



**Sandy (NFIP) claim help
before April POL deadline:
“Last Chance” Webinar, 3/26/14**

Amy Bach, Executive Director and co-founder,
United Policyholders amy.bach@uphelp.org
Special Guest Presenter, David Charles
Master Claims Consultants dcharles@masterclaimslc.com

United Policyholders
2014 © ALL RIGHTS RESERVED

Instructors:

- Amy Bach, attorney and co-founder of United Policyholders (“UP”) with 25 years of experience advocating for insurance consumers and doing long term disaster recovery work. A 2012 Money Magazine “Money Hero.”
- David R. Charles has spent his entire career in disaster relief, including 33 years handling insurance claims, representing both insurance companies and policyholders.

Roadmap to Recovery™

Helping individuals and businesses solve insurance problems that can arise after disasters.

- “Straight scoop” guidance from expert staff and volunteers
- We don’t sell insurance or accept funding from insurance companies
- Funded by donations and grants
 - Hurricane Sandy New Jersey Relief Fund
 - Long Island Community Foundation

24/7 help on the web: www.uphelp.org

- Workshops, webinars and meetings
- Distributing tools and resources
- Answers to questions, samples and examples



Announcements



- Walk-in clinics at Touro Law Center
- Check schedule at: Disasterlaw.Wordpress.com

Special NFIP rules

- **Any Sandy damage you want the NFIP to pay for must be documented in properly prepared proof of loss forms and a claim package submitted by April 28, 2014 – No exceptions.**
- Appeals must be in writing and filed w/in 60 days of a denial or final claim decision by NFIP
- Deadlines are strictly enforced

References:

- Proof of loss form #86-0-9
- ICC form #86-0-10 (\$30k max)
- Statement as to Full Cost of Repair or Replacement form #86-0-12
- Bulletin W-13008 (Sandy date of loss)
- Bulletin W-11001 (Proof of loss req'ts)
- Bulletin W-13060 (Extension of deadline)

What is a claim package?

- Detailed and comprehensive estimate of COVERED damages
- Photo documentation of the loss
- Expert reports to establish causation (if needed)
- Signed and sworn Proof of Loss

On your to-do list:

- Need copy of Proof of Loss already submitted
- Collect all claim letters and documents and correspondence
- Keep an eye on timing of "denials"
- If you have more damage than was listed in your original "proof of loss," submit a supplemental

www.floodsmart.gov, www.uphelp.org/Sandy

**A properly documented claim
(or supplemental claim)**

- Lists/documents and values all damage and costs to repair or replace property
- Based on whatever reports, estimates, photos: soil, engineering, mold/hazardous material abatement, board-up, repairs/rebuilding costs are necessary to prove/support the claim.

**“Old School”
contractors estimates:**

- Items lumped together
- No separation of rooms and areas
- Material list
- Labor estimated by the crew
- No unit costs

**The language of the insurance
industry:**

- Room by room measurements
- Unit cost estimate
- Individual line items
- Full explanation of why you're doing things

Depreciation tied to condition

- Interior wall studs vs. shingles
- Family room couch vs. formal living room couch

NFIP nuances

The easiest way to describe what IS covered for replacement cost on the building would be to show you here what is NOT covered.

These things are NOT covered for replacement cost:

1. Appliances
2. Carpets or carpet pads
3. Outdoor awnings, outdoor antennas or aerials of any type, and other outdoor equipment
4. Detached garages
5. Any covered property which is abandoned after the loss and remains as debris, anywhere on the described location.

NFIP POL

- Must be “fully executed”
- Must be sworn
- Need not be notarized (per W-11001)
- 3 forms
 - Proof of Loss (86-0-9)
 - ICC (86-0-10)
 - Statement as to Full Cost of Repair/Replacement (86-0-12)

“An estimate should...”

“ [D]etail the full scope of repairs and take into account other required labor or material components, when they are not considered part of the estimated removal and replacement allowance for an item ruined by flood water.”

EXAMPLE:

“REMOVE AND RESET A COUNTERTOP EVEN THOUGH IT WAS UNTOUCHED BY FLOOD WATER, WHEN THE BASE CABINET IS RUINED REQUIRING ITS REMOVAL AND REPLACEMENT”



Explain the need for better craftsmanship or material quality

“[S]uch as stain-grade versus paint-grade; special milled woodwork; hardwood vs. softwood; solid wood or wood veneer vs. laminated fiberboard; or faux finish or wall texturing vs. flat painted surfaces”.

