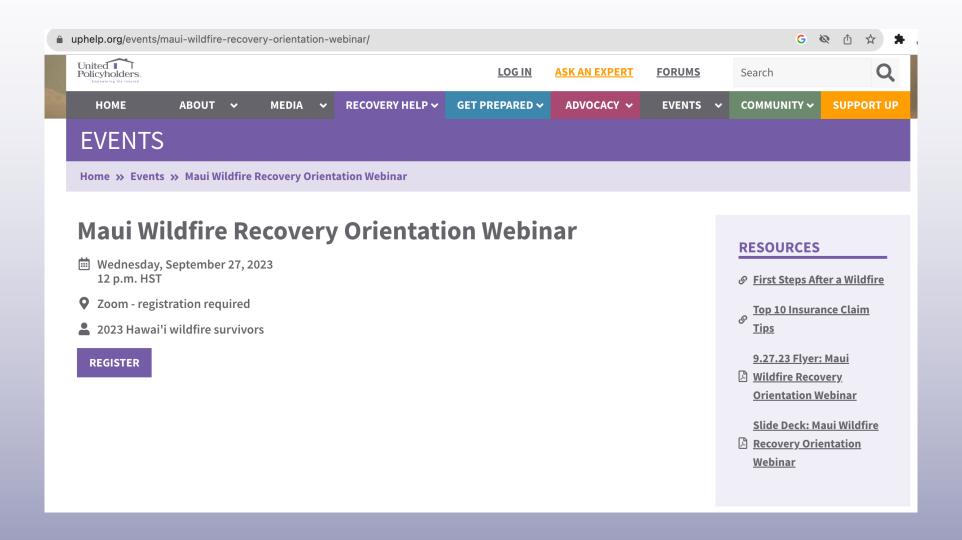


2023 Maui Wildfires Roadmap to Recovery Orientation

September 27, 2023

To download today's slide deck



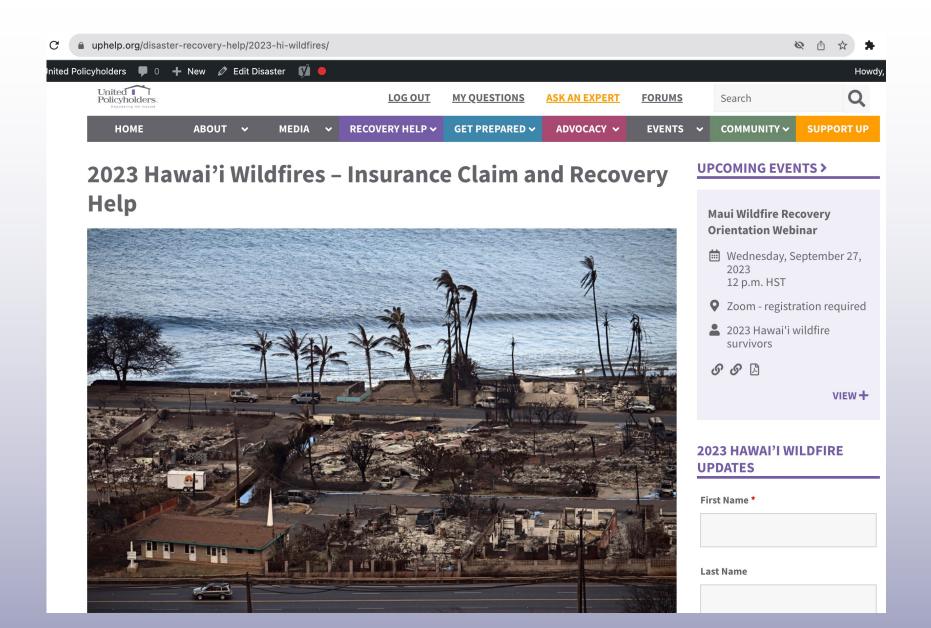
Amy Bach Co-Founder and Executive Director



