



# 2020 Colorado Wildfire Recovery

Insurance-focused question and answer webinar  
w/CO Division of Insurance

Roadmap to Recovery<sup>TM</sup>

Q & A via Zoom

September 29, 2021

# About United Policyholders (UP)

- Reputable, established 501(c)3 not-for-profit charitable organization, Platinum Guide Star rating
- Trusted information resource and respected voice for insurance consumers in all 50 states
- 30 year track record and expertise in disaster recovery
- Not for profit...not for sale
- Funded by donations and grants

# Team UP

- Professional staff
- Government and nonprofit partners
- Volunteers
  - Survivor to Survivor - previous catastrophic loss survivors paying it forward
  - Consumer oriented professionals
    - Damage and repair/rebuild cost estimators
    - Lawyers
    - Public Adjusters
    - Tax and Financial Planning experts
    - Construction and Real Estate professionals

# Our Three Programs

- Roadmap to Recovery™
  - Guidance on insurance, restoring assets and getting back home after a catastrophic loss
- Roadmap to Preparedness
  - Helping households and communities reduce risk and be resilient to disasters and adversity
- Advocacy and Action
  - Enforcing insurance consumer rights and protections

# The Fine Print

- This workshop is intended to be general guidance only, not legal advice
- If you have a specific legal question, we recommend you consult an experienced attorney
- We do not endorse or warrant any of the sponsors or the speakers at our workshops
- We are not creating a professional/client relationship with any individual

# Amy Bach



- **A professional insurance consumer advocate since 1984**
- **Published author, experienced trial and regulatory attorney**
- **Co-founder, UP**
- **Official consumer representative:**
  - **National Association of Insurance Commissioners**
  - **Federal Advisory Committee on Insurance (US Treasury)**
  - **American Bar Association Standing Committee on Disaster Response**

# Angela Cirignano

- **Senior Insurance Analyst,**  
Consumer Services, DORA,  
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# Kerri Waite

- Colorado Coordinator, UP
- 2012 Waldo Canyon Fire Survivor
- Author of publications in the “Survivors Speak”, “Ask an Expert”, “Tip of the Month” and Partial Loss libraries at [uphelp.org](http://uphelp.org)
- Recipient of The MSCA “Good Neighbor Award” and El Paso County Contribution Certificate
- BS in Business Admin and Mgt from University of New Orleans





