



Marshall Wildfire Insurance & Recovery Q and A #1

February 02, 2022
Virtual Workshop/Webinar
www.uphelp.org

About United Policyholders (UP)

- Reputable, established 501(c)3 not-for-profit charitable organization, Platinum Guide Star rating
- A 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

Upcoming Roadmap to Recovery[®] Events

<https://uphelp.org/events>

How to Read and Understand Your Policy

Wednesday, February 9, 6:00 p.m. MT

Register: www.uphelp.org/feb9

Survivor to Survivor Forum

Tuesday, February 15, 8:00 p.m. MT

Register: www.uphelp.org/feb15

www.uphelp.org/events

Register for upcoming events.

View recordings of past events and related resources.

Team UP

- Professional staff
- Government and nonprofit partners
- Volunteers
 - Fired UP Survivors - 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*

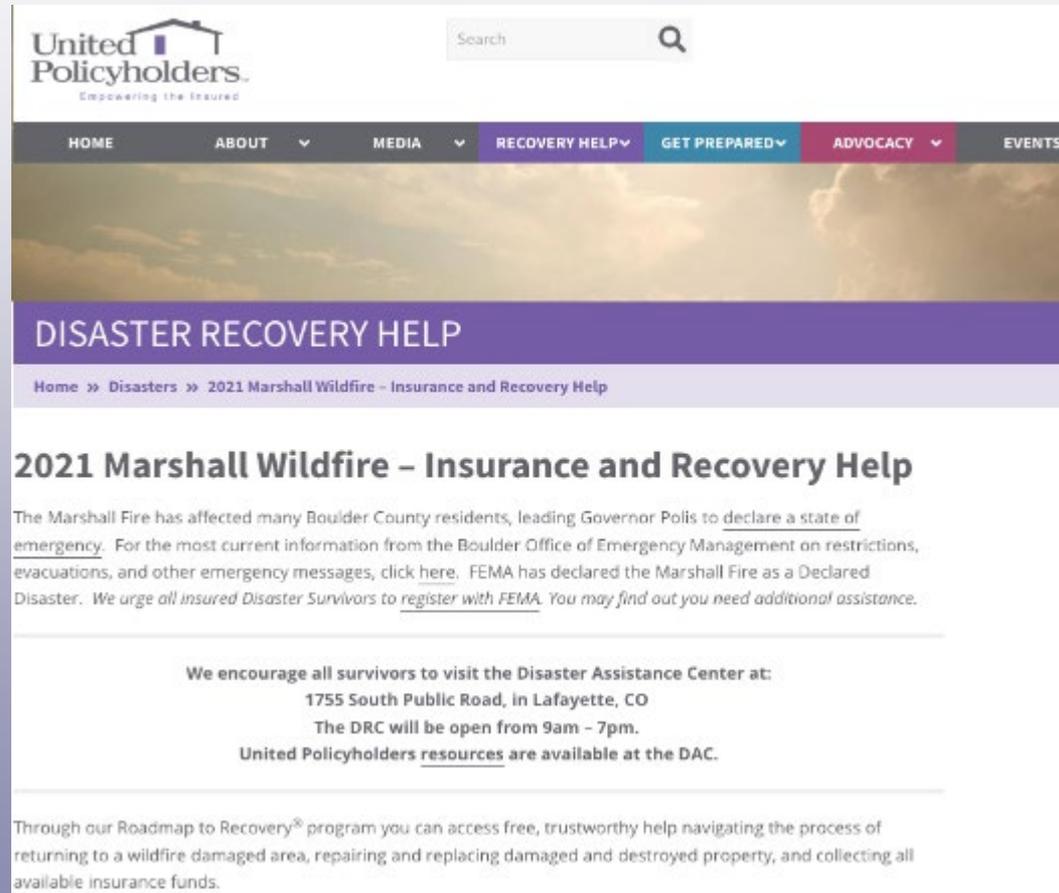
Fine Print

- This workshop is intended to be information and general guidance only, not legal advice.
- If you have a specific legal question, consult an experienced attorney.
- We do not endorse or warrant any of the sponsors listed at www.uphelp.org or volunteers that present at our events.

Marshall Fire Help Library

www.uphelp.org/marshallfire/

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



The screenshot shows the United Policyholders website. The header includes the logo "United Policyholders. Empowering the Insured" and a search bar. The navigation menu has links for HOME, ABOUT, MEDIA, RECOVERY HELP, GET PREPARED, ADVOCACY, and EVENTS. The main content area features a purple banner with the text "DISASTER RECOVERY HELP" and a breadcrumb trail: "Home » Disasters » 2021 Marshall Wildfire – Insurance and Recovery Help". The main heading is "2021 Marshall Wildfire – Insurance and Recovery Help". The text below reads: "The Marshall Fire has affected many Boulder County residents, leading Governor Polis to declare a state of emergency. For the most current information from the Boulder Office of Emergency Management on restrictions, evacuations, and other emergency messages, click here. FEMA has declared the Marshall Fire as a Declared Disaster. We urge all insured Disaster Survivors to register with FEMA. You may find out you need additional assistance." Below this, a box states: "We encourage all survivors to visit the Disaster Assistance Center at: 1755 South Public Road, in Lafayette, CO. The DRC will be open from 9am – 7pm. United Policyholders resources are available at the DAC." At the bottom, a paragraph says: "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."

