



**EMERGENCY & DISASTER
PREPAREDNESS
and
RECOVERY ISSUES
for
FAMILY CHILD CARE
HOMES
and
CHILD CARE CENTERS**

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INTRODUCTION

In 1986, Public Counsel created the Child Care Law Project (CCLP) to increase the supply of child care facilities in the County of Los Angeles and to assist existing facilities with legal issues confronting them. Since that time, CCLP has provided free legal assistance to thousands of licensed child care providers and nonprofit child care centers on a host of issues including licensing, insurance, disaster relief and landlord/tenant matters. Many more have benefitted from CCLP's research, publications, presentations and advocacy on child care related matters.

In caring for children, you provide a critical service to your community. With the increasing number of parents entering the workforce, the need for quality affordable child care is in even greater demand.

Public Counsel's Child Care Law Project developed this pamphlet to give both nonprofit child care centers and family child care providers some basic information on disaster preparedness and recovery issues. This pamphlet outlines existing California state laws which impose emergency and disaster related requirements on licensed child care facilities. It also explores the rights and responsibilities of child care providers regarding disaster preparedness and recovery efforts.

It is our hope that this booklet will serve as a guide to child care programs of all sizes. We encourage you to read this pamphlet carefully, then review your existing emergency and disaster related plans and procedures.

I. EMERGENCY & DISASTER PREPAREDNESS

Under California state law applicants for child care licenses and licensees must comply with requirements designed to prepare them to effectively handle and respond to both emergency situations and disasters. Child care programs can further protect themselves by reviewing the terms of their leases and insurance policies to determine who is responsible for disaster related damages. Finally, provisions should be made to protect your program's files and other valuable documents.

A. STATE LAW REQUIREMENTS FOR CHILD CARE PROGRAMS

The California Department of Social Services/Community Care Licensing regulates child care programs including family child care homes and child care centers. It is the intent of the state to provide children with a safe day care environment. To this end, the state requires, as a condition of licensure, that child care licensees have the proper procedures in place and training to effectively handle and respond to various types of emergencies and disasters.

1. Application Requirements

a. Fire Clearances

California state law requires that small family child care homes contain a "fire extinguisher and a smoke detector device which meet standards established by the State Fire Marshal." Large family child care homes must meet the standards established by the State Fire Marshal, in addition to having a fire safety clearance approved by the city or county fire department. This fire clearance is also required if a program is caring for one or more nonambulatory children.

Compliance with the fire clearance provisions is a condition of licensure, and proof of compliance must be provided in the written application. Applications must also contain the name, address and telephone number of the city or county fire department, the district providing fire protection services, or the State Fire Marshal's Office having jurisdiction over the area in which the program is located.

b. Fire Escape & Disaster Plans

Family child care homes and child care centers must have a fire escape and disaster plan for the facility. The plans must indicate that fire drills and disaster drills will be conducted at least twice a year (once every six months). Furthermore, child care programs must record the date and time of said drills on a form prepared by the Department of Social Services.

c. Earthquake Preparedness Checklist

Effective January 1, 1997, licensed family child care homes and child care centers will be required, as a part of the required disaster plan, to submit a completed earthquake preparedness checklist to the Department of Social Services at the time of licensing or annual licensing renewal fee remittance. This checklist includes provisions for the elimination of potential hazards, the establishment of a coordinated response plan and the involvement of local emergency services. (See Appendix A). Child care providers can choose which procedures to implement in their facility by checking the appropriate boxes on the checklist. (See Appendix B).

2. Continuing Requirements

a. Preventive Health Practices

Family child care home providers and at least one director or teacher at each child care center must have a minimum of 15 hours of training on preventive health practices. This includes pediatric cardiopulmonary resuscitation, pediatric first aid, recognition, management, and prevention of infectious diseases, including immunizations, and prevention of childhood injuries.

The training is not limited to the above mentioned. It may also include training in emergency preparedness and evacuation, sanitary food handling, child nutrition, caring for children with special needs and identification and reporting of signs and symptoms of child abuse.

The training in pediatric first aid and pediatric cardiopulmonary resuscitation must be conducted by the American Red Cross, the American Heart Association or by a program approved by the Medical Services Authority.

b. Emergency Information Cards

Child care providers are required to maintain an emergency information card on each child in their care. This card must include the child's full name, the telephone number and location of a parent or other emergency contact person and the name and telephone number of the child's physician. The provider must also have on file written authorization from the parent allowing the provider to consent to emergency medical care.

c. Safety Precautions

The Department of Social Services requires that family child care homes and child care centers be free from defects as well as any other conditions which might endanger the lives of children. For example, stairs must be properly barricaded if caring for children under the age of five; gas heaters must be properly vented and permanently installed; fireplaces must be screened; poisons, detergents, medicines, firearms, etc. must be inaccessible to children. (See Appendix B).