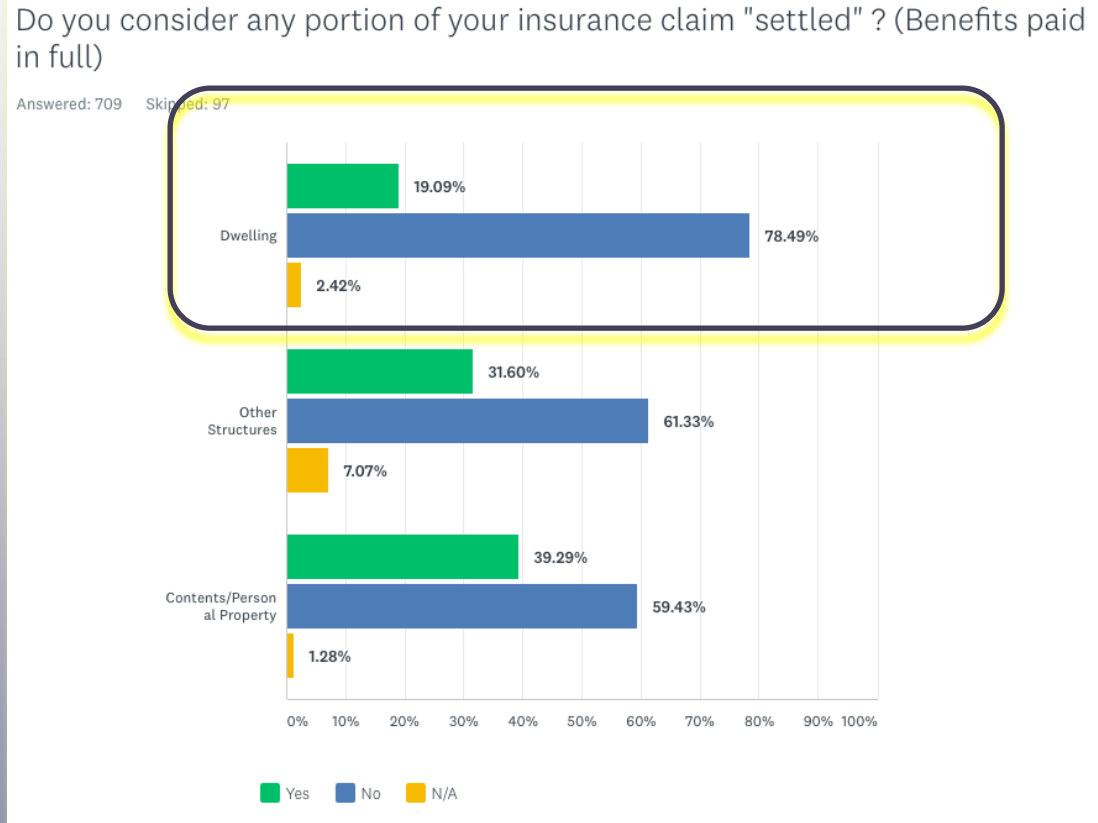
# Roadmap to Recovery

## 6 Month Survey

- Thank you for completing our survey.
- Detailed results are available at:  
[www.uphelp.org/surveyresults](http://www.uphelp.org/surveyresults)
- Please take our 12 month survey when it opens in November
- Survey results are critically important to our ability to help solve insurance problems
- If willing to share your story with the media or elected officials, please email [kerri@uphelp.org](mailto:kerri@uphelp.org)

# At 6 Months Post Fire

- 80% of survivors surveyed have not yet settled the dwelling portion of their claim
- 66% of survivors surveyed report being underinsured on their dwelling



# Consumer complaints

- What has DORA observed since the 2020 CO wildfires?
- Have there been patterns of problems?
- Observations/resolutions

# Best practices:

- From time to time, ask for a complete claim summary of all amounts paid to date <https://uphelp.org/claim-guidance-publications/sample-letter-requesting-claim-payment-history/>
- Correct any errors in payments or allocations (to Coverage A, B, C, etc.)
- Organize and turn in receipts for reimbursement of ALE benefits to keep the dollars flowing <https://uphelp.org/claim-guidance-publications/sample-letter-requesting-information-about-insurance-benefits-for-temporary-living-expenses-ale-or-loss-of-use/>
- Communicate with your insurer in writing and get confirmation that there are no upcoming policy deadlines you need comply with.  
<http://www.uphelp.org/library/resource/speak-how-communicate-your-insurance-company>

# Generally, Policy Deadlines...

- Vary by company, policy form, and endorsements
- Some are extended by operation of law, such as minimum timeframes imposed by Statutes
- Some extensions may be encouraged by “Bulletins” issued from the Division of Insurance, but are not mandatory
- All ***can*** be extended by insurer, voluntarily
- Some will not be extended
- Clarify with your company and adjuster ASAP
- You must get extensions in writing in order to rely on them

# Avoiding problems w/builders

- Many survivors recommend having your contract reviewed by an attorney before you finalize.
  - Check the status of contractor's license.
  - Check references.
  - If possible, view their previous work in person.
  - Ask about and understand change orders.
  - Clarify who is responsible for paying subcontractors and for materials.
- <https://uphelp.org/claim-guidance-publications/questions-to-ask-a-repair-rebuilding-contractor/>

# Keep breathing



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# 1. Code Upgrade/Ordinance and Law Coverage denied, now what?(GP)

- We are planning to rebuild our family cabin and are underinsured so we will exceed our policy limits. American Family has stated that the Ordinance and Law (O&L)10% bucket does not apply if we have already exceeded our dwelling limits and 20% excess building expense. Grand County has IRC2015 for insulation, deck, electrical, etc. The policy states otherwise and the adjuster is not relenting. What can we do short of a law suit to get them to acknowledge that coverage?