UP in Colorado



Amy Bach



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

Valerie Brown



- **Senior Program Officer, Roadmap to Recovery™**
- **12+ years experience in disaster recovery**
- **Board Member, Disaster Leadership Team**
- **Officer and Board Member, National Aging in Place Council**
- **Board Member, San Diego VOAD**
- **Red Cross and CERT Volunteer**
- **Home Ignition Zone Instructor**

Sandra Watts



- **Project Coordinator and Instructor, Roadmap to Recovery™**
- **30+ years experience in Insurance claims and claims management**
- **Appointed Member, CA DOI Curriculum Board**
- **IICRC Certified Water Restoration Technician (WRT)**
- **CPIA - Certified Property Insurance Appraiser**
- **CPIU - Certified Property Insurance Umpire**

Kerri Waite

- 2012 Waldo Canyon Fire Survivor
- 2013, 2015 and 2020 Roadmap to Recovery™ Programs
- Roadmap to Preparedness in 13 counties
- Contributing Author of Survivors Speak, Ask and Expert, Tip or the Month, Partial Loss Library, Taxing Matters
- Active participant in 2013 and 2022 Legislative Reform Efforts
- Recipient of The MSCA “Good Neighbor Award” and El Paso County Contribution Certificate
- BS in Business Admin and Mgt UNO



Tracy Garceau

- **Lead Insurance Analyst**, Consumer Services, DORA, Colorado Division of Insurance
- tracy.garceau@state.co.us
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R. Scott deLuise

- President and Chief Executive Officer, Adjusters International, Matrix Business Consulting, CCIM, CPPA, SPPA
- Licensed public adjuster representing policyholders exclusively for 30 years
- Organized first Adjusters International/FEMA loss consulting engagement after Hurricane Andrew in 1992
- Long time volunteer for UP

scott@ai-mbc.com

888.317.2519



Chris Rockers

- Two decades of expertise in advocating exclusively for insured commercial and residential property owners following a loss
- Served on the Rocky Mountain Association of Public Insurance Adjusters Advisory Board for five years
- Author of numerous articles for the Colorado Real Estate Journal on Property Insurance matters
- A decade of volunteer service through United Policyholders

Phone: (303) 926-4959

www.cgclaims.com



THE **CLAIMS**
GROUP

Thomas W. Henderson

Tom focuses his practice on representing policyholders in suing insurance companies for bad faith and getting insurance companies to pay what the insurance policy promises to pay

He has spent the past 12+ years of his practice exclusively representing insurance policyholders pursuing claims for insurance benefits owed by the insurance industry.



<https://www.burgsimpson.com/attorney/thomas-w-henderson/>



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BURG | SIMPSON | ELDREDGE | HERSH | JARDINE PC

888-895-2080



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Marshall Fire FAQ and Resources