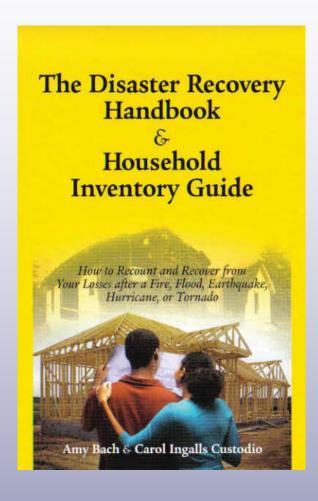
- Shaping and leading the Roadmap to Recovery®, Roadmap to Preparedness and Advocacy and Action programs since 1995
- A professional insurance consumer advocate since 1984
- Published author, experienced trial and regulatory attorney
- Official Consumer Representative, National Association of Insurance Commissioners
- Appointed member, Federal Advisory
 Committee on Insurance (US Treasury)

United Policyholders (UP) and our Roadmap to Recovery® Program

- A national 501(c)3 not-for-profit that is a trusted information resource and respected voice for insurance consumers in all 50 states.
- 32 year track record and expertise in disaster recovery and insurance legal matters
- The Roadmap to Recovery program = Post disaster guidance and services focused on financial, insurance, real estate and construction decision-making and emotional recovery
- Funded by donations and grants, volunteers/pro bono. You can't hire us, our services are free, but limited
- Partners include DOIs, VOAD members, Insurance, Legal, Construction and Personal Finance professionals



"The Little Yellow Book"



Free copies are available

info@uphelp.org

Lahaina Civic Center



1840 HI-30, Lahaina, HI 96761

- Visit the United Policyholders table for in-person information
- Other recovery agencies and help resources available

Roadmap to Recovery™

- Webinars and workshops:
- Emotional support
 - Survivor to Survivor
- Decision-making help
 - Mortgages, loans, rebuild or move...
 - Taxes, legal matters, construction
- Insurance problem solving
 - Underinsured dwelling, inadequate ALE
 - Partial losses/Smoke
- Online and print guidance
- Surveys/data gathering
- Pro Bono Prof'l Help clinics





Free online help 24/7

uphelp.org/recovery/disaster-recovery-help

- Step-by-Step Guidance
- One Click Links to Sign UP for Events And Email Notifications
- Sample Letters & Claim Forms www.uphelp.org/samples
- Links to Pro-consumer
 Professional Help
 <u>www.uphelp.org/findhelp</u>
- Survivors Speak Tips <u>www.uphelp.org/survivorsspeak</u>
- Upcoming Workshops and Resources
 www.uphelp.org/events

Copyright 2023. United Policyholders. All rights reserved.





2022 Hurricane Ian – Insurance Claim and Recovery Help Library

Hurricane Ian made landfall as a Category 4
Hurricane and caused extensive damage in late
September, 2022 in regions throughout Florida
and neighboring states.



2022 California Wildfires – Insurance Claim and Recovery Help

This library will help those affected by the Alex, McKinney, Yeti, Mill, and Fairview fires.



2022 Oak Fire – Insurance Claim and Recovery Help

The Oak Fire in Mariposa County has burned nearly 19,000 acres and destroyed over 190 structures so far during what is predicted to be an exceptionally challenging wildfire season in California due to drought conditions.



2022 Yellowstone Flooding in Montana

"1-in-500 year event" in June 2022 brought catastrophic flooding to Montana communities along the Yellowstone River.



March 2022 Louisiana Tornado – Insurance Claim and Recovery Help

On March 22nd, 2022 an EF3 tornado touched down in the Lower Ninth Ward, Timberlane,



2022 Tornado – Insurance Claim and Recovery Help

Wildfire recovery is a *process*... take it one day at a time



Copyright 2023. United Policyholders. All rights reserved.