Safety precautions also include proper fencing around playgrounds, yards and swimming pools, pool covers of a certain weight, proper storage of dangerous items, latches on cabinets, locks on doors, etc. This list is not all inclusive. For additional information, please refer to the Title 22 regulations governing your child care operations.

Public Counsel recommends that child care programs maintain first aid kits. For a list of suggested contents of your kit, see Appendix C.

B. INSURANCE COVERAGE

1. Casualty Insurance

- * Read your insurance policies closely!
- * Your casualty or homeowner's policy will either be an "all risk" policy or a "named peril" policy. An all risk policy covers all causes of loss, except for those things the policy *expressly* excludes. A named peril policy covers only the *specifically* named causes of loss.

TIP: Check to see whether your policy expressly excludes damage caused by earthquake, civil

unrest, flood, fire, or severe storm. You may be covered under either type of policy for damage caused by fire, water, or other hazards. These covered hazards may have been caused by an excluded hazard, such as an earthquake.

- * If you have an earthquake insurance policy, it likely has a deductible, often ten percent (10%) of the cost of damage or more.

TIP: Check to see if your earthquake policy covers:

- *structural engineering so that you can discover the condition of the building;*
- *actual cost of rebuilding;*
- *demolition due to condemnation;*
- *reconstruction to bring building up to code.*

- * Even if you or your organization do not carry earthquake insurance, which is often the case, *you may still be covered against earthquake damage by your casualty or homeowner's policies.*

2. Loss Of Business Income Insurance

Many nonprofits will experience a cash flow problem while waiting for insurance or grant money following a disaster. The easiest way to protect your organization against this problem is to plan ahead for it, usually by purchasing Loss of Business Income insurance.

Many nonprofits do not purchase *Loss of Business Income* insurance because they think that since they do not make a profit they do not need the coverage. *However, if your organization depends upon the collection of fees for service*

in order to pay its bills (including reimbursements from grant agencies for services provided), the loss of business income insurance may be a very important coverage to purchase.

Because there are so many choices available in loss of income coverage, we suggest you discuss your nonprofit's income flow with your insurance professional, so as to choose the coverage that fits your needs best.

C. YOUR LEASE

1. Family Child Care Homes

Many licensed child care providers operate their family child care businesses in a rented or leased facility. The agreement between the landlord and the provider/tenant is called a residential lease or rental agreement. Most residential leases require the landlord to make repairs to keep the premises in a condition fit for living. Check the terms and conditions of your lease regarding repairs.

Most leases are automatically terminated if the unit/home is totally destroyed as a direct result of a disaster. When partially destroyed, the tenant may choose whether or not to terminate the lease. In both cases, if the lease is terminated, the landlord is required to refund the security deposit within three weeks of the destruction. See page xx for further information on your rights as a tenant in the aftermath of a disaster.

2. Nonprofit Child Care Centers

Child care centers usually have commercial leases. Check your lease to find out whether your landlord is required to repair the damage, whether your lease is terminated or whether you can terminate it due to the damage. Pay

particular attention to the following sections of your lease: "Maintenance and Repair", "Damage and Destruction", "Alterations", "Default and Remedies" and "Abatement of Rent".

When negotiating a lease, think about what the lease would require in the event the property suffers damage or simply deteriorates due to wear and tear, age or lack of maintenance. You should carefully review issues such as: (a) which party must repair particular portions of the property, especially major items (*e.g.*, who repairs the roof, the heating-ventilation-air conditioning system, and the like); (b) whether the landlord will have to reduce your rent during times when repairs or modifications interfere with your use of the property; (c) whether, and in what situations, the landlord or the tenant can declare the lease terminated if damage is so great the parties are unable or unwilling to repair the damages.

- * When negotiating your lease, be sure the lease doesn't impose repair obligations that your organization will not be able to meet.

- * If your landlord, or another party who is not a "nonprofit", is responsible for repairing the damage, they will not be eligible for FEMA disaster relief grants, nor will your organization be eligible to receive a grant to repair damage to the premises that your lease does not obligate *you* to repair.

TIP: *If the landlord is required to repair the damage, your rent may be reduced ("abated") in proportion to the damage while repairs are done. Also, you likely will have some right to terminate the lease if the landlord fails to undertake repairs within a specified time limit.*

- * If the tenant must repair the damage, the tenant may be required to repair only insured, partial damage.

If you get into a dispute with your landlord over your rights, consult an attorney as soon as possible.

D. VALUABLE DOCUMENTS & FILES

Second only to ensuring that you, your staff and the children in your care will be able to survive a natural disaster (which is beyond the scope of this pamphlet), your concern should be to preserve your business' ability to function following a catastrophe.