www.superiorcolorado.gov

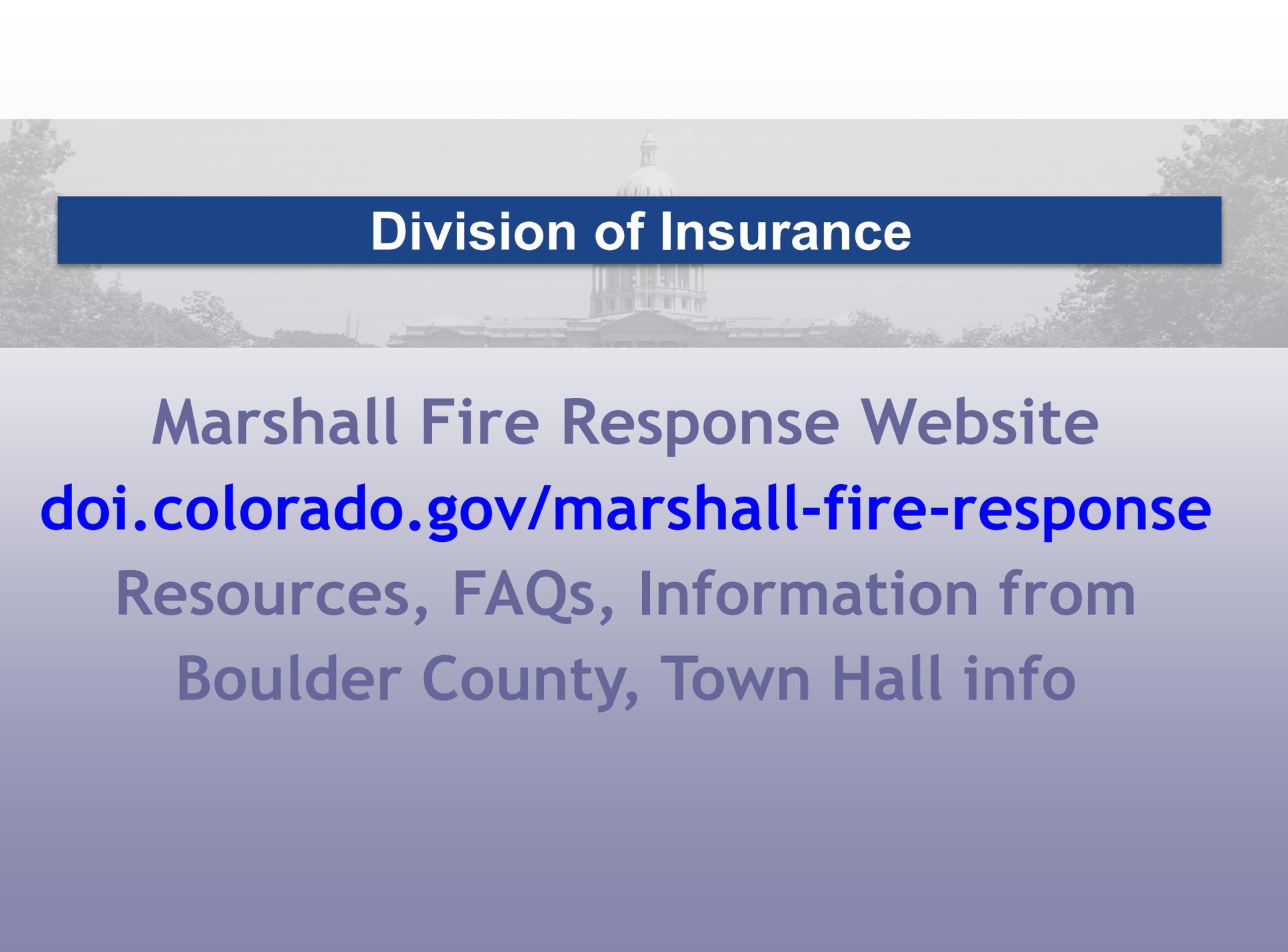
303-499-3675

marshallfire@superiorcolorado.gov

- **Latest updates/resources available at www.louisvilleco.gov/marshallfire**
 - Frequently asked questions
 - Contact info & news
 - Debris removal
 - Insurance/rebuilding
 - Support/resources
- **City Call Center open Monday-Friday from 9 AM to 3 PM**
 - Call 720-824-3100 or email marshallfire@louisvilleco.gov
- **Boulder County Debris Removal Hotline open daily 9 AM to 7 PM**
 - Call 303-214-3203 or visit <https://www.bouldercounty.org/disasters/wildfires/marshall/debris-removal-program/>



**Questions or concerns: Call the
Colorado Division of Insurance at
[303-894-7490](tel:303-894-7490) or email us at
DORA_Insurance@state.co.us**



Division of Insurance

Marshall Fire Response Website
doi.colorado.gov/marshall-fire-response
Resources, FAQs, Information from
Boulder County, Town Hall info

Knowledge equals power AND...



The more you understand about your insurance benefits, your rights and the value of your losses, the more benefits you will recover to rebuild your home and life **and** the smoother your claim will go...

Deep breath



PRE-SUBMITTED QUESTIONS

ALE - What is covered?

We have been unable to get precise information from our insurance company on exactly what is covered in ALE. We also need to know what format to provide to the insurance company for the ALE (a spreadsheet? date? description? mileage?), who to send the spreadsheet to, and how often. (Melinda T.)

- [Survivors Speak: Additional Living Expense \(ALE\)/Loss of Use - United Policyholders \(uphelp.org\)](https://uphelp.org/claim-guidance-publications/survivors-speak-additional-living-expense-ale-loss-of-use/)
- [Sample Letter Requesting Information About Insurance Benefits for Temporary Living Expenses \(“ALE” or “Loss of Use”\) - United Policyholders \(uphelp.org\)](#)

ALE –Why does my policy and adjuster say I have a \$\$ limit ?

My policy indicates a \$76,000 limit for ALE expenses in 24 months. The rental that the adjuster authorized is \$4,000 a month so the limit would only cover 19 months. Based on the communication from the Department of Insurance, there shouldn't be a monetary limit to ALE coverage. Should I just reach out to my insurance and make sure they will cover the full 24 months? (Roberto B.)

DOI Town Hall FAQ's Issued 01-08-22 "...There cannot be a dollar limit for your ALE coverage for your primary home..."

- [Town Hall FAQs - Additional Living Expenses - 1.8.22.pdf - Google Drive](https://drive.google.com/file/d/16MT_ZhUi3AaUjM4Y86-KqNAAt2ZNAaF/view)

ALE – What do they owe us for “rent” when we are living with a family member?

We are currently residing in my mother in laws basement. The house is quite a bit smaller than ours. The insurance company wants the location and size of the house to pay "rent" on it. Do they owe rent for a smaller house, or do they owe "rent" on the basis of my house size and location? The insurance might say actual cost for ALE. Other than this small miscommunication, Liberty Mutual has been great, I think. (Bridget S.)

- [Town Hall FAQs - Additional Living Expenses - 1.8.22.pdf - Google Drive](https://drive.google.com/file/d/16MT_ZhUi3AaauUjM4Y86-KqNAt2ZNAaF/view)
- [Survivors Speak: Additional Living Expense \(ALE\)/Loss of Use - United Policyholders \(uphelp.org\)](https://uphelp.org/claim-guidance-publications/survivors-speak-additional-living-expense-ale-loss-of-use/)
- [Sample Letter Requesting Information About Insurance Benefits for Temporary Living Expenses \(“ALE” or “Loss of Use”\) - United Policyholders \(uphelp.org\)](#)

What is the best way to document extra mileage expenses for ALE?

Will ALE reimburse me for gas, which appears to be a big expense? (going to the DAC, replace titles, bank, home visits w agent, and a million other trips we never ever took, because we often walked, but now are housed far away in a hotel.) (LS) **D 2**

Chris Rockers, **Kerri**

One option is to use the IRS current rate per mile that is inclusive of depreciation and wear and tear on your vehicle:

$\$.54 \times 1000 \text{ miles} = \540.00

versus

$20 \text{ miles per gallon} \times \$3.89 \text{ per gallon} = \134.00



[Survivors Speak: Additional Living Expense \(ALE\)/Loss of Use - United Policyholders \(uphelp.org\)https://uphelp.org/claim-guidance-publications/survivors-speak-additional-living-expense-ale-loss-of-use](https://uphelp.org/claim-guidance-publications/survivors-speak-additional-living-expense-ale-loss-of-use)

CO DOI Town Hall FAQ's ALE

Revised 01-08-22

“...Is there an ALE benefit limit?

- If your home was your primary residence, Colorado law requires that your homeowner's policy cover at least 12 months of ALE. Your policy may provide more coverage so it's important to understand the benefits available in your policy.
- If the home that was destroyed was not your primary residence (e.g., you are a landlord or it was a secondary home that you rent temporarily,), State law does not require your policy to include ALE coverage. There may be loss of use coverage and you will need to review your policy and talk with your insurance company.
- **There cannot be a dollar limit for your ALE coverage for your primary home...**”

“...If I end up staying with a friend who doesn't charge me rent, would there be any requirement for the insurance company to reimburse ALE based on an average cost?

ALE is for the increased costs you incur while you cannot be in your home. If your friend is not charging you rent, you would not be incurring increased costs while you are out of your home for your housing. However, if you are paying your friend or family rent, or for an increase in their utilities, you should submit this for consideration...

