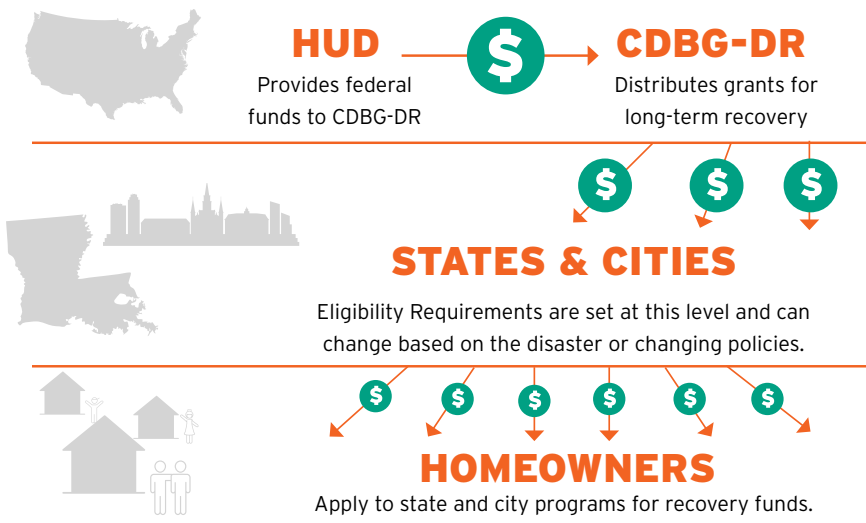
- ▶ Verifiable documentation of ownership
- ▶ Documentation of legal responsibility like tax payment receipts, receipts for major repairs, or a letter from a public official
- ▶ Verifiable documentation of lifetime occupancy rights while the formal title is vested in someone else⁷



While FEMA has removed their eligibility requirements for applicants to have explicitly clear title,⁸ many state aid and nonprofit programs (such as local permit offices) still retain this obligation. Without a clear title, individuals may still face difficulties obtaining the relief they need after a disaster because a combination of federal, state, and nonprofit assistance is often required to meet community needs.

CLEAR TITLE AND THE RESTORE LA PROGRAM

A notable state funding program that is impacted by state and city rules is the **Community Development Block Grant Development Recovery (CDBG-DR)** Program administered by the **U.S. Department of Housing and Urban Development (HUD)**.⁹ CDBG-DR focuses on long-term disaster recovery efforts through block grants to state, cities, and counties.¹⁰ HUD provides funding to city or state agencies through the CDBG-DR program. The city or state can establish its eligibility requirements.¹¹ Each disaster may require different documentation, pending city or state changes in policies, such as proof of ownership, a clear title, or mere evidence of occupancy. Homeowners with damaged homes apply to their state or city program to receive funds from CDBG-DR. To be eligible for the Restore Louisiana Homeowner Assistance Program for disaster relief, funded by HUD and CDBG-DR, the individual must own and occupy the damaged home that is their primary residence at the time of disaster.¹²



AN OPTION TO SHOW OWNERSHIP RIGHTS

Affidavit of Small Succession

Suppose the property is valued at less than \$125,000, and the record of ownership reflects someone deceased who did not have a Will. Or suppose a property is valued at over \$125,000, and the record of ownership reflects someone deceased more than twenty years ago who did not have a Will. In these scenarios, an Affidavit of Small Succession can establish an ownership interest in a property.¹³ An Affidavit of Small Succession is often a more affordable way to establish ownership interest in land and property than opening a full succession on one or more ancestors. Once the heirs are established, then they can negotiate consolidating ownership of the property into a single owner, a trust, or a company to stabilize generational wealth.

WHAT ESTATES CAN USE AN AFFIDAVIT OF SMALL SUCCESSION ?

the record of ownership reflects someone deceased more than twenty years ago who did not have a Will. Plus:

ESTATE VALUE of

\$125K
OR LESS

OR

ESTATE of ANY VALUE if
OWNER HAS BEEN DEAD

20 YEARS
OR MORE

RECEIVING DISASTER RECOVERY FUNDING

What if I don't have a clear title?

Prior law required resolving inheritance issues before any government entity could release disaster-related funds. In 2012, however, Louisiana Appleseed, through its attorney volunteer Malcolm A. Meyer, helped the legislature recognize the delay in recovery caused by this requirement.

NOW, LOUISIANA LAW ALLOWS A PUBLIC ENTITY TO WORK WITH ELIGIBLE CO-OWNERS WHO HAVE RESIDED IN THE HOUSE FOR AT LEAST A YEAR IF IT:

- 1.** Qualifies for an **Affidavit of Small Succession**

AND _____

- 2.** Has been “damaged by a disaster or catastrophe for which a **declaration of emergency or federal declaration of disaster or emergency was issued.**”¹⁵



DOCUMENTS IN DISASTER

Essential documents to have in a “go-bag” in preparation for a disaster include:

- ☐ Deeds
- ☐ Identification
- ☐ Social Security Card
- ☐ Proof Of Residence
(Such As Utility Bills)
- ☐ Tax Receipts
- ☐ Estate Planning Documents
(Including Wills)
- ☐ Death Certificates,
Obituaries, a Family Tree,
and any other information
on family members
- ☐ Cellphone video
“walk-through” of
home and property



Paperless record keeping (for example, uploading important documentation like evacuation expenses to the cloud) can be beneficial in maintaining backups in case the documents are damaged, destroyed, or lost, except for Wills. Retaining the original Will is essential because the original must be included in the legal proceedings.