- * Plan for the safety and accessibility of your program's internal records and client files. If your files are computerized, back them up and keep the back-up copies somewhere safe--off the premises if possible. If you have become dependent upon computers, be prepared to work with pen and paper (i.e., have hard copies of intake forms and the like).

TIP: Keep your most valuable documents, such as insurance policies, and the like, in a fire-proof safe or other container.

II. RECOVERY EFFORTS

A. LICENSING EMERGENCY PROVISIONS

In the aftermath of a major disaster, the California Department of Social Services may implement an emergency "provisional" licensing procedure for (1) day care providers relocating from a damaged facility to a new site, and (2) new license applicants seeking to operate in earthquake-damaged areas to fill the need created by the emergency. The expedited process is intended to reduce the steps involved in the application process from three to one.

- * A provisional child care license may be issued when both
 - (i) the facility is in substantial compliance with the applicable law and regulations, and
 - (ii) the license is urgently needed due to a lack of facilities in the area.

- * Provisional licenses may be valid for up to six (6) months, during which time the license-holder must work to meet all the normal requirements.

TIP: Applicants seeking a new license solely because of a change in location will only be required to file forms regarding the new site. Other information the applicant previously submitted, such as the program statement, personnel policies, fingerprint/child abuse index clearances, and staff education documentation, will be transferred from the applicant's earlier file to the new application.

- * Each child care facility must have a qualified director at the premises, but staff hired to fill teacher positions have six months to meet the experience and education requirements. The current teacher/children ratios still apply.
- * New applicants not previously checked by the Department of Justice need to submit fingerprint cards and other information required for the child abuse index check along with their application. The Department of Justice has promised a four-day turnaround on these clearances.
- * The local fire authority or the State Fire Marshal may agree to expedited fire clearance inspections within two days of receiving the request from the Department of Social Services.
- * Licensing may expedite the site visit and approval process. Each site visit will focus on essential health and safety issues.
- * Applicants merely changing their location may only have to pay a portion of the standard application fee; all other applicants must pay the standard fee, but, in cases of hardship, the licensing district office manager may extend the time for payment of fees.

To apply for a license, please call the Department of Social Services Community Care Licensing Division at 310/337-4333. If you have questions regarding licensing or other child care issues, please call Public Counsel's Child Care Law Project at 213/385-2977 or your local child care resource and referral agency.

B. TRACKING POST DISASTER ACTIVITIES & EXPENSES

Keep complete and accurate records of your costs and expenses and, where possible, the value of your losses due to any damage. (You will need this information when you apply for disaster assistance from the government). Photo or video evidence of the damage is also very valuable.

- * Begin constructing disaster records from the first hour after a disaster. Pre-assign the task of record keeping to a specific person or office, including assignments for financial records, client information, etc. (Later reconstruction of financial activity is rarely adequate.)
- * Also, keep a disaster activity log, detailing critical meetings with government agencies. Use this log to record all decisions and actions, noting who made each decision, and to record important inter-agency contacts and agreements.

TIP: As soon as possible after a disaster, you should:

- (a) inventory all damage;*
- (b) decide which property can be repaired and what cannot;*
- (c) estimate a salvage value, if any, for the property that is beyond repair;*
- (d) tally the number of damaged items, along with the cost and value of damaged property, and calculate the total loss, noting how the loss was measured, (by either the cost of replacing the damaged property, the cost of repair, or the cash value of the property before the damage).*

- * It is a good idea to keep records of any costs and expenses attributed to your efforts of helping others with recovery because these may also be reimbursable.
- * When you provide documentation to authorities, always retain a copy or the original for your records.

C. INSURANCE

If you believe there is a chance you may be covered, submit a claim to your insurer. You have a duty to notify your insurer as promptly as reasonably possible of any loss that may be covered by your policy.

TIP: Receiving or being denied insurance coverage is a requirement for being eligible for much of the disaster relief loans and funds available, which are discussed on subsequent pages.

D. YOUR LEASE

1. Family Child Care Homes

- * Typically, if your unit has been completely destroyed, your lease is automatically terminated, which means you do not have to continue paying rent and you have no reserved right to move into a rebuilt unit. Unless your lease says otherwise, if your unit is partially but not completely destroyed, then you may choose to terminate your lease by notifying your landlord in writing that you have decided to terminate the lease. You should send your written notice to your landlord by certified mail, with return receipt requested.

- * If your home has been destroyed or partially destroyed and you do not intend to return to it, your landlord must return your security deposit to you within three weeks of the destruction or of the time you notify the landlord that you will not be returning even after repairs are made. Unless the lease says otherwise, however, the landlord is not required to give you a refund for rent paid in advance. Be sure to notify your landlord where to send the deposit to you.