- [Town Hall FAQs - Additional Living Expenses - 1.8.22.pdf - Google Drive](https://drive.google.com/file/d/16MT_ZhUi3AaUaUjM4Y86-KqNAt2ZNAaF/view)

Underinsurance – Both the Xactimate ACV and RCV are far below the actual cost to rebuild, what can we do ?

The check we received from the insurance company included only the full Coverage A and most of the Coverage B amount. Code upgrade (10% of Cov A) will also be provided upon start of rebuild. We had a landlord policy on our house; hence it did not include the 20% extended...With all that added up we are still about 300K short based on actual contractor rebuild costs. Should we push them to come up with a realistic RCV based on today's estimates and not the Xactimate estimates. (Nirant P.)

- [Underinsurance 101 - United Policyholders \(uphelp.org\)](https://uphelp.org/claim-guidance-publications/underinsurance-101/)

“ Insurers should also adjust pricing to reflect the specific region the insured property is located, taking into account local conditions that may affect costs.” B-5.28

- [B-5.28 Equitable Payment of Claims Resulting from Natural Disasters - Google Drive](https://drive.google.com/file/d/0BwMmWVFE3YMsMi1pcUIPQ1pINzg/view?resourcekey=0-Tdn5DcvGKYpUZQ59VO2ptQ)

How do I verify the replacement value of my home that insurer provided?

I believe they (USAA) may be fair, but I don't know when you factor in rising building and material costs, etc. We also have a 25% home protector. Do you have a recommendation on how to verify whether the home value is reasonable - I asked the insurance company what Algorithm they use and they would not share. (Mike T.)

- Scoop on "Scope of Loss" - United Policyholders (uphelp.org)
<https://uphelp.org/events/scoop-of-scope-of-loss/>
- Xactimate Demystified - United Policyholders (uphelp.org) <https://uphelp.org/claim-guidance-publications/xactimate-demystified/>
- The Scoop on "Scope" (of loss) - United Policyholders (uphelp.org)
<https://uphelp.org/claim-guidance-publications/the-scoop-on-scope-of-loss/>

Insurer has given me no detailed proof of loss and no expected date for one ?

I had the adjuster at the house 3 weeks ago and since then I only got a draft of the proof of loss (for discussion only) and not details - no concrete communication nor a timeline. We are underinsured: is there a way to discuss the increase building protection above 20% ?

Also, how can I challenge their estimate/proposal for "other structures" and "tree/gardening" if I do not agree with their offer (Alexander S.)

- Insurance Recovery Tips for the Dwelling Part of Your Claim - United Policyholders (uphelp.org) <https://uphelp.org/claim-guidance-publications/insurance-recovery-tips-for-the-dwelling-part-of-your-claim/>
- Scoop on "Scope of Loss" - United Policyholders (uphelp.org) <https://uphelp.org/events/scoop-of-scope-of-loss/>
- Xactimate Demystified - United Policyholders (uphelp.org) <https://uphelp.org/claim-guidance-publications/xactimate-demystified/>

How do we deal with the timing gap between FEMA deadlines and insurer response times?

We applied to FEMA shortly after the Fire, and were declined because we had insurance. To appeal within 60 days they are asking for an insurance settlement letter, which we are unlikely to receive by that date. Can you explain the FEMA appeal process, the materials required to submit with an appeal, and clarity as to what exactly FEMA is likely to provide to an applicant with adequate ALE coverage but underinsured property coverage? (I'm aware of the SBA loan opportunity).

I have had a single 1 hour telephone conversation/interview with our Travelers adjuster, on January 11. We've received no further communication, and an email request for an update has gone unanswered. Should we be filing a complaint with DOI, or contacting Travelers for a new adjuster? (Todd G.)

[Emergency Regulation 22-E-01 Concerning Tolling Certain Time Limits of Policyholder Benefits.pdf - Google](#)
[Drivhttps://drive.google.com/file/d/1K7XhVsLVk4ufP2CLjSRnZEO4Yqeco08S/viewe](https://drive.google.com/file/d/1K7XhVsLVk4ufP2CLjSRnZEO4Yqeco08S/viewe)

CO DOI Bulletin B-5.28 Revised 09-07-2017

Equitable Payment of Claims Resulting from Natural Disasters

“...While some insurance contracts offer more, all homeowner’s insurance replacement cost policies include at least twelve (12) months of Additional Living Expense coverage.”

“...in the event of a total loss of an owner-occupied primary residence that was furnished at the time of loss, the insurer shall offer the policyholder a minimum thirty (30) percent of contents coverage without completing an inventory...”

“...Insurers should also adjust pricing to reflect the specific region the insured property is located, taking into account local conditions that may affect costs.”

- [B-5.28 Equitable Payment of Claims Resulting from Natural Disasters - Google Drive](https://drive.google.com/file/d/0BwMmWVFE3YMsMi1pcUIPQ1pINzg/view?resourcekey=0-Tdn5DcvGKYpUZQ59VO2ptQ)
<https://drive.google.com/file/d/0BwMmWVFE3YMsMi1pcUIPQ1pINzg/view?resourcekey=0-Tdn5DcvGKYpUZQ59VO2ptQ>

What is reasoning to pay or not pay off mortgage?

In your initial webinar, you suggested NOT paying off the mortgage. What is the reason for not paying off the mortgage? (Shirley H.)

- <https://www.knowyouroptions.com/>
- [Getting Your Mortgage Company To Release Insurance Proceeds - United Policyholders \(uphelp.org\)](#)
- [Sample Letter Requesting Mortgage Company Release Insurance Proceeds - United Policyholders \(uphelp.org\)](#)

What is reasoning to pay or not pay off mortgage?

I received a Dwelling A advance check. My mortgage lender is on the check. Am I required to give them the check? Will accepting this check limit additional proceeds like Extended Coverage or Ordinance or Law funds? (Kevin K.)