Annie Barbour, R2R Coordinator

Annie is a 2017 Tubbs Fire survivor. Following the Tubbs Fire, a group of neighbors formed a group to help their neighborhood reconstruct as quickly as possible while minimizing problems in the process. This group became known as Coffey Strong. She became familiar with United Policyholders at that time when they helped her community work through the insurance issues. As that recovery has wound down, she began to volunteer with UPH to further help survivors. She is naturally drawn towards advocacy.



Rebuilding (2017 Tubbs Fire)





Foundation







Framing





Starting interior

Nearly there



Home again!



Pace yourself, don't rush

- This is hard advice to follow because you may be bombarded with offers and decisions
- Losing a home is incredibly disorienting. Sleep deprivation and stress impede decision-making
- It takes months for most people to regain their normal memory and critical thinking function.

Speak "UP"

- Keep a Claim Diary
 - Take notes on who you talked to, the number you called, date and time, what was said. Keep all of your paperwork organized and together
- Present your requests clearly and in writing
- Explain what you need, when you need it, and why you are entitled to it
 - "Can you show me where it says that in my policy?"

Insurance is a vehicle to get you back where you were before your loss

- But it won't drive itself
- Be pro-active to restore your assets, collect all available insurance funds, assert your rights, ask for what you need
- No need to reinvent the wheel, help is available

You need a complete and current copy of your home insurance policies

- Request policy in writing, ask for a Certified copy to be sure it's the right one and current
- You need the "Declarations Page" and the entire contract, including ALL:
 - Endorsements
 - Riders
- Make a working copy that you can write notes and questions on

Typical categories of coverage:

- Coverage A Dwelling (ACV/RCV/Extended)
- Coverage B Other Structures
- Coverage C Personal Property (ACV/RCV)
- Coverage D Loss of Use/ Additional Living Expenses (Dollar amount or time limited)
- Additional Coverages
 - Debris Removal
 - Trees, Shrubs, Landscaping
 - Building Code/Law & Ordinance compliance

Give your insurance company a chance to do the right thing, BUT, Don't Be a Pushover



Copyright 2023. United Policyholders. All rights reserved.

Ads are ads: Think of Your Insurance Claim as a Business Transaction

The insurance company wants to MINIMIZE \$ it pays out on your claim

You want to MAXIMIZE \$ paid out to you.

A company adjuster may be friendly but they're not your friend – they're a trained negotiator

You're not on a level playing field – get help when you need it!

Should I Expect a "Fight" with my Insurance Company?

- NO. Some claims go smoothly. We hope yours does.
- But when large dollars are at stake, disputes often arise.
- Being informed and empowered is the key.

Reality check

An insurance claim on a total loss from a wildfire can be a full time job, and/or very hard to manage on your own...

Claim help professionals

- Public Adjusters
 - Construction cost estimators
 - Restoration/Remediation Specialists
 - Indoor Air Quality/Industrial Hygienists
 - Forensic Experts/testing/labs
- Contractors/Builders
- Policyholder Attorneys

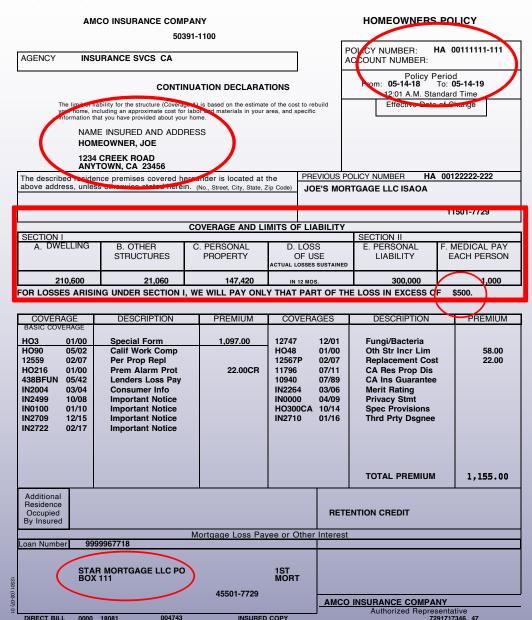
Getting on the road to recovery



Copyright 2023. United Policyholders.
All rights reserved.

