

Insurance-Related Sandy Deadlines

All Sandy victims who may still be owed flood insurance money are strongly advised to complete paperwork and submit claims and damage documentation **before** October 29, 2014. We recommend getting everything prepared and mailed in as soon as possible.

1. Complete, signed (“sworn”) National Flood Insurance Program Proof of Loss Forms and supporting documentation must be submitted before October 29, 2014 (extension) or you will lose rights to full or further compensation.

If you have a National Flood Insurance Program (“NFIP”) policy and your home was damaged or destroyed in Sandy, you **must** comply with the program’s requirement by completing and filing sworn Proof of Loss forms along with estimates, reports and other supporting documents before October 29, 2014 ([deadline extended as of April 28, 2014](#)). Your submission need not be notarized, but you must **sign** the proof of loss forms. Get a certificate or proof of mailing when you send it in.

If you or the adjuster assigned to your claim already submitted a Proof of Loss (“POL”), but you later found more damage, or you feel the original POL needs correcting, you should file another Proof of Loss. NFIP proof of loss forms are available online at www.fema.gov/forms-0 or from your flood adjuster. The forms are:

- The **Standard “Proof of Loss”** form details the value of your claim. Even if your insurance adjuster already had you sign and submit a Proof of Loss, that form may be deemed “courtesy only,” and chances are it undervalued your loss, especially if you submitted it early on. You will need to submit another version of this form that details what you believe to be the full value of your losses and claim, with supporting documentation, signed/sworn by you. It does not need to be notarized but if you feel safer having it notarized, that’s fine. Line 9 relates to the depreciated value of your claim. [FEMA Form #86-0-9](#)
- The **“Increased Cost of Compliance Proof of Loss”** is the form you file to claim and recover expenses related to complying with building codes, including elevation requirements. An NFIP policy provides up to \$30,000 for eligible “elevation, flood-proofing, relocation, or

demolition.” [FEMA Form #86-0-10](#)

- The **“Statement as to Full Cost of Repair or Replacement,”** is the form you complete, along with your full actual or estimated costs to rebuild, repair, or replace the property. [FEMA Form #86-0-12](#)

There is no claim form labeled “Supplemental” – If you are claiming costs and/or damage on top of an earlier submitted POL, just use the same forms you would use if you were submitting your claim for the first time. Be neat, be complete.

If you do not submit these forms by their deadline – you may be closing the door on the possibility of recovering more money. You are also forfeiting your right to file a lawsuit to receive more money.

IMPORTANT ALERT: The Proof of Loss deadline for Sandy flood insurance claims was extended again t October, 2014. The Statute of Limitations/Lawsuit deadline was not. If you cannot resolve a dispute related to your flood insurance claim, you must file suit within one year after the date your claim was first denied.

2. What “supporting documents” do we advise submitting to the NFIP?

We strongly advise submitting:

- A line-by-line and room-by-room itemized report that details each building component that was damaged or destroyed, and sets a replacement/repair value for that item – ***including repair/replacement costs required to be incurred in order to comply with local building codes or construction ordinances.*** The report should show unit prices, measurements, quantities and qualities. Ideally it should be prepared by a local and experienced construction or repair cost estimating professional, a structural engineer (if appropriate) a building consultant or other qualified expert. This report is often referred to as a [“Scope of Loss.”](#)
- Receipts, bills and invoices, and estimates of repair costs from **contractors;**

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- A report by a **licensed engineer** if there is any dispute about what caused the loss, such as when there is damage to a foundation or any structural issue that the insurer states is preexisting or caused by erosion, subsidence, or “earth movement,” or about whether the “basement” exclusion applies;
- A report by any other **independent and qualified expert** that evaluated your damage.
- Where possible, **photographs** from before the damage, with the damage and water line, and during or after repair (for instance, this may help to distinguish between damage caused by Hurricane Irene versus Sandy); *Be sure to keep copies of all photos and documents submitted.*
- For **personal property**, a room-by-room “contents list” attaching all of the available information above (photographs of the room or specific items if you have them, etc.), in addition to receipts for replacement or website printouts showing the same or near-identical item with a photograph and price; For help with your inventory, visit: [Home Inventory and Contents Claim Help](#) For a sample home inventory, visit [Sample Letters and Documents](#).
- Any **additional documentation** that you may have, including copies of earlier-submitted POL forms related to your loss.