- <https://www.knowyouroptions.com/>
- [Getting Your Mortgage Company To Release Insurance Proceeds - United Policyholders \(uphelp.org\)](#)
- [Sample Letter Requesting Mortgage Company Release Insurance Proceeds - United Policyholders \(uphelp.org\)](#)

How can I get the attention of my mortgage company?

Our mortgage was sold without our permission 3 times since we refinanced in 2020 and we are now with BSI Financial.

We have not been able to get a hold of a human there and have left over 8 messages. What suggestions do you have to get their attention? (Kim M.)

- <https://www.knowyouroptions.com/>
- [Getting Your Mortgage Company To Release Insurance Proceeds - United Policyholders \(uphelp.org\)](#)
- [Sample Letter Requesting Mortgage Company Release Insurance Proceeds - United Policyholders \(uphelp.org\)](#)

Which “bucket” covers retaining walls and caissons under the home (Dwelling/Other Structures/Landscaping)?

Like about 50 others whose homes were destroyed, our property includes a retaining wall built by the original developers. We also have caissons under the home that project down into the soil to stabilize the structure. Will the costs of replacing the caissons and retaining wall be "charged" to the "house structure" pot of insurance or to the "attached structures" pot which covers fences, sheds, trees etc.? (JS)

- [Navigating the Dwelling Portion of Your Claim for Camp Fire Total Loss Survivors - United Policyholders \(uphelp.org\) https://uphelp.org/events/navigating-the-dwelling-portion-of-your-claim-for-camp-fire-total-loss-survivors/](https://uphelp.org/events/navigating-the-dwelling-portion-of-your-claim-for-camp-fire-total-loss-survivors/)

Debris Removal – Is it a separate bucket?

My insurance claim adjuster says the Debris Removal cost is taken out of our Dwelling Coverage; however, our insurance agent says it does not come out of Dwelling Coverage. I have read our policy and it is not clear. Who can provide a definitive answer? Can you review our policy and help us understand it? (Melinda T.)

- Debris Removal After a Partial or Total Loss - United Policyholders (uphelp.org) <https://uphelp.org/claim-guidance-publications/debris-removal-after-a-partial-or-total-loss/>
- Questions or concerns: Call the Colorado Division of Insurance at 303-894-7490 or email us at DORA_Insurance@state.co.us

Debris Removal

- Commonly adds an additional 5% to each coverage, once the underlying limit is exhausted (some included in limit, some higher %)
- Can use private contractor or locally coordinated program where you assign your debris removal benefits to coordinating entity (if available)
- Make sure private firm can comply with local requirements for removal & disposal of toxic substances
- Additional 5% for **contents** debris is often overlooked
- Usually does not include any coverage for Trees/Shrubs/Plants (unless they hit the house or threaten to)
- Photograph debris before it gets taken away, but use safety guidance if sifting

Who is responsible for debris removal?

CLAIM GUIDANCE LIBRARY

Home » Claim Guidance » Debris Removal After a Partial or Total Loss

Earthquake Fire Homeowners Hurricane Smoke and Extreme Heat Windstorm

SHARE PRINT PDF

ROADMAP TO RECOVERY ⓘ

- GETTING ORGANIZED, INFORMED AND EMPOWERED
- GETTING DEBRIS REMOVED
- BEING PRO-ACTIVE IN DOCUMENTING AND VALUING YOUR LOSSES

Debris Removal After a Partial or Total Loss

Who is responsible for clearing debris from my lot and is that covered under my policy?

You, as the property owner, are responsible for clearing the debris from your lot. Your policy should cover debris removal as a necessary expense to bring your property back to its pre-loss condition.

<https://uphelp.org/claim-guidance-publications/debris-removal-after-a-partial-or-total-loss/>

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<https://www.bouldercounty.org/news/boulder-county-debris-removal-program-update/>



EMERGENCY STATUS MITIGATION PREPAREDNESS RESPONSE RECOVERY

12/30/21 – #MarshallFire and #MiddleForkFire information can be found at: [Emergency Stat](#)

EMERGENCY STATUS

Right of Entry forms now available for properties damaged/destroyed by the Marshall Fire

JANUARY 11, 2022, 5:26 PM | NEWS

The first step in the coordinated debris removal effort is to **complete a Right of Entry (ROE) form**. Property owners in Louisville, Superior, and unincorporated Boulder County whose homes were damaged or destroyed by the Marshall Fire should complete and submit a ROE as soon as possible in order to allow debris removal program teams to work on your property. This ROE will allow the county to immediately remove imminent hazards from your property, and it will also allow the county to apply hydro-mulch to the soil that will prevent ash from being wind-blown or from draining into waterways.

Property owners choosing not to participate in the debris removal program are also asked to submit the form and designate that they are opting out so that Boulder County can accurately track all properties and ensure that cleanup and remediation efforts proceed efficiently and effectively. Completing the ROE and opting out of the coordinated debris removal effort still allows the county to assist with the removal of imminent hazards and perform hydro-mulching soil stabilization work.

The ROE form and more information on debris cleanup is available at <https://boco.org/marshall-debris-cleanup>. There is also an **online version that can be completed electronically**. After downloading and completing the form, please submit it by:

What is your experience with FEMA Debris Removal Program?

What is the past experience with these programs, do they really bill for everything the insurance will pay and more? I have heard FEMA Debris Removal cost estimates of at least \$75K per home...(J.Mark S.)

Extension of deadlines ?

I am very concerned that with 1,100 homes to be rebuilt and debris/foundation removal estimates going out 6-18 months (big difference) that we won't be able to get our home rebuilt within the 24-month rebuild period. What happens if, through no fault of our own, we cannot get the home rebuilt within 24 months and the policy expires? (Thomas G.)