Understanding your policy

- Declarations page plus policy wording = max available benefits
- Not all declarations pages look the same
- Should set forth:
 - Name of Insured
 - Location of insured property
 - Policy period
 - Major coverages and limits of liability
 - Endorsement/Riders
 - Deductible(s)
 - Lender information
 - Additional insureds



HIOZONBE

Base limits, coverage extensions

Coverage	Limits of Liability	Applicable Deductible(s)
Dwelling Protection - with Building Structure Reimbursement Extended Limits	\$210,000	• \$1,000 All peril
Other Structures Protection	\$21,000	• \$1,000 All peril
Personal Property Protection - Reimbursement Provision	\$157,500	• \$1,000 All peril
Additional Living Expense	Up to 12 months	
Family Liability Protection	\$300,000 each occurrence	
Guest Medical Protection	\$5,000 each person	
▶ Other Coverages Not Purchased:		
 Business Property Protection* Business Pursuits* Cellular Communication System* Electronic Data Processing Equipment* Extended Coverage on Cameras* Extended Coverage on Jewelry, Watches and Furs* 	 Extended Coverage on Musical Instruments* Extended Coverage on Sports Equipment* Fire Department Charges* Golf Cart* 	 Home Day Care* Incidental Office, Private School Or Studio* Increased Coverage on Money* Increased Coverage on Securities* Increased Silverware Theft Limit* Loss Assessments* Satellite Dish Antennas*

Temporary living expenses: Loss of Use/ALE benefits

- Reimbursement for expenses you incur due to losing the use of your home, including:
 - Rent for comparable housing and rental furniture
 - Extra mileage/gas
 - Laundry costs if your rental doesn't have a W/D
 - See <u>www.uphelp.org/ALE</u> and Sample Letter requesting info about insurance benefits for ALE
- Your mortgage payments are NOT covered.
- Request cash advances, flexibility
- 12 or 24 months, see: Ins. Comm'r memo 2023-5A
- w/or w/out a dollar limit

ALE creativity

- 1. Fair Rental Value vs "as incurred"
- 2. 5th wheel
- 3. Tiny home/Manufactured home
- 4. RV
- 5. If you don't ask, you won't get. The worst that can happen is they say no.
- 6. If staying w/friends/relatives see #1

HI DOI Memo 2023-5A Issued 9-14-2023

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

...One concern that keeps arising is the time period to utilize the Additional Living Expenses (ALE). The time period varies among insurers, but is often 12 months from the date of event. Recovery for Lahiana in particular will take a significant amount time. For this reason, the Commissioner encourages all insurers providing residential property insurance to those affected by the August 2023 wildfires on Maui Island to voluntarily provide policyholders at least 36 months of ALE, subject to policy limits.

This Memo is directed to all insurers in this State providing residential property insurance in areas impacted by the August 8, 2023, wildfires.

HI DOI Memo 2023-5A - https://cca.hawaii.gov/ins/files/2023/09/IC-Memo-2023-5A.pdf

Debris removal

- Photo document or have someone photo document your lot before debris removed
- Understand your max available insurance
- Learn your options (solo vs. coordinated)
- Consider holding debris removal insurance funds in an account for later





Re-entry Update: Find Lahaina zones that have re-opened. Re-entry for Kula has completed.



Get updated V Financial & Housing News FAQ Contact

Subscribe for Upda

EXPLORE













Financial and Housing **Assistance**

Fire Debris Removal

The August 2023 Maui Wildfires Disaster damaged or destroyed more than 2,000 Maui properties and will require a coordinated fire debris removal cleanup. The cleanup process includes two phases. Phase 1 is removal of hazardous materials: Phase 2 is removal of other fire-related debris.

The County of Maui will oversee priorities during the fire cleanup while working in partnership with state and federal agencies who are here to support the community with this process.