In some cases, a Will may be lost during the disaster. If an individual has lost an original Will during a disaster, the court may order a notary to conduct a search for registered copies with the Secretary of State, local parishes, and other places of storage.¹⁶

However, some disaster aid can be halted if an original document is not located. If deeds are destroyed, lost, or inaccessible, the Court Clerk for the parish where the property is located may have a copy on file and possibly available online through the Court Clerk's website. However, as discussed previously, clearing title is imperative because if these documents do not reflect the home's current owner in the record, then state recovery can be barred depending on the city or state's eligibility requirements in effect.



To see if you qualify for free legal services, contact a legal aid organization in your area, such as:

Acadiana Legal Service Corporation

www.LA-Law.org

Call 1-866-275-2572.

ALSC provides 42 parishes in Louisiana with legal services. Offices are located in Alexandria, Franklin, Lafayette, Lake Charles, Monroe, Natchitoches, and Shreveport.

Southeast Louisiana Legal Services

www.SLLS.org

Baton Rouge: 225-448-0080

Houma: 985-851-5687

Covington: 985-893-0076

New Orleans: 504-529-1000

Gretna : 504-374-0977

St. Charles Parish:

Hammond: 985-345-2130

985-331-3034

If you do not qualify for free services, you may be able to find a lawyer by using the Louisiana State Bar Association's Modest Means Directory. The directory lists attorneys who charge reduced fees to people who meet specific income eligibility requirements, available at:

www.LSBA.org/Public/FindLegalHelp/ModestMeans.aspx

Thank you *to our Program Partners*

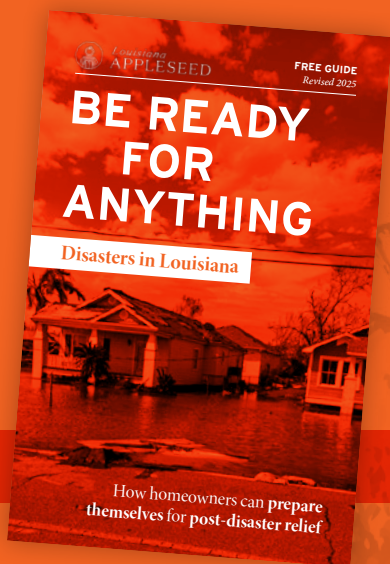


End Notes

page 4 1 “Protect Your Property, Heir Property in Louisiana” by Louisiana Appleseed (Revised 2024); 2 “Addressing Heirs’ Property in Louisiana: Lessons Learned, Post-Disaster” by Christy Kane, Stephanie Beaug, and Gerren Sias https://www.srs.fs.usda.gov/pubs/gtr/gtr-srs244/gtr_srs244_010.pdf **page 5** 3 “Protect Your Property, Heir Property in Louisiana” by Louisiana Appleseed (Revised 2024); 4 “No Title? No Easy Access to Post Katrina Aid,” NPR (2008) **page 6** 5 “The real damage,” Washington Post, by Hannah Dreier and Andrew Ba Tran (2021) **page 7** 6 “The real damage,” Washington Post, by Hannah Dreier and Andrew Ba Tran (2021); 7 44 CFR § 206.111 **page 8** 8 <https://www.fema.gov/assistance/individual/after-applying/verifying-home-ownership-occupancy> **page 9** 9 CDBG-DR Overview, October 1, 2023, by HUD <https://www.hud.gov/sites/dfiles/CPD/documents/CDBG-Disaster-Recovery-Overview.pdf>; 10 CDBG-DR Overview, October 1, 2023, by HUD <https://www.hud.gov/sites/dfiles/CPD/documents/CDBG-Disaster-Recovery-Overview.pdf>; Heir Property Owners and Federal Disaster Aid Programs: Opportunities for A More Equitable Recovery When Disaster Strikes (2022); 11 Heir Property Owners and Federal Disaster Aid Programs: Opportunities for A More Equitable Recovery When Disaster Strikes (2022); 12 Restore Louisiana’s Application Guide 2020-2021 https://cdn2.assets-servd.host/utopian-bustard/production/Restore_Application_Guide_7-1-22.pdf **page 10** 13 LA CCP Art. 3421; 14 LA CCP Art. 3432 **page 11** 15 LA CCP Art. 3422.1; Protect Your Property, Heir Property in Louisiana by Louisiana Appleseed (Revised 2024) **page 13** 16 LA CCP Art. 2855; LA CCP Art. 2854; LA RS 9:2446



Protect Your Property—Heirs' Property in Louisiana is part of a series of free resources created by Louisiana Appleseed to help residents of Louisiana plan their estate. Other resource books are:



- ▶ Securing the Future
- ▶ Last Will and Testament
- ▶ Heirs' Property
- ▶ Titles and Property Deeds
- ▶ Trusts
- ▶ Power of Attorney
- ▶ Guardianships, Conservatorships, and Interdiction
- ▶ Advanced Healthcare Directives
- ▶ Safeguarding Your Documents



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