TIP: Do not demand or accept your security deposit back from the landlord if you intend to move back into the unit after it is repaired. If you accept your deposit back, your landlord may claim that you have terminated your tenancy and have no right to move back in.

- * If you were forced to move out of your home because of earthquake damage and you wish to move back into it if and when the landlord repairs it, you should write your landlord a letter which states: (1) that you were forced to stay elsewhere due to damage (give the address and telephone number of where you are staying so the landlord can reach you); (2) that you have not surrendered or abandoned your home nor terminated your lease; (3) that you intend to return to your home and resume paying rent when repairs make it possible to live there again; and (4) that you request the landlord to repair damage to your home, listing and describing the damage that must be repaired. Keep a copy of the letter for your records.
- * Whether you are required to pay rent for the time you cannot live in your unit will depend upon what your lease says. If you can still live in your unit but it is significantly damaged, your lease may require the landlord to reduce

your rent until the damage is repaired. If your lease does not address these issues, you should ask your landlord to agree not to collect rent, or to reduce your rent, for the time you are not able to live in your home. If your landlord refuses, remind your landlord that if the damage is not promptly repaired, you can sue the landlord for a refund of all or a portion of the rent you paid for the time the damage went unrepaired.

- * If your unit suffered damage and the landlord has not yet begun repairs, write your landlord a letter describing the needed repairs and requesting him or her to make them. Be sure to date your letter and to keep a copy. If the damage affects your health and safety, call the County Health Department and the city's Building and Safety Department. As we noted at the start of this pamphlet, take pictures of the damage so you will have proof of the conditions.

- * If your landlord refuses or fails to make repairs, you may be able to either make the repairs yourself and deduct them from your rent or abandon the unit. The requirements for each of these remedies are complicated, so you should discuss them with an attorney before attempting to use them. Very briefly, if your repairs would cost less than one month's rent, the damage relates to the suitability of the unit as a place to live, and your landlord has refused to make the repairs after a reasonable time following your request for them, then you may have the repairs made yourself and deduct the cost from your next rent payment. Alternatively, if the damage makes the unit unfit for you to live in and the repairs would cost more than one month's rent, you may abandon it.

Risks: If you repair and deduct costs from your rent, the landlord may sue you and you may be ordered by the court to pay full rent if you did not give the landlord enough time to make the repairs, or if you made repairs that did not relate closely to the fitness of your home as a place to live. If you abandon the unit, a court may order you to pay rent and damages to the landlord if your damage was not bad enough to make the unit legally unfit to be lived in.

- * You are not required to move simply because your landlord tells you to move. Even if your home has been red or yellow tagged, you are only required to abandon your lease (that is, to permanently leave your rented premises with no intent or option to move back in) if (i) you must vacate so the unit can be demolished or repaired (in which case, you may be entitled to relocation assistance from your landlord and temporary housing assistance from FEMA); or (ii) your landlord has first given you written notice to leave, then has filed an unlawful detainer complaint against you and won a court order evicting you. If your landlord serves you with an unlawful detainer complaint, you must file your answer with the court within five (5) days. If you are served with such a complaint, immediately call the Eviction Defense Center of the Legal Aid Foundation of Los Angeles at 213/387-9011.

- * If your landlord requires you to move out of your unit in order to make repairs, you may be eligible for relocation assistance. In general, the Los Angeles City Rent Stabilization Ordinance requires a landlord to pay relocation benefits to a tenant when the landlord wants to evict the tenant for something for which the tenant is not responsible (*e.g.*, if the landlord wants to demolish the

unit, or to do major rehabilitation work). A landlord is not required to pay relocation benefits if the building is "destroyed" by the earthquake. Whether the building is "destroyed" or can be repaired will depend on the particular case. If you think you are entitled to relocation benefits, call the Los Angeles Housing Department at 213/847-RENT or 800/994-4444.

2. Child Care Centers

- * Commercial and office leases typically require the landlord to make structural repairs (such as repairs to foundations, roofs, exterior walls, interior load-bearing walls, and parking lots, walkways, etc.). In turn, the tenant usually is required to make interior repairs (which may include repairs to plumbing and electricity, heating, ventilation, and air conditioning systems). In some cases, however, the tenant may be required to make all repairs.
- * If the landlord is responsible for repairing the damage and the premises are only partially destroyed, the landlord may be required to repair the premises only if the damage is insured; if partial damage is uninsured, or if the premises are entirely destroyed, the landlord may have the option to either repair the damage or terminate the lease. Also, if you are near the end of your lease term (within six months or so), the landlord may have the option to terminate the lease, regardless of whether the damage is insured or not.