Supplemental POL preparation help

- Master Claim Consultants (flat fee)
(<http://tinyurl.com/mu6jpyl>)
- Any of the following (provided they are reputable and have experience with NFIP claims)
 - Attorney (hourly or contingency fee)
 - Public adjuster (contingency fee)
 - Pro bono attorney (expert expense?)

United Policyholders
2011 © ALL RIGHTS RESERVED

Where to send POL if your NFIP policy was sold through a “NFIP Direct”:

Regular mail

**FEMA Direct Servicing Agent
P.O. Box 2966
Shawnee Mission, Kansas 66201**

Overnight Mail

**FEMA Direct Servicing Agent
7701 College Blvd., Suite 150
Overland Park, Kansas 66210**

For more information:
<http://www.fema.gov/media-library/assets/documents/9343?id=2545>

Where to send POL if your NFIP policy was sold through a “WYO”:

The image shows two side-by-side screenshots of FEMA policy documents. The left document is from 'FIDELITY' and includes a table with columns for 'Amount', 'Type', and 'Description'. The right document is from 'FEMA' and includes a table with columns for 'Amount', 'Type', and 'Description'. Both documents contain various fields for policy information, including policy numbers and dates.

What are the most common problems with flood claims?

- Adjuster's estimate and/or settlement offer arbitrary/too low/incomplete/wrong
- Depreciation improperly applied
- Visible water line being used as definitive cut-off regardless of damage
- Allegations of "pre-existing damage"
- Improper application of earth movement exclusion
- Code compliance requirements unclear
- Pressure from above not to overpay claims

The right experts are critical:

- Easier said than done, but now or never
- Expert reports can go both ways
- Need to pay for inspections and reports
 - Prove the extent and cause of damage
 - Prove the value of damage
 - Discredit biased experts
 - Disprove alleged pre-existing damage

Options for resolving disputes:

- Provide more/better documentation
- Appeal
- Lawsuit

www.uphelp.org/DisputeResolution

Where to mail NFIP appeals

Federal Emergency Management Agency
Mitigation Directorate
Federal Insurance Administrator
1800 S. Bell St.
Arlington, VA 20598-3010

For more information:
<http://www.fema.gov/pdf/nfip/manual201110/content/14claims.pdf>

Financial help

- New Jersey: Community block grants
<http://www.nj.gov/dca/announcements/sandy.html>, Green/Blue Acres, RREM
- SBA and FEMA grants
- Charitable aid
- Casualty loss tax deductions

New Jersey Pro Bono Legal Help



888-222-5765
OPEN: Monday-Friday
8AM-5:30PM
www.lsnjawhotline.org



855-301-2525
OPEN: Monday-Friday
9am-5pm
www.vlnj.org

New York Pro Bono Legal Help



Touro Law Center Disaster Relief Clinic
(631) 761-7198
<http://www.tourolaw.edu/tcheart/>
<http://disasterlaw.wordpress.com>
Contact: Professor Benjamin Rajotte

“Ask an Expert Forum” www.uphelp.org/ask-an-expert

- Register. It's free.
- Write in your questions.
- Get an answer from an expert in construction, insurance, laws and disaster recovery.
- Your name stays private



Important links:

- http://www.nfipiservice.com/storm_sandy.html (Bulletins, claim forms)
- <http://www.region2coastal.com/sandy>
- <http://www.region2coastal.com/additional-resources-1/glossary#BFE> (Zones/Maps)
- <https://msc.fema.gov> (Locate a property)
- www.fema.gov (Sample NFIP policies)
- www.uphelp.org/Sandy

Claim Help Library
www.uphelp.org/Sandy

Tips, Tools, Resources, Links, Articles, FAQs

- Dwelling Claim Tips
- Contents Claim Tips
- Flood Insurance Claim Basics
- Mold Damage
- Samples of estimates, damage reports
- Guides for Overcoming Obstacles
- Hiring Professional Help
- Resolving Claim Disputes
- Underinsurance Help

Questions?

Amy Bach,
Executive Director and Co-Founder
United Policyholders

David Charles
Master Claims Consulting
dcharles@masterclaimslc.com

Email additional questions to: info@uphelp.org

www.uphelp.org/webinar/032614

- Visit UP' s website and search for more buying tips, claim tips, articles and helpful info.