➤ [https://uphelp.org/wp-content/uploads/2020/09/sample\\_xactimate\\_code\\_upgrade\\_estimate\\_2020.pdf](https://uphelp.org/wp-content/uploads/2020/09/sample_xactimate_code_upgrade_estimate_2020.pdf)



# Code Upgrade/Ordinance and Law Coverage – Sample Language?

a. **we** will pay up to 20% more than the:

- (1) Coverage A limit, or
- (2) Dwelling Extension limit that applies to **your** detached garage;

subject to the following:

- (a) **Your** dwelling and detached garage(s) must be insured for at least 100% of their replacement cost.
- (b) Until **you** complete the repair or replacement, **we** will not pay more than the applicable limits in this policy.
- (c) **You** must complete the repair or replacement of **your** dwelling or detached garage at its current location within 12 months of the date of the loss.
- (d) **We** may extend, when **we** deem necessary, the requirement to repair or replace property within 12 months after the date of loss.
- (e) This Coverage does not apply if **you** build or buy replacement property at another location.

b. This Coverage does not apply to any loss that occurs more than 90 days after the start of any type of modification or improvement that increases the replacement cost of **your** dwelling or any detached garage by an amount of \$5,000 or more. However, this Coverage does apply if **you** have notified **us** of such amount of increase in replacement cost and have increased the Coverage A limit by at least such amount prior to the loss.

- (1) property **you** repair or rebuild at any location that is not the **residence premises** shown in the Declarations;
- (2) remodeling, removal, or replacement of any undamaged part of any building necessary to complete the remodeling, repair, or replacement of that part of the building damaged by a loss covered by this policy;
- (3) **pollutant** damage or clean up expense; or

e. **does not increase the Coverage A limit or any other limit in this policy.**

However, if this is a HO-GS, HO-3, or CV-3 policy:

- (1) and the covered costs under Ordinance, Law, Or Regulation that **you** incur exceed the Coverage A limit;
- (2) **we** will pay up to 10% more than the Coverage A limit for such costs;
- (3) if **your** dwelling and any detached garage are insured for at least 100% of their replacement cost. Methods for determining replacement cost are provided in Conditions – Section I, Amounts Of Insurance.

This Coverage is added:

Water From An **Outside Water Source**.

- a. The **limit** for this Coverage is \$25,000.
- b. **We** will pay up to that **limit** to cover **your** reasonable and necessary expense for direct physical loss to

END. 584F (CO) Ed. 6/20

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Stock No. 18114

## 2. How can I document the fair replacement value of unique items? (BH)

We lost big game trophy heads and other one of a kind items..... We will not have space for such things in our replacement home, so we need to determine fair ACV. Do these items depreciate? Taxidermy costs alone were about \$1500 each. Will it be worthwhile to pay several hundred dollars for an appraisal? If so, any suggestions on finding such an appraiser? (BH)

- An insured has the right to know how your insurance company calculated depreciation [CO Rev Stat § 10-4-110.8](#)

### 3. Should I file a complaint for insurer delays in excess of 90 days, or will it create an adversarial relationship?(BH)

We submitted a complete claim for ALE to State Farm. Our adjuster promises settlement, but it does not happen. They claim it is being sent to “higher ups” for approvals. We still have other big buckets to settle, so do not want to mess things up for bigger upcoming claim issues.

## 4. How can I get reimbursed for the work I am doing instead of hiring a contractor? (GP)

With such a shortage of qualified contractors, we have just done a great deal of the debris removal and temporary hookup for our RV onsite ourselves. I have hired heavy equipment, purchased tools, and driven back and forth nearly every weekend. How can I best document my costs for my time (is there a current rate schedule available)? Can I charge Overhead and Profit since I am cutting back my work hours in order to do this instead, my regular hourly rate at work would be far greater than what I would ask for?

## 5. Does the “Debris Removal” (5%) percentage apply to Other Structures and Personal Property? Is that payment in addition to the other buckets of insurance funds available? (KM)

My insurer has ignored my requests for debris removal reimbursement for all but the dwelling portion of my claim. They also have stated that I cannot access those funds until I have spend the dwelling portion payment even though I am under contract with a builder. The policy language does not expressly state this. What can I do to get their attention and payment of these funds spent?

6. At what point should the insurer release my additional funds? I have only been paid the depreciated (ACV) dwelling?(KM)

I have submitted for my rebuild permit and have signed a contract with my builder and submitted the documentation demonstrating that I will exceed all the limits. **My insurer is stating that they will not release more funds until my replacement home is “framed”**, but the policy says nothing about that? What constitutes “incurred” costs for them to pay out the Depreciation Holdback \$\$, Code Upgrades 10%, and Additional Building Costs 20%?