TIP: If the landlord is required to repair the damage, your rent may be reduced ("abated") in proportion to the damage while repairs are done. Also, you likely will have some right to terminate the lease if the landlord fails to undertake repairs within a specified time limit.

- * If the tenant must repair the damage, the tenant may be required to repair only insured, partial damage.

III. GOVERNMENT ASSISTANCE

A. FEMA DISASTER ASSISTANCE

1. Family Child Care Homes

a. Temporary Housing Assistance (THA).

If your home was rendered unsafe to live in as a direct result of a federally declared disaster, Federal Emergency Management Assistance (FEMA) is available to help pay (i) expenses of emergency accommodations, or (ii) rental of alternate housing.

b. Minimum Repairs. If you lived in your home at the time of the disaster and you owned your home, then you may be eligible for a grant to make minimal repairs to your home in order to make it safe to live in.

c. Mortgage and Rental Assistance (MRA).

Available to individuals who are threatened with foreclosure or eviction due to the disaster. Applicants must show (i) proof of primary residency at the home or rental unit, (ii) proof of pre-disaster household income, (iii) proof of pre-disaster business ownership or employment which was cut off by the disaster, and (iv) proof that payments are overdue for the period after the disaster, and that you have received a three-day notice to quit from your landlord or a notice of default from your lender. Applicants will also have to certify that they have suffered significant loss of income due to the disaster and therefore can no longer make rent or mortgage payments.

2. Nonprofit Child Care Centers

FEMA offers various forms of disaster assistance, including grants, to eligible nonprofit organizations that suffered damage during a disaster.

- * An eligible nonprofit facility is "*any private nonprofit educational, utility, emergency, medical, or custodial care facility, including a facility for the aged or disabled, and other facility providing essential governmental type services to the general public ...*" Nonprofit child care centers were treated as eligible nonprofits in the aftermath of the 1994 Northridge earthquake.
- * To be eligible for financial assistance, an item of work must: (1) Be required as the result of the major disaster event; (2) Be located within a designated disaster area; and (3) Be the legal responsibility of an eligible applicant.

Those who have suffered damage must apply to FEMA within 30 days following the declaration date of the disaster, unless that period is extended.

B. SMALL BUSINESS ADMINISTRATION LOANS

Small Business Administration ("SBA") loans are available to businesses of any size, including nonprofit organizations, to repair or replace damaged property owned by the business, including real estate, machinery and equipment, and supplies and inventory. Loans are limited to the amount of verified uninsured loss and the applicant's ability to repay, not to exceed \$1,500,000. Existing mortgages and loans on real estate may be refinanced by an SBA loan, and loans may be increased by 20% for the installation of devices to reduce

further damage in the future (e.g., bolting of shelves, plywood bolting of foundations, etc.).

TIP: Recorded mortgages and liens can be refinanced with SBA loan funds if all of the following conditions are met:

- (a) other credit is not available to the applicant ("Credit Available Elsewhere");*
- (b) the property has suffered major disaster damage, defined as loss of 40% or more of the value of the property;*
- (c) the applicant intends to repair the damage.*

The installment payment amount and the loan term are set by the SBA, depending on the borrower's ability to pay.

- * SBA will require some collateral for repair loans over \$10,000 and for economic injury loans over \$5,000. Also, borrowers must maintain full hazard insurance covering the collateral. SBA applies these requirements liberally, though, so they should not deter you from applying.
- * If SBA decides that you cannot borrow from private lenders, then you do not have "Credit Available Elsewhere." Typically, SBA decides that more than 90% of applicants do *not* have Credit Available Elsewhere.

As with any loan, those issued by the SBA are not grants and therefore must be paid back. Furthermore, SBA loans are not necessarily less expensive than conventional private loans.

TIP: Insurance money that your lender required you to apply against a mortgage does not reduce the eligible loan amount.

1. Home Disaster Loans (Family Day Care Providers)

Renters are eligible only for loans to cover their possessions (personal property), not to repair or replace their damaged rental premises. Loans for repair or replacement of home or office are limited to \$200,000, and loans to repair or replace personal property are limited to \$40,000. In each case, the loan is limited to the amount of the verified, uninsured loss; real property loans may be increased by up to 20% for devices or repairs intended to reduce future damage of the same type as the disaster. In some cases, existing mortgages may be refinanced.

TIP: Family day care providers may be eligible for both home disaster loans and economic injury loans.

2. Economic Injury Disaster Loans

Loans up to \$1,500,000 are available to cover actual, uninsured economic injury, as calculated by SBA, which the business cannot absorb. The total combined amount of business loans and economic injury disaster loans to any one business is limited to \$1,500,000.