- [New Bulletin B-5.42 Concerning Extension of Policyholder Benefits in the Event of a Catastrophic Disaster.pdf - Google Drive](#)
<https://drive.google.com/file/d/1EK7Kf54-RibhB5HzW6vl4uzTAWJJ7udU/view>
- [Requesting Extensions of Policy Deadlines - Tips and Sample Letter - United Policyholders \(uphelp.org\)](#)
- <https://uphelp.org/claim-guidance-publications/requesting-extensions-of-policy-deadlines-tips-and-sample-letter/>

Is there a way to extend time for replacing property and receiving replacement value?

My home was a total loss and insurer offered 75% payout with remaining after we submit receipts. Also the case for personal property. I live in a small apartment now and my home will take over 2 years. Can I ask for an extension to replace my goods and for construction costs? I have no where to put replacements...(RC)

- [Requesting Extensions of Policy Deadlines - Tips and Sample Letter - United Policyholders \(uphelp.org\)](#)
- <https://uphelp.org/claim-guidance-publications/requesting-extensions-of-policy-deadlines-tips-and-sample-letter/>
- [Emergency Regulation 22-E-01 Concerning Tolling Certain Time Limits of Policyholder Benefits.pdf - Google Drive](#)
<https://drive.google.com/file/d/1K7XhVsLVk4ufP2CLjSRnZEO4Yqeco08S/viewe>

CO DOI Emergency Regulation 22-E-01

Tolling certain time limits of policyholder benefits in the event of catastrophic disaster

...“to protect homeowner policyholders who have suffered a loss during a catastrophic disaster...from insurers that cause unreasonable delays in claim handling, which may further delay rebuilding property. Such delays may be further exacerbated by labor and material shortages. Further, this regulation identifies specific acts or practices that may constitute unfair claim settlement practices...**Insurers shall:**

- **Toll the ALE time limits for the duration of the time required to repair or replace the damaged property...**
- **Toll the policy time limits for the policyholder to complete the repair or replacement of the damaged part of the property necessary for issuance of the replacement cost value payment.”...**

➤ [Emergency Regulation 22-E-01 Concerning Tolling Certain Time Limits of Policyholder Benefits.pdf - Google Drive](https://drive.google.com/file/d/1K7XhVsLVk4ufP2CLjSRnZEO4Yqeco08S/view)
<https://drive.google.com/file/d/1K7XhVsLVk4ufP2CLjSRnZEO4Yqeco08S/view>

CO DOI Bulletin B-5.42 Issued 10-25-2021

Concerning Extension of Policyholder Benefits in the Event of a Catastrophic Disaster

“...This Bulletin is intended for all insurers issuing homeowner insurance policies in Colorado that have total loss claims resulting from any catastrophic disaster, as defined in Section 10-2-103(1), C.R.S. This Bulletin solely applies to policy timelines that restrict the recovery of Additional Living Expenses (ALE) and Replacement Cost benefits...”

“...In the event of a catastrophic disaster, an **insurer shall** act in good faith and shall consider any adverse circumstances beyond the insured’s control that may require maintaining and extending certain policyholder benefits beyond those afforded by the timelines provided in the underlying insurance policy...”

“...If the insurer has caused delays in providing the initial estimate of damages and/or the actual cash value payment, the Division directs the insurer to act in good faith and toll the time period that the policyholder can recover ALE benefits and collect recoverable depreciation by a time period equivalent to the delayed action by the insurer.

- [New Bulletin B-5.42 Concerning Extension of Policyholder Benefits in the Event of a Catastrophic Disaster.pdf - Google Drive](https://drive.google.com/file/d/1EK7Kf54-RibhB5HzW6vl4uzTAWJJ7udU/view)<https://drive.google.com/file/d/1EK7Kf54-RibhB5HzW6vl4uzTAWJJ7udU/view>

Is there a way to extend our ALE?

Our insurance is only giving us 12 months ALE and we know we need at least 24 months until we can rebuild..what options do we have? (DM)

- [Requesting Extensions of Policy Deadlines - Tips and Sample Letter - United Policyholders \(uphelp.org\)](#)
- <https://uphelp.org/claim-guidance-publications/requesting-extensions-of-policy-deadlines-tips-and-sample-letter/>
- [Emergency Regulation 22-E-01 Concerning Tolling Certain Time Limits of Policyholder Benefits.pdf - Google Drive](#)
<https://drive.google.com/file/d/1K7XhVsLVk4ufP2CLjSRnZEO4Yqeco08S/view>

Our policy renewed 30 hours after fire with higher limits – we already had auto pay set and new declarations, can we request the higher limits?

Our policy was set to renew at midnight 12/31/21. We were literally 30 hours away from the increased policy limits going into effect which would have resulted in an additional \$150,000 in policy limits. They had already increased our premium and sent us the new declarations. It auto payed on the 1st. Do we have any recourse considering that they had already estimated and published a higher limit knowing the market conditions? We understand it is a contract but seems incredibly unfair since they had already acknowledged the underinsured situation. (Marty R.)

[Survivors Speak: Coping With Underinsurance - United Policyholders \(uphelp.org\)](https://uphelp.org/claim-guidance-publications/survivors-speak-coping-with-underinsurance/)
<https://uphelp.org/claim-guidance-publications/survivors-speak-coping-with-underinsurance/>

➤ [Options and Remedies for Underinsurance - United Policyholders \(uphelp.org\)](https://uphelp.org/events/remedies-for-underinsurance/)
<https://uphelp.org/events/remedies-for-underinsurance/>

Should I have to keep my full policy premiums and all if house is gone?

Our policy expires in July. We have a total loss and we are being told we have to renew our full policy in July, even though we have no dwelling or possessions. We have renter's insurance for the possessions we have purchased since 12/30/21. Do we need to renew the full policy, or just insure the lot? (Janet J.)

<https://uphelp.org/claim-guidance-publications/updating-your-home-insurance-after-a-loss-staying-protected-without-wasting-money/>

How does ACV vs RCV work?