## 7. How does the insurer pay out the claim once you start building? (BA)

- Is it held in escrow?
- My builder will need half up front to order needed supplies and sign up subs.
- We are being told we have to have it built in a 2 year period or we don't get the replacement cost is this true?



**COLORADO**

Department of  
Regulatory Agencies

Division of Insurance

## **Dora Division of Insurance - Bulletins**

- Equitable Payment of Claims Resulting from Natural Disasters –B 5.28
- Homeowners' Right to Obtain Additional or Enhanced Coverages –B5.35
- Notice of the Provisions Pertaining to the Payment of Claims for the Repair of Damaged Property –B5.04
- Actions to Protect Consumers with Property and Casualty Insurance Policies During the COVID-19 Public Health Emergency in Colorado –B5.38
- More Info at: [www.doi.colorado.gov](http://www.doi.colorado.gov)

Note: This is a partial list of relevant Colorado DOI bulletins....



# Duty to Promptly Process Claim Regulations

Processing your claim under Section 3 CCR 702-5-1-14-4.

**60 Days:** A Colorado insurance carrier must decide to pay or deny a claim within 60 days of receipt of a valid and complete claim unless a reasonable dispute exists on the claim.

**Reasonable Dispute Includes:** (1) Information necessary to make a decision on the claim has not been submitted or obtained; (2) Conflicting information is submitted or obtained and additional investigation is necessary; (3) The insured is not in compliance with the terms and conditions of the policy; (4) Coverage under the policy for the loss claimed has not been determined; (5) Indicators are present in the application or submission of the claim and additional investigation is necessary; (6) Litigation is commenced on the claim; or (7) Negotiations or appraisals are in process to determine the value of a claim.

**A good faith offer** by the insurer to the insured within sixty (60) days after the receipt of a valid and complete claim satisfies the requirements under this regulation.

# Unfair Claims Settlement Practices

## CRS § 10-3-1104(1)(h)

Unfair claim settlement practices: Committing or performing, either in willful violation of this part 11 or with such frequency as to indicate a tendency to engage in a general business practice, any of the following:

- (I) Misrepresenting pertinent facts or insurance policy provisions relating to coverages at issue; or
- (II) Failing to acknowledge and act reasonably promptly upon communications with respect to claims arising under insurance policies; or
- (III) Failing to adopt and implement reasonable standards for the prompt investigation of claims arising under insurance policies; or
- (IV) Refusing to pay claims without conducting a reasonable investigation based upon all available information; or
- (V) Failing to affirm or deny coverage of claims within a reasonable time after proof of loss statements have been completed; or

# Unfair Claims Settlement Practices

## [continued]

### CRS § 10-3-1104(1)(h)

Unfair claim settlement practices: Committing or performing, either in willful violation of this part 11 or with such frequency as to indicate a tendency to engage in a general business practice, any of the following:

...

(VI) Not attempting in good faith to effectuate prompt, fair, and equitable settlements of claims in which liability has become reasonably clear; or

(VII) Compelling insureds to institute litigation to recover amounts due under an insurance policy by offering substantially less than the amounts ultimately recovered in actions brought by such insureds; or

(VIII) Attempting to settle a claim for less than the amount to which a reasonable man would have believed he was entitled by reference to written or printed advertising material accompanying or made part of an application; or

(IX) Attempting to settle claims on the basis of an application which was altered without notice to, or knowledge or consent of, the insured; or

(X) Making claims payments to insureds or beneficiaries not accompanied by statement setting forth the coverage under which the payments are being made;

...[continued]

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Note: This is a partial list of relevant regulations....

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# Colorado Policy/Legal Deadlines

- Most policies give only 1 year to provide your “Proof or Statement of Loss” and “Contents Inventory”
- ALE (you have 12 months minimum, or possibly 24 months based upon your specific policy language in CO) but you must be reasonably diligent in trying to repair/replace your dwelling and demonstrate efforts with documentation
- Collecting RCV (you have 365 days following the end of your ALE period to recover depreciation)
- Filing a lawsuit alleging “bad faith” – 24 mth limitation
- Filing a lawsuit alleging “breach of contract” – 36 mth

# Colorado Revised Statutes § 10-4-110.8

## (11) (c) (I) and (II): Contents claims deadlines

- 365 days after total loss claim to submit inventory
- 365 days from expiration of ALE coverage to replace property and receive recoverable depreciation

In accordance with C.R.S. 10-4-110.8 (11) (c) (I) and (II), an insurer shall:

- Allow the policyholder 365 days after a total loss claim to submit an inventory of lost or damaged property; and,
- Allow the policyholder 365 days from the expiration of the Additional Living Expense coverage to replace property and receive recoverable depreciation.