TIP: Nonprofit organizations likely are not eligible for economic injury loans, but they should still apply for such loans. Nonprofits have operating costs (rent, salaries, etc.) just like any other business, and much of their income, from both foundations and government agencies, may depend upon the amount of services provided.

C. INDIVIDUAL & FAMILY GRANT PROGRAM

These grants are given to eligible individuals and families to cover essential needs and necessary expenses arising from the disaster, which the individual or family has been unable to pay from other sources. IFGP grants are given as a "last resort." IFGP grants will not cover business losses, luxury or recreational property, real property, or lost cash. IFGP funds are grants that do not have to be repaid, and there is no income threshold for eligibility. To be eligible, *applicants first must have applied to the SBA and, if housing is needed, to FEMA's Temporary Housing Program.*

D. APPEALS

If you apply for an SBA loan or for assistance from FEMA and you disagree with the decision made by the agency, you have the opportunity to appeal the decision within 60 days of the date marked on the letter of determination (the letter explaining that you were granted or denied assistance, how much, etc.) sent by the respective agency. Applicants usually appeal decisions for the following reasons: they were denied assistance; they require more assistance; or their applications were withdrawn by the agency from consideration.

To prepare your appeal, make sure you have a clear understanding of the basis for the agency's decision. The telephone numbers to FEMA and the SBA which appear later in this pamphlet may be used to help clarify the reasons for the decision made and identify additional documentation needed to support your case. Such documentation may include inspection reports (to determine if they accurately describe the damages) and all documents on which the agency based its decision.

Your appeal letter must be postmarked no later than 60 days after the date of your letter of determination. The appeal letter should explain all of the reasons why you disagree with the decision.

You should include the letter of determination, the agency's control number for your case and the following:

- * proof that previous disaster-related assistance was used properly;
- * business income information such as monthly profit and loss statements, financial forecast, quarterly tax returns, monthly tax from State Board of Equalization;
- * most recent income tax returns;
- * complete financial disclosure on all income sources, earned and unearned, for all household members over age 18;
- * copy of completed SBA loan package to re-establish business;
- * proof of insurance coverage;
- * Employment Development Department (EDD) claim information, if applicable.

All documentation should be sent by certified, return receipt requested. If the documents needed to help support the appeal are not available at least one week before the appeal deadline, the letter should state that the appeal will be amended after copies of the requested documents are received.

Make sure that you write down the name of any agency representative who contacts you as well as the information requested.

The decision made by the agency is final. However, if you disagree with the outcome of the appeal you may request a "reconsideration" of the decision in writing. Your letter requesting reconsideration should include copies of any new information.

If the response is not satisfactory, it is suggested you contact a lawyer, congressperson or senator.

E. DISASTER UNEMPLOYMENT ASSISTANCE

Available to people who became unemployed because their business or employer's business was destroyed or interrupted and who otherwise would not be eligible for standard unemployment benefits. You may be eligible if you either (i) were self-employed, (ii) were about to begin work but could not because of the disaster, (iii) you cannot physically get to your job, (iv) you were employed before the disaster but had not worked long enough to be eligible for standard unemployment benefits, or (v) you became the head of your household due to a fatality and are looking for work. Call your local State Employment Development Department ("EDD") office.

F. INTERNAL REVENUE SERVICE

Non-Business Disaster Losses

Earthquake victims can deduct their non-business disaster losses on their taxes. To qualify for this relief, you must do the following:

- (a) You must be able to prove your loss.
- (b) Your loss must not be totally compensated by insurance. If you have insurance, you can deduct only uncompensated losses on your tax return.

- (c) You must itemize deductions on your tax return.
 - (d) You can deduct only non-business disaster losses that exceed 10% of your adjusted gross income. The first \$100 of loss is not deductible.
- * California also allows you to deduct losses under similar rules using the 10% and \$100 limits.

Business Disaster Losses

Uninsured business losses are deductible in full on your tax return.

For additional information call 800 TAX 1040.

IV. IMMEDIATE RESPONSE STEPS

- 1. Assess Your Personal Condition**
Remove yourself from danger. Take only small, essential, personal items if you relocate or evacuate the area.

- 2. Lend Assistance to Persons Around You**
Do not put yourself or others in danger to rescue or assist.

- 3. Assess the Situation in the Immediate Area**
Check for smoke or fires. If a fire is detected, pull the fire alarm and call 911. If you are trained and are quickly able to extinguish small fires, do so.

Warn others and immediately evacuate the area, closing doors behind you.

- 4. Check Utilities**
If you discover a short-circuit, sparking or "live" electrical problem, avoid the area and report the problem to the Incident Commander.

- 5. Report Situation and Conditions**
Call 911 if a fire, smoke or medical emergency occurs.