Please discuss acv versus replacement value. (Victoria H.)

- [Depreciation Basics - United Policyholders \(uphelp.org\) https://uphelp.org/claim-guidance-publications/depreciation-basics/](https://uphelp.org/claim-guidance-publications/depreciation-basics/)

Contents – Is it just a percentage of Dwelling or does it go up with the extended coverages?

Our policy has contents coverage which is set at 75% of the coverage for the dwelling (A) basic on the declarations page. However, we do have a 30% additional “Extended Coverage” and some “Code Upgrade” on the house structure which we will probably get. Does the 75% only apply to the regular (A) limit or does it apply to the full amount of dwelling limits including whatever is paid as “Extended coverage” and for “Code Upgrade: costs?

Is there a law in CO that deals with this? (DS)

- [Home Inventory and Contents Claim Tips - United Policyholders \(uphelp.org\)](https://uphelp.org/claim-guidance-publications/home-inventory-and-contents-claim-tips/)
<https://uphelp.org/claim-guidance-publications/home-inventory-and-contents-claim-tips/>

Are “extended coverages” paid out only if we can show it has been used and when paid out?

Does the insurance company have to pay out the full amount of the “Extended Coverage” and the “Ordinance or Law” money listed in the policy or just the percentage proven to be used? What if it is clear that we are underinsured? (KK)

Do insurers cover “Build or Buy”?

Does the insurance cover "Build or Buy"? Could I take insurance funds and buy or build somewhere else, or am I required to build on the existing site? Are there limitations? (KK)

You Have *Many* Rights Under Colorado Law

The Colorado Homeowners Insurance Reform Act of 2013 (found in Colorado Revised Statutes 10-4-110.8)

- Upon request, you are entitled to a copy of your policy within 3 days, or a certified copy within 30 days
- The insurer must consider an estimate from a licensed contractor or licensed architect submitted by the policyholder as the basis for establishing the replacement cost
- Policyholders who suffer a total loss to a furnished dwelling must be offered at least 30% of their contents limit without requiring an inventory
- If you receive the depreciated value of contents, the insurer must provide the methodology used for determining the depreciated value of the insured contents
- 365 days minimum to submit a Contents inventory
- 365 days after ALE expires to recover depreciation

Colorado Legal Rights (continued)

- 365 days minimum Additional Living Expenses in every policy. (Insurer must offer 24 months at the point of sale)
- 365 days after the expiration of Additional Living Expenses benefits to replace and recover full replacement cost.
- Colorado law on the statute of limitations trumps insurance policy suit limitations – 2 or 3 years depending
- Law and Ordinance coverage must have been made available for at least 10% of Coverage A
- Extended Replacement Cost coverage must have been made available for at least 20% of Coverage A
- The text of all endorsements, summary disclosure forms, and homeowner's insurance policies must not exceed the tenth-grade reading level, as measured by the Flesch-Kincaid grade level formula, or must not score less than fifty as measured by the Flesch reading ease formula.

How do we find the replacement value of an antique?

How do we put a realistic price on antiques (LS)

- Depreciation Basics - United Policyholders (uphelp.org) <https://uphelp.org/claim-guidance-publications/depreciation-basics/>
- Home Inventory and Contents Claim Tips - United Policyholders (uphelp.org) <https://uphelp.org/claim-guidance-publications/home-inventory-and-contents-claim-tips/>
- Troubleshooting Your Contents Claim - United Policyholders (uphelp.org) <https://uphelp.org/events/troubleshooting-your-contents-claim/>

How do I figure tax and delivery in replacement cost inventory?

How do we address Tax and Delivery costs in our estimate of replacement value? For example, our brand-new freezer cost \$800, plus .08635 in Louisville tax, plus \$100 delivery. DO we have to add tax/shipping for each item or can we just add a percent to the final requested totals? (LS)

- [Home Inventory and Contents Claim Tips - United Policyholders \(uphelp.org\)](https://uphelp.org/claim-guidance-publications/home-inventory-and-contents-claim-tips/)
<https://uphelp.org/claim-guidance-publications/home-inventory-and-contents-claim-tips/>

Deep breath – Smoke free



Recovering from a disaster is a marathon, not a sprint



Is Insurer required to pay to have my smoke damaged home tested before and after remediation?

Is insurance required to cover pre-testing to inform the restoration process as well as post/clearance testing to ensure the home is safe to inhabit?

And should this be completed by an industrial hygienist? My insurance refuses to cover this but I can't find it listed as an exclusion in my policy. (Betsy S.)

B-5.43 1-3-22“..When handling the smoke, soot, ash, or water damage claims, the Division directs insurers to consider the related long-lasting effects on electronics, furniture and other property when estimating the total damage. Merely cleaning the walls and property will not necessarily return the property to pre-loss condition. Companies must consider their policyholders' concerns about faulty wiring, inoperable electronics, and soft material contamination. Health related issues, including respiratory difficulties, directly caused by exposure to smoke, soot, ash, or mold are damage and loss, and insurers shall consider reasonable substantiation to make appropriate coverage decisions...”

- [B-5.43 Concerning Policyholder Benefits in the Immediate Aftermath of the Marshall and Middle Fork Fires.pdf - Google Drive](https://drive.google.com/file/d/116YN4rpL-aPbx3tTgnarjIXWFvOaPX87/view)<https://drive.google.com/file/d/116YN4rpL-aPbx3tTgnarjIXWFvOaPX87/view>

Our insurer has denied replacement of soft goods and we have a daughter undergoing chemotherapy, what can we do?