# Sample Letter – Extension of Deadlines

Dear Insurer,

We are continuing to do our best to document our loss and cooperate with your company to reach a fair and full settlement. We are writing to request the following extension(s):

1) The one-year deadline to submit proof of our losses for (Contents, Dwelling, other). Please confirm that you will grant us an extension of time to submit these. (clearly articulate/document reasons for need for extension)

2) The “Suit Against Us” clause: Please confirm that you will “toll” the “Suit Against Us” clause while our claim remains open, and that you will not enforce the that clause until one year after you have informed us in writing that you have completed the claim adjustment process and/or closed our claim.



# Reminders and Resources



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# Keep up that paper trail

- A letter to your insurance adjuster should:
  - Confirm you are cooperating
  - Tell them what you need/want and why
  - Ask what they need from you to resolve your claim
  - Point out specific things they have/haven't done that are holding up resolution of your claim
  - Politely remind them about your situation
  - Give them a specific time frame to reply/comply
  - Follow up...follow up....follow up again...



# Your Colorado Wildfire Help Library

## [www.uphelp.org/colorado](http://www.uphelp.org/colorado)

- Colorado Specific Resources with Step by Step Guidance
- One Click Links to Sign UP for Events And Email Notifications
- Links to Pro-consumer Professional Help  
[www.uphelp.org/findhelp](http://www.uphelp.org/findhelp)
- Sample Letters & Claim Forms  
[www.uphelp.org/samples](http://www.uphelp.org/samples)
- Survivors Speak Tips  
[www.uphelp.org/survivorsspeak](http://www.uphelp.org/survivorsspeak)
- Upcoming Workshops And Resources [www.uphelp.org/r2r](http://www.uphelp.org/r2r)



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### DISASTER RECOVERY HELP

Home » Disasters » 2020 Colorado Wildfires - Insurance and Recovery Help

## 2020 Colorado Wildfires - Insurance and Recovery Help



The Cameron Peak, Calwood, Lefthand Canyon, and East Troublesome Fires have affected many Colorado residents. Through our Roadmap to Recovery program you can access free, trustworthy help navigating the process of returning to a wildfire damaged area, repairing and replacing damaged and destroyed property, and collecting all available insurance funds.

If your property is damaged or destroyed, our guidance will help you get started on the road to recovery, make good decisions and keep moving forward. United Policyholders is non-profit and has expertise based on nearly three decades of assisting in communities hit by wildfires. Our staff, disaster veteran and professional volunteers and our partnerships with public, private and non-profit partners will help lighten your load. We're rooting for you and here to help. No strings attached.

#### UPCOMING EVENTS >

**Roadmap to Recovery Q&A**

Wednesday, September 29, 2021  
5:30 p.m. MT

Zoom - registration required

2020 Colorado wildfire survivors

VIEW +

**Survivor to Survivor Forum**

Tuesday, October 5, 2021  
7:00 p.m. PT / 8:00 p.m. MT

Zoom - registration required

All wildfire survivors

VIEW +



# Grand County

Colorado

<https://www.co.grand.co.us/156/Office-of-Emergency-Management>

**Information Line: 970-725-3803**

- **Joel Cochran, Director Emergency Management**  
Office: 970-725-3813 x 273  
Email: [jcochran@co.grand.co.us](mailto:jcochran@co.grand.co.us)
- **Kristen Manguso, District 3 Commissioner**  
Phone: 970-725-3106 Email: [kmanguso@co.grand.co.us](mailto:kmanguso@co.grand.co.us)
- **Vicki Ellis, Permit Tech, Grand County Building Dept**  
Phone: 970-725-3078 Email: [vellis@co.grand.co.us](mailto:vellis@co.grand.co.us)
  - <https://www.co.grand.co.us/1357/Disaster-Assistance-Center>
  - <https://www.co.grand.co.us/1117/Codes-Amendments>