MAUI WILDFIRE DISASTER RESPONSE **Consolidated Debris Removal Program**

Cultural Monitors Will Be On-Site During This Process

Phase 1: Hazardous Materials

Phase 2: Consolidated Debris Removal Program













Hazardous Materials Removal & Infrastructure **Assessments**

The U.S. Environmental Protection Agency removes hazardous materials like paints, solvents, oils,

Public Access

Community members will be permitted to return to their properties and retrieve items

Enrollment

Maui County collects right-of-entry forms from property owners and provides them to the U.S. Army Corps of

Ash and Fire-Damaged Material Removal

The U.S. Army Corps of Engineers will remove approved fire-damaged

Environmental Testing

Environmental testing will be completed to ensure a property is safe to rebuild

Extended Coverages

 Many policies sold today include a formula that increases your dwelling (and some other) limits by 25%, 50%, or 100%) if base limits are too low to repair/replace your damaged/destroyed home

Inflation protection features

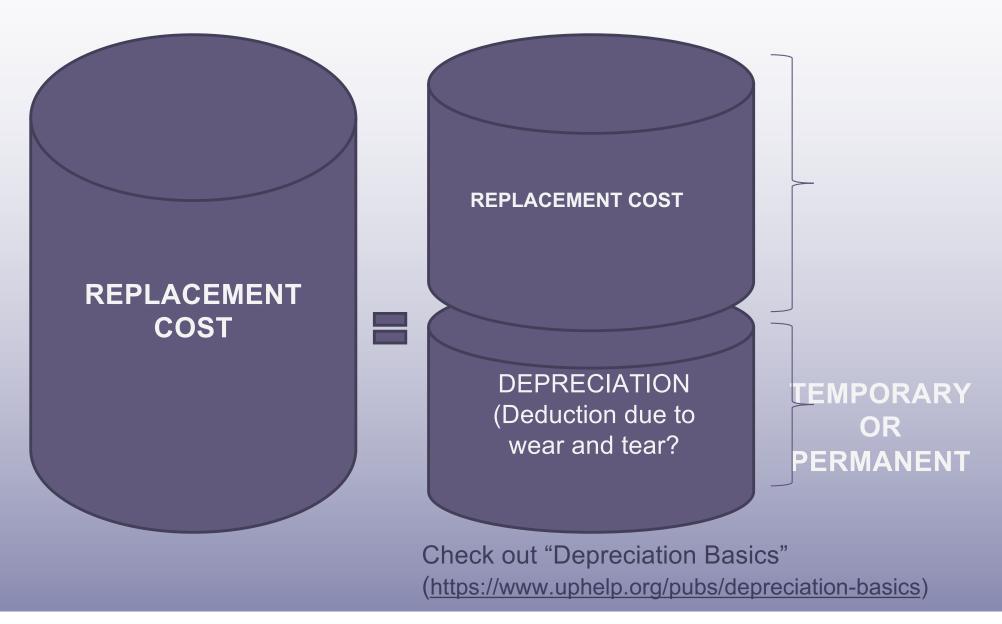
The flow of insurance funds

- Cash advances
- ACV payments when values are set
- RCV payments upon proof of expenditures, replacement, repairs completed
- Negotiated cash-outs (possibly...)

How your insurer will value your dwelling and personal property losses:

- REPLACEMENT VALUE (or "RV") what it will cost for you to replace it now
- ACTUAL CASH VALUE (or "ACV") –
 depreciated to what its value was at the time of
 the loss ("Craigslist" price)

Depreciation/holdbacks = math and proof headaches



Common "hot spots"

