

July 10, 2014

David L. Miller
Associate Administrator
Federal Insurance and Mitigation Administration
U.S. Department of Homeland Security
Federal Emergency Management Agency
500 C Street, SW
Washington, DC 20472

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Programs

Advocacy and Action
Roadmap to Preparedness™
Roadmap to Recovery™

Re: Request for Retroactive Deadline Extension to National Flood Insurance Program Proof of Loss Submission for Victims of September 2013 Colorado Flooding Event

Dear Mr. Miller:

We are writing on behalf of numerous homeowners in Colorado who suffered damage during September 2013 flooding events in Boulder and Larimer Counties and were insured through the National Flood Insurance Program (NFIP). The devastation to roads, bridges and structures was sudden and epic and many of these residents could not access their properties for months. In addition, small towns were impacted so residents faced challenges finding qualified and trustworthy local estimators/contractors. Despite these challenges, those who were NFIP insureds were expected to complete and perfect their claim paperwork quickly and were not given the extensions that have become common after large-scale disasters (e.g. Superstorm Sandy).

As a result, many of the impacted residents submitted their claims in haste and their paperwork contains errors and omissions that need to be corrected. Yet they are facing a legal bar to recovering funds to which they're entitled and that they and their community need to repair and rebuild. We respectfully ask your agency to grant a retroactive extension to the Proof of Loss deadline for claims made under the NFIP to allow these residents to perfect their legitimate claims. 81-days was not sufficient.

Under 44 C.F.R. Sec. 61.13(D), you have the authority to grant a waiver of the Proof of Loss deadline. This is precisely the authority cited in Bulletin W-12092a (November 9, 2012); your October 1, 2013 Memorandum: **Further Extension of the Standard Flood Insurance Policy's Proof of Loss Time Requirement Included in the November 9, 2012 Bulletin W-12092a for National Flood Insurance Program Flood Claims Arising Out of Meteorological Event Sandy**; and your April 28, 2014 Memorandum: **"Further Extension the Time to File a Standard Flood Insurance Policy Proof of Loss for National Flood Insurance Program Flood Claims Arising Out of Meteorological Event Sandy."** We urge you to exercise the same authority to extend the Proof of Loss deadline for 2013 Colorado flood victims retroactively one-year from the original deadline (December 2014) to December 2014.

About United Policyholders

"We" are United Policyholders ("UP"), a non-profit I.R.S. exempt 501(c) (3) organization founded in California in 1991 that is a voice and an information resource for insurance consumers in all 50 states. Donations, foundation grants, volunteers, and staff in all 50 states, support our organization's work. We are based in San Francisco but operate nationwide. We do not sell insurance or accept funding from insurance companies.

Our work is divided into three program areas: Roadmap to Recovery™ (disaster recovery and claim help), Roadmap to Preparedness (insurance and financial literacy and disaster preparedness), and Advocacy and Action (advancing pro-consumer laws and public policy through Amicus Briefs, legislative advocacy, and regulatory enforcement). We host a library of previous Amicus Briefs, news, tips, sample forms and articles on commercial and personal lines insurance products, coverage, and the claims process at www.uphelp.org.

Following the 2013 flooding event in Boulder and Larimer Counties, we hosted a series of workshops in Boulder and Larimer Counties in partnership with local government, FEMA, community foundations, and other non-profits. We have been intimately involved in the recovery process and continue to work with affected homeowners, local partners, attorneys, and other claims professionals. We are providing education and advocacy services to the homeowners and renters of Boulder and Larimer County whose homes were damaged or destroyed and we have set up a Colorado flooding-specific resource page on our website (www.uphelp.org/floodhelp) and have fielded questions from homeowners and on-the-ground case managers throughout the long term recovery. Our educational events have focused on how to document and value damage, identify appropriate repair methodology, and avoid and remediate mold.

Thank you for time and consideration of an extension to the Proof of Loss deadline. We strongly believe this is an equitable request, one which will ensure that Colorado homeowners are able to fully recover from a tragic event. We look forward to hearing from you and answering any questions you may have.

Sincerely,

A handwritten signature in black ink, appearing to read "Amy Bach". The signature is fluid and cursive, with a long, sweeping underline that extends to the right.

Amy Bach, Esq.
Executive Director

Dan Wade, Esq.
Staff Attorney

cc: FEMA Administrator William Craig Fugate
U.S. Senator Michael Bennett
U.S. Senator Mark Udall
U.S. Representative Jared Polis
U.S. Representative Cory Gardner
Governor John Hickenlooper
David Charles