We have a 7 year old daughter with cancer currently undergoing chemotherapy and other treatments for her condition. Due to the smoke, ash, soot, and potential toxins from the fire that entered our house, we have requested that all of our soft goods that our daughter comes in close skin contact with on a daily basis (ex. carpet, our families clothes, and our families mattresses) be replaced to prevent further complications to her health. Our request for the replacement of our soft goods was denied. What advice do you have for us as we continue to advocate for the health and safety of our daughter and family? (DH)

B-5.43 1-3-22“..When handling the smoke, soot, ash, or water damage claims, the Division directs insurers to consider the related long-lasting effects on electronics, furniture and other property when estimating the total damage. Merely cleaning the walls and property will not necessarily return the property to pre-loss condition. Companies must consider their policyholders’ concerns about faulty wiring, inoperable electronics, and soft material contamination. Health related issues, including respiratory difficulties, directly caused by exposure to smoke, soot, ash, or mold are damage and loss, and insurers shall consider reasonable substantiation to make appropriate coverage decisions...”

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Who determines when it is safe to return to your home?

Is it when the remediation company says they are done? Is it after inspection by the owner? What if ash is discovered in the inspection? Is it reasonable to ask for a week grace period before moving back in to ensure the smoke smell doesn't return after the ozone smell dissipates? Is it reasonable to want to see what the PM, VOC, and CO2 numbers are for a week before moving back in (using a AirThings monitor)? Who has the burden of proof that the home is safe and that items have been remediated? (LC)

B-5.43 1-3-22“..When handling the smoke, soot, ash, or water damage claims, the Division directs insurers to consider the related long-lasting effects on electronics, furniture and other property when estimating the total damage. Merely cleaning the walls and property will not necessarily return the property to pre-loss condition. Companies must consider their policyholders’ concerns about faulty wiring, inoperable electronics, and soft material contamination. Health related issues, including respiratory difficulties, directly caused by exposure to smoke, soot, ash, or mold are damage and loss, and insurers shall consider reasonable substantiation to make appropriate coverage decisions...”

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How do I document electronics damaged by smoke and soot?

I have noticed problems with electronics since moving back in. My computer gets what I think are termed "kernel panics" and loses its operating system with a flashing "?" on the screen. Several times our TV has gone out of sync, audio not matching video. Never happened prior to the fire. I discussed with the insurance claims adjuster and he said we need to have a technician diagnose and determine the problem was due to smoke damage. Is it possible to require the insurance company to pay for damaged electronics without this unrealistic requirement to have the problem diagnosed? (KH)

- Insurance claims tips for partial loss fires – <https://uphelp.org/claim-guidance-publications/insurance-claim-tips-for-partial-loss-fires/>
- Smoke and ash damage from a wildfire - <https://uphelp.org/claim-guidance-publications/smoke-and-ash-damage-from-a-wildfire/>
- [Restoring a Wildfire-Damaged Standing Home - United Policyholders \(uphelp.org\)](https://uphelp.org/events/restoring-a-wildfire-damaged-standing-home/)
<https://uphelp.org/events/restoring-a-wildfire-damaged-standing-home/>

How do I negotiate replace versus clean?

Can I negotiate a payout of contents benefits (percentage) rather than completing the entire inventory?

Also, can they make me keep smoke or heat damaged things I do not want to keep like clothing and furniture?

The Insurers 'definition of pre-loss seems to be removal of ash and the smell of smoke. My question is how do we navigate a different definition where pre-loss condition also restores items so they do not have any residues and then toxins released from the fires? T (DM)

What is my burden of proof?

During the process of me evacuating my property, the straight-line winds of 12/30/21 blew my garage door off it's rails and damaged the tracks/framing. After getting a temporary fix, and submitting a report from the door-fix people about permanent damage and the need for replacement -- State Farm has told me I can't prove that the wind was the cause of the damage...and are squirming at paying out on my claim. What is MY responsibility to "prove" that the wind damaged my garage door?(AW)

“B-5.43...In the event a fire damaged home suffers additional damage from frozen pipes, water or other weather-related damage, the Division directs insurers to consider this damage related to the fire and treat such losses as one claim, subject to one deductible...

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CO DOI Bulletin B-5.43 Issued 01-03-2022

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“...Additionally, due to the housing shortage and other challenges, we anticipate that meeting the housing needs for the displaced policyholders will be difficult. The Division directs insurers to consider all available options for both short- and longer term housing, including Airbnb, VRBO and individual rooms for rent. The Division encourages insurers to allow agreed upon monthly housing allowances for those policyholders who move in with relatives or friends during the claim and rebuilding period...

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UP Partial Loss And Smoke Damage Publications

- Returning to your home after a wildfire - <https://uphelp.org/claim-guidance-publications/first-steps-returning-to-your-home-after-a-wildfire/>
- Insurance claims tips for partial loss fires – <https://uphelp.org/claim-guidance-publications/insurance-claim-tips-for-partial-loss-fires/>
- Smoke and ash damage from a wildfire - <https://uphelp.org/claim-guidance-publications/smoke-and-ash-damage-from-a-wildfire/>
- Survivors Speak: Partial loss remediation tips - <https://uphelp.org/claim-guidance-publications/survivors-speak-partial-loss-remediation-tips/>
- Smoke restoration guide - <https://uphelp.org/claim-guidance-publications/smoke-restoration-guide/>

Tips From Partial Loss Survivors

- **Try not to move back in** until qualified professional has inspected/tested/stated in writing that your home is safe to inhabit:
 - ALE approvals are difficult once you are back home
 - Unseen residues from what burned can harm your health
 - It is difficult to live in the midst of your remediation
 - Insurers may be more engaged to get you back home
- **Speak UP for yourself**, do not rely on your insurer or government to protect and advocate for you:
 - Insurance adjusters have different goals than you do
 - Not all Restoration Contractors are equal or qualified
 - Regulators are working hard to address these issues
 - No one knows your home or your body like you do

Stay connected to other disaster survivors – S2S Forums

- Great source of information about:
 - Insurance and rebuilding
 - Negotiation and financial strategies
 - Referrals and warnings re: professionals
 - 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/events>

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