<https://www.boulderoem.com>

- **Garry Sanfaçon, Recovery Manager**

Work Phone: 720-564-2642 Email: [gsanfacon@bouldercounty.org](mailto:gsanfacon@bouldercounty.org)

For information about approved regulations or to discuss your rebuilding project prior to submitting a building permit, please contact:

- **Hannah L. Hippely, Long Range Planning Manager**

Boulder County Community Planning & Permitting

Work Phone: 720-564-2298 Email: [hhippely@bouldercounty.org](mailto:hhippely@bouldercounty.org)

➤ <https://www.bouldercounty.org/disasters/wildfires/calwood-lefthand-canyon/>

➤ <https://www.bouldercounty.org/property-and-land/land-use/planning/land-use-code/>



<https://www.larimer.org/emergency>

**Emergency Information Line: [\(970\) 498-5500](tel:9704985500)**

- **Lori R. Hodges, Director of Emergency Management**  
Work Phone: Email: [hodgeslr@co.larimer.co.us](mailto:hodgeslr@co.larimer.co.us)
  - **Bob Overbeck, County Assessor,**  
[overbebc@co.larimer.co.us](mailto:overbebc@co.larimer.co.us)
  - **Eric Fried, Chief Building Official** Phone: (970) 498-7660  
[friedeb@co.larimer.co.us](mailto:friedeb@co.larimer.co.us)
- <https://www.larimer.org/wildfire-resources>
- <https://www.larimer.org/building/codes>

# Dropped By Your Insurer?

[www.uphelp.org/dropped](http://www.uphelp.org/dropped)

- Don't panic, start shopping
- Follow our suggestions
- Seek out all your options, don't give up
  - Reputable independent agents
  - The Match UP Insurance Finder
- Ask good questions, keep good notes
- Contact your DORA Division of Insurance for help if needed:  
[www.dora.colorado.gov/insurance](http://www.dora.colorado.gov/insurance)
- <https://uphelp.org/claim-guidance-publications/dropped-by-your-home-insurer-information-for-colorado-residents/>



**COLORADO**  
Department of  
Regulatory Agencies  
Division of Insurance

# Colorado Division Of Insurance

For Free, Personal Assistance With Your Claims Or Underinsurance Issues

To File a Complaint Online: [www.doi.colorado.gov](http://www.doi.colorado.gov)

By Email: [dora\\_insurance@state.co.us](mailto:dora_insurance@state.co.us)

Or Call: (303)894-7499



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## Welcome to the Colorado Division of Insurance

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# Upcoming Roadmap to Recovery™ Events

## [www.uphelp.org/events](http://www.uphelp.org/events)

The screenshot displays the United Policyholders website's 'UPCOMING EVENTS' section. The header includes the United Policyholders logo, a search bar, and navigation links: HOME, ABOUT, MEDIA, RECOVERY HELP, GET PREPARED, ADVOCACY, EVENTS, and SUPPORT UP. The events are listed in a grid of six cards, each with a title, date, time, location, and a 'VIEW +' link.

Event Title	Date	Time	Location	Participants
Roadmap to Recovery Q&A	Wednesday, September 29, 2021	5:30 p.m. MT	Zoom - registration required	2020 Colorado wildfire survivors
UP to Good – a benefit for United Policyholders	Friday, October 1, 2021	Virtual Party: 4pm - 5:15pm, Live Party: 6:30-8:30pm	Buena Vista Winery	
Survivor to Survivor Forum	Tuesday, October 5, 2021	7:00 p.m. PT / 8:00 p.m. MT	Zoom - registration required	All wildfire survivors
Boulder County Renters Preparedness Webinar	Tuesday, October 12, 2021	6:30 p.m. MT	Zoom - registration required	Renters in Boulder County, CO
How to Read and Understand Your Policy	Tuesday, October 19, 2021	4:00 p.m. PT	Zoom - registration required	2021 CA Wildfire Survivors

