

Deadlines and Decisions at the One-Year Anniversary

This is a reminder from UP to all homeowners impacted by the 2013 Black Forest wildfire. We are approaching the one-year anniversary and there are important deadlines in insurance policies and Colorado law that may come up at this mark that will affect your claims and your rights. We're rooting for your recovery and hope you're progressing.

Key deadlines you may be facing include:

- The expiration of your additional living expense/loss of use benefits
- Lawsuit limitations related to your agent, broker or insurance company
- A deadline for collecting full replacement value on contents or dwelling
- A deadline for submitting proofs of loss, inventories, receipts and estimates

"To do" before the anniversary:

- Re-read your policy and Declarations page and double-check the math:

Were limits adjusted for extended coverage endorsements and inflation protection?

- Request a complete claim summary of all amounts paid to date. Correct any errors in payments or allocations (to Coverage A, B, C, etc.)
- Organize and turn in receipts for reimbursement of [ALE benefits](#).
- [Communicate with your insurer](#) in writing, and where needed, seek deadline extensions if needed.
- Customize and send one of our [Colorado sample letters](#). Most insurers will grant extensions for good cause. If your insurer says no, contact [DORA](#).
- Courts enforce lawsuit deadlines strictly, so if you feel your insurer has acted unreasonably get a review of your situation from a [qualified CO bad faith attorney](#) before the anniversary.

If you have not reached an acceptable insurance settlement, communicate with your insurer ASAP. Do your best to get written confirmation before the one year anniversary of the following:

- Your insurance claim will remain open and payable past the one year anniversary.
- Your insurer will continue to honor its obligation to pay all benefits owing, including replacement values, past the one year anniversary.
- Your insurer agrees that it will NOT enforce any “suit against us” provision that may arise at the one year anniversary. (refer them to the updated laws and regulations in the State of Colorado on this matter)

Tips for personalizing extension request letters:

- List the specific deadlines you’re worried about and the length of the extension(s) you’re seeking.
- List the relevant reasons why you need and should be granted the extension(s). Some examples include:
 - There is a shortage of qualified local contractors due to the many recent natural disasters in Colorado
 - Personal challenges related to preparing loss documentation
 - Delays that were out of your control and caused by others
 - The insurer failed to fairly and fully investigate the damages on your property or make you aware of the full coverage afforded by your policy.
 - Heat and smoke related damages were not immediately apparent
 - Personal life extenuating circumstances (illness, injury or death in family / military deployment / work travel duties, etc.)
- State that you are aware that other insurers have granted extensions and that the Department of Regulatory Agencies (“DORA”) [issued a bulletin](#) that encourages insurers to grant deadline extensions to fire survivors.

SPECIAL ALERT - [Partial Loss/Damaged Homeowners](#)

The information presented in this publication is for general informational purposes and is not a substitute for legal advice. If you have a specific legal issue or problem, United Policyholders recommends that you consult with an attorney. Guidance on hiring professional help can be found in the “Find Help” section of www.uphelp.org. United Policyholders does not sell insurance or certify, endorse or warrant any of the insurance products, vendors, or professionals identified on our website.

Source: <https://uphelp.org/claim-guidance-publications/deadlines-and-decisions-at-the-one-year-anniversary/> Date: April 27,

- Check your home and personal property carefully for additional, secondary, or hidden damages and file the necessary documentation with your insurer to claim benefits for restoration or replacement well ahead of any deadlines. You will need time to secure estimates and recover any outstanding depreciation.
- Look over delicate items that were cleaned to see if they are exhibiting yellowing or deterioration from the residues or cleaning process itself. This is known as secondary damage and should be covered under most policies.
- Check exterior finishes for cracking and peeling caused by heat exposure from the fire or power washing to remediate the smoke and soot staining.