- 6. Direct Others to Safety**

- 7. Direct Others to Assist You**
Solicit help for First Aid, building relocation or evacuation (or as trained in your response role).

- 8. Secure Supplies**
Obtain emergency supplies which have been assigned. This includes personal records and belongings you can easily carry and any emergency supplies you are assigned.

V. FIRE RESPONSE STEPS

- ★ **Stay calm.**
- ★ Evacuate immediately if there is any personal danger.
- ★ Follow any instructions from emergency agency personnel regarding relocation or evacuation.
- ★ Close as many other doors between you and fire as possible.
- ★ Walk down nearest stairway. **Do not use elevators.**
- ★ Help relocate employees from adjoining areas if there is danger from spreading fire or smoke.
- ★ Proceed directly to any designated relocation or assembly area.

If smoke or heat is present:

- ★ Stay low, following the wall toward an exit.
- ★ Take frequent short breaths through your nose.
- ★ If possible, hold a cloth in front of your nose (do not wet the cloth, it could cause a steam burn).

If trained and if safe:

- ★ Suppress the fire using the proper fire extinguisher.
- ★ Always establish an escape route away from the fire.

- ★ Work with at least one other person in your suppression efforts.

If you are behind closed doors and a fire is suspected outside of the room:

- ★ Don't open hot doors.
- ★ Touch high up on the door (not the door knob) to feel for heat.
- ★ If the door is not hot, open the door cautiously and stand behind it. Be prepared to close it quickly, if necessary.
- ★ Don't break windows. Oxygen will be drawn in and will become a source of fuel.
- ★ Place a coat or other materials along the bottom of your door to block out smoke.
- ★ If you have an office with an outside window, post a sign reading "Help! I am in _____," or wave a brightly-colored material in front of the window.

Once relocated inside or evacuated outside:

- ★ Stay in the designated area and do not return to the building until instructed by emergency services personnel.
- ★ Don't become a spectator.

Fire Extinguishers

These extinguishers are multi-purpose "ABC" dry chemical extinguishers which are suitable for all types of fires. However, fires involving ordinary "solid" combustibles, such as paper, wood, cloth, rubber and plastics, must be doused additionally with water to ensure extinguishment of all deep-seated smoldering.

When using a fire extinguisher, remember the word "**P.A.S.S.**":

- P** — **PULL** the safety pin (usually a twist-pull action).
- A** — **AIM** the nozzle at the base of the fire.
- S** — **SQUEEZE** the trigger handle.
- S** — **SWEEP** slowly from side to side - watch for reflash (rekindling).

NEVER rehang an extinguisher once it has been discharged (even if only for a few seconds). Notify your Floor Team Leader that the extinguisher needs to be recharged by a licensed service company.

VI. HELPING CHILDREN TO COPE WITH DISASTER

Helping Your Child with the Disaster

Children may be especially upset and show feelings about a disaster. These reactions are normal and usually will not last long, but some problems may be present or recur for many months afterward. Listed below are some problems you may see in your children and the children in your care:

- * Excessive fear of darkness, separation or being alone
- * Clinging to parents, fear of strangers
- * Worry
- * Increase in immature behaviors
- * Not wanting to go to their child care program
- * Changes in eating/sleeping behaviors
- * Increase in either aggressive behavior or shyness
- * Bedwetting or thumbsucking
- * Persistent nightmares
- * Headaches or other physical complaints

Some things that will help your child/children in your care:

- * Talk with children about their feelings about the disaster. Share your feelings too.
- * Talk about what happened. Give children information they can understand.
- * Advise parents to reassure their children that the family is safe and together. Parents may need to repeat this reassurance often.
- * Suggest to parents that they may speed up their child's recovery process by holding and touching them often, spending extra time with them at bedtime, and allowing them to mourn or grieve over a lost toy, a lost blanket, a lost home.

IMPORTANT TELEPHONE NUMBERS

FEMA	800/462-9029
(Teleregistration)	800/525-0321
(Multilingual Info)	
(TDD)	800/660-8005
California Office of Emergency Services	818/405-7350
Small Business Administration	800/488-5323
(Information)	
(SBA)	
Red Cross	213/739-4543
Insurance Commissioner	800/540-2000
Public Counsel	213/385-2977
Child Care Resource Center	818/762-0711
Los Angeles Housing Department	213/847-RENT 800/994-4444
Eviction Defense Center L.A. Legal Aid Foundation	213/387-9011
State Contractor's License Board	800/321-2752
(To verify contractor's license)	

Remember:

- * Read your policy.
- * Make your claims as soon as possible.
- * Insurance/FEMA/SBA deadlines might bar your claim if you don't act promptly. Do not hesitate to apply, however, even though a deadline printed in this pamphlet may have passed.