A **building consultant** line-itemizes your loss with unit prices and measurements. It may be a contractor, a public adjuster or another consultant with insurance expertise. They can help identify and line-itemize Sandy-related losses that the naked eye may miss, such as damage behind walls and below floors, costs to repair or replace property damaged by an oil spill, costs needed to match household fixtures, flood cleanup costs, and contractor overhead and profit.

Additionally, for the **Increased Cost of Compliance Proof of Loss**, FEMA advises submitting the community’s determination that your home has been substantially or repetitively damaged, signed contracts for the work, and work permits.^[1]

3. For flood insurance claims, the “Statute of Limitations” deadline is 12 months after the mailing date of any notice you received that denied your claim or any part of your claim.

If you cannot resolve a dispute related to your flood insurance claim, you must file a lawsuit in Federal Court before the “statute of limitations” runs out. Statutes of Limitations can be confusing. If you “blow” a statute of limitations there are serious economic consequences. To avoid confusion, we recommend that you find the date when you received the first communication from your flood claim adjuster or company denying any part of your Sandy damage claim. Use a year from that date as the deadline for filing a lawsuit.

- **Go through all of your correspondence to determine this date.** Under FEMA’s interpretation, this one-year deadline will vary for each person, and for some it could be as soon as November or December 2013.
- **Contact your insurer to request your entire claims file, and ask what the first denial date is.**

A “denial” might have been sent to the wrong address if you relocated, or it may have been lost along the way. Specifically, call the claims representative and document the call. Write down the person’s name, and request that you be told over the phone what the first denial date is, and that the insurer tells you in writing and sends you the claims file ASAP.

4. Where to send your Proof of Loss

- See section VII(J) of your flood policy for additional proof of loss requirements. The flood policy (Dwelling and General Property Forms) are at <http://www.fema.gov/national-flood-insurance-program/standard-flood-insurance-policy-forms#1>.
- If your flood policy was issued by a private “Write Your Own” insurer (such as Fidelity, Travelers, Liberty Mutual, Allstate, etc.), FEMA advises contacting that insurer “to find out the proper address for submitting your Proof of Loss with supporting documentation.” **Request this information in writing, and document all communications related to submitting your proof of loss.**
- If your policy was issued by FEMA through “NFIP Direct,” FEMA has different addresses for regular mail and for overnight delivery. See: FEMA, Proof of Loss, at <http://www.fema.gov/media-library/assets/documents/9343?id=2545>.
- Submit everything with tracking and proof of mailing to ensure proof of delivery, and seek

confirmation from the insurer, again – document all communications.

5. Home insurance claim denials:

- Homeowners Insurance (different from Flood Insurance) policies have not provided much in the way of benefits to most Sandy survivors. However, depending on the exact wording in your policy and the specific damage Sandy caused to your property, you may have an argument that you are entitled to collect under your homeowners policy. If you're considering filing a lawsuit to challenge your home insurer's denial of your Sandy claim(s), confer with a qualified attorney at your earliest convenience. Get an evaluation of your argument from a competent policyholder attorney and pinpoint the deadline for filing suit. Different legal rules apply to home and flood insurance disputes.

6. Stay Informed:

- **United Policyholders:** www.uphelp.org/Sandy
- **Property Insurance Coverage Law Blog:** www.propertyinsurancecoveragelaw.com
- **Flood Insurance Attorneys Blog:** www.floodinsuranceattorneys.com

[1] Increased Cost of Compliance Coverage, FEMA Brochures #F-300 & F-663, at <http://www.fema.gov/media-library/assets/documents/12170?id=3010> and <http://www.fema.gov/media-library/assets/documents/12164?id=3009>.

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