## Register for upcoming Colorado events

# Recent Roadmap to Recovery™ Past Events

## [www.uphelp.org/events](http://www.uphelp.org/events)

The screenshot displays the United Policyholders website. At the top, there is a search bar and a navigation menu with links: HOME, ABOUT, MEDIA, RECOVERY HELP, GET PREPARED, ADVOCACY, EVENTS, and SUPPORT UP. Below the navigation bar, a breadcrumb trail reads 'Home » Events » Understanding Depreciation'. The main heading is 'Understanding Depreciation'. Below this, the event details are listed: 'Thursday, September 9, 2021 4:00 p.m. PT', 'Zoom', and 'All 2020 wildfire survivors, 2018/2019 California wildfire survivors'. A description states: 'This webinar will help you understand how depreciation works in connection with insurance claims.' To the right, a 'RESOURCES' section lists several links: 'Depreciation Basics', 'Home Inventory and Contents Claim Tips', 'Survivors Speak: Strategies for preparing your home inventory', and '2021 9 9 Understanding Depreciation'. Below the main content, a 'WATCH VIDEO' section features a video player. The video player shows a thumbnail with the text '2021\_9\_9\_Understanding Depreciation', 'Roadmap to Recovery Program', 'Watch later', 'Share', '2020 Wildfires Webinar Understanding and Negotiating Depreciation (CA, CO, OR, WA)', and 'Roadmap to Recovery™ Workshop Zoom Webinar'.

United Policyholders  
Insurance for the Future

Search

HOME ABOUT MEDIA RECOVERY HELP GET PREPARED ADVOCACY EVENTS SUPPORT UP

Home » Events » Understanding Depreciation

## Understanding Depreciation

Thursday, September 9, 2021  
4:00 p.m. PT

Zoom

All 2020 wildfire survivors, 2018/2019 California wildfire survivors

This webinar will help you understand how depreciation works in connection with insurance claims.

### RESOURCES

- [Depreciation Basics](#)
- [Home Inventory and Contents Claim Tips](#)
- [Survivors Speak: Strategies for preparing your home inventory](#)
- [2021 9 9 Understanding Depreciation](#)

### WATCH VIDEO

2021\_9\_9\_Understanding Depreciation  
Roadmap to Recovery Program Watch later Share

2020 Wildfires Webinar  
Understanding and Negotiating Depreciation  
(CA, CO, OR, WA)

Roadmap to Recovery™ Workshop  
Zoom Webinar

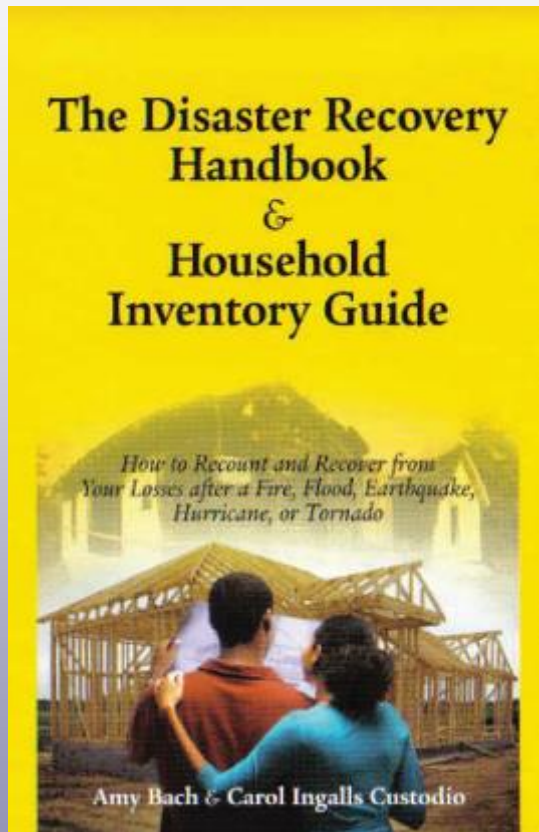
View recordings of past events and related resources



# Stay Connected to Other Disaster Survivors – S2S Forums

- Great Source of Information About:
  - Negotiation Strategies That Worked
  - Important Source of Emotional Support
  - No one else understands your challenges and emotions like another survivor
- Find upcoming Survivor 2 Survivor Forums and register at:  
<http://www.uphelp.org/r2r>

# R2R Guidance and Tools



## “The Little Yellow Book”

Email [info@uphelp.org](mailto:info@uphelp.org)  
to have a copy mailed  
to you.

# Thank You Colorado Funders



**COMMUNITY  
FOUNDATION  
BOULDER COUNTY**

INSPIRING IDEAS. IGNITING ACTION.®



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