Call Public Counsel for further information
or if you need a volunteer attorney.

APPENDIX A

EARTHQUAKE PREPAREDNESS CHECKLIST

Eliminate potential hazards in classrooms and throughout the site:

- ___ Bolt bookcases in high traffic areas securely to wall studs
- ___ Move heavy books and items from high to low shelves
- ___ Secure and latch filing cabinets
- ___ Secure cabinets in high traffic areas with child safety latches
- ___ Secure aquariums, computers, typewriters, TVs and VCR equipment to surfaces, using Velcro tabs
- ___ Make provisions for securing rolling portable items such as TV/VCRs, pianos and refrigerators
- ___ Move children's activities and play areas away from windows, or protect windows with blinds or adhesive plastic sheeting
- ___ Secure water heater to wall using plumber's tape
- ___ Assess and determine possible escape routes

ESTABLISH A COORDINATED RESPONSE PLAN

Involving children:

- _____ Teach children about earthquakes and what to do
- _____ Practice “duck, cover and hold” earthquake drills under tables or desks no less than 4 times a year involving parents
- _____ Post, or make available to parents, copies of the school earthquake safety plan (including procedures for reuniting parents or alternate guardians with children, location of planned evacuation site, method for leaving messages and communicating)
- _____ Enlist parent and community resource assistance in securing emergency supplies or safeguarding the child care site
- _____ Store a 3-day supply of nonperishable food (including juice, canned food items, snacks, infant formula)
- _____ Store a 3-day supply of water and juice
- _____ Store food and water in an accessible location, such as portable plastic storage containers
- _____ Store other emergency supplies such as flashlights, a radio with extra batteries, heavy gloves, trash bags and tools
- _____ Maintain a complete, up to date listing of children, emergency numbers and contact people for each classroom stored with emergency supplies

**INVOLVING CHILD CARE PERSONNEL
AND LOCAL EMERGENCY AGENCIES:**

- _____ Identify and assign individual responsibilities for staff following an earthquake (including accounting for and evacuating children, injury control, damage assessment)

- _____ Involve and train all staff members about the earthquake safety plan, including location and procedure for turning off utilities and gas

- _____ Contact nearby agencies (including police, fire, Red Cross and local government) for information and materials in developing the child care center earthquake plan

APPENDIX B

POISONS

IMPORTANT: Make sure that all detergents, cleaning compounds, mouthwashes, medicines and other potential poisons are always kept inaccessible to children. **Remember — prevention is the best medicine.**

SOME COMMON HOUSEHOLD POISONS

- after-shave lotion
- alcohol in beverages, cosmetics, medicines
- ammonia
- amphetamines (diet pills)
- ant poison
- aspirin
- antihistamines (for colds, allergies)
- antifreeze
- automobile polish/liquid wax
- barbiturates
- battery acid
- bleach — laundry, hair
- camphor, mothballs
- carbon tetrachloride (cleaning fluid)
- codeine cough syrups
- cold preparations
- cosmetics
- digitalis
- drain openers, drain cleaners
- gasoline, kerosene, petroleum products
- fertilizers
- insecticides
- nail polish remover
- shampoos, soaps, lotions

APPENDIX C

FIRST AID KIT

These are the basics. There may be additional supplies that you may wish to include. Store in a cool, dry place out of the sight and reach of children. Check medicine items for the expiration dates and replace when necessary. Dispose of any medicines that appear discolored. Do not administer any medication to a child in your care except on the advice of a physician and with the approval of the child's parent. You may wish to keep an additional first aid kit and a container of water stored in your car if you regularly transport children.

- first aid information
- assorted bandages and band-aids
- gauze squares
- roll of 2" sterile gauze
- adhesive tape
- child's thermometer
- ice pack
- antiseptic solution (hydrogen peroxide)
- dosage spoon/
measuring spoons
- needles
- rubbing alcohol
- syrup of ipecac (to induce vomiting — to be used **only** on the advice of a physician)
- sealable plastic bags (for disposal of cloths, gauze, etc. used in handling blood)
- scissors
- soap, bar or liquid
- tweezers
- cotton balls and swabs
- eye cup
- hot water bottle
- calamine lotion
- disposable gloves
- petroleum jelly
- drinking cups (paper)
- tongue depressors
- matches (for sterilizing)
- bee sting kit

Child Care Law Project

Public Counsel provides representation for low income child care providers with a variety of licensing, zoning, child abuse reporting and other concerns. The project developed out of the profound need to support affordable, quality child care for children of poor working parents and to help combat the phenomenon of latchkey children.

This pamphlet is one of a series prepared by Public Counsel's Child Care Law Project to provide the Los Angeles County child care community with general information on a variety of legal issues.

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