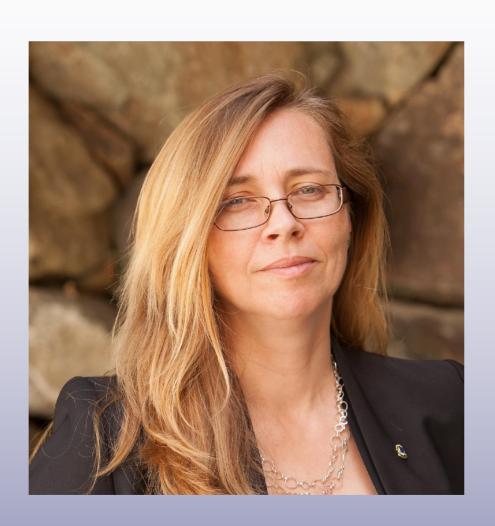
Insurance

- Adjuster delays, adversarial
- Misinformation on policy benefits owed
- Lowball valuations of dwellings, contents, etc
- Excessive depreciation
- Underinsurance (dwelling, ALE, code upgrades)
- Itemized inventory vs. % offer

Other

- Zoning/Permitting issues (setbacks, building codes)
- Scams, hard sell solicitations, fees that eat up precious insurance benefits
- FEMA/SBA denial based on insurance, appeal process

Valerie Brown Deputy Executive Director



- 15 years experience in disaster recovery
- Officer and Board Member,
 Disaster Leadership Team
- President, San Diego VOAD

Sources of non insurance \$

- FEMA IA (Register!)
- FEMA Housing Assistance
- SBA low interest loan up to \$500,000
- Charitable aid/grants (United Way, Red Cross, etc.)
- Bank loans
- Settlement/verdict in a lawsuit against a responsible party

Apply in person at the Disaster Recovery Center.

The center is located at: University of Hawaiʻi Maui College, 310 W. Kaʻahumanu Ave., Pilina Building, Kahului, Hawaiʻi 96732.

Hours of operation are **8 a.m.** to **7 p.m. HST**, seven days a week. The center is accessible to people with disabilities and those with other access and functional needs. Reasonable accommodations and American Sign Language are available by request.

The center also offers interpreters and translated printed materials in many languages.

3 Ways to Apply for Disaster Aid

ONLINE



DisasterAssistance.gov

FEMA APP



Download the FEMA APP

CALL



800-621-3362



Copyright 2023. United Policyholders.
All rights reserved.



Areas eligible for SBA disaster loans

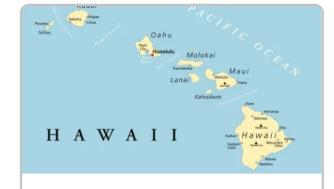
The county of Maui, Hawaii is eligible for SBA disaster assistance as a result of the Hawaii wildfires. Additionally, the county of Kalawao, Hawaii is eligible for economic injury assistance.

Application filing deadlines:

- Physical damage: October 10, 2023
- Economic injury: May 10, 2024

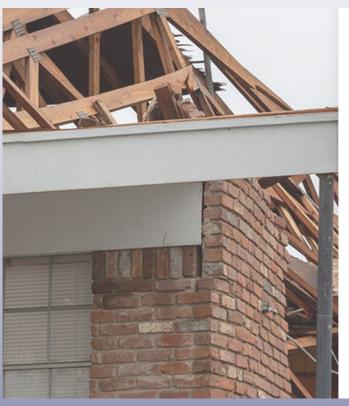
*Information current as of August 16, 2023

To apply, call 800-659-2955 or go online at www.SBA.gov/disaster



Hawaii wildfires

Get disaster assistance



Copyright 2023. United Policyholders. All rights reserved.

Disaster Loan Assistance

The SBA offers disaster assistance in the form of low interest loans to businesses, nonprofit organizations, homeowners, and renters located in regions affected by declared disasters. SBA also provides eligible small businesses and nonprofit organizations with working capital to help overcome the economic injury of a declared disaster.

Business Resource and Assessment Center	MAUI COUNTY Hawaii Technology Development Corp. Maui Research Technology Center (MRTC) Building #A, Suite 202 590 Lipoa Parkway Kihei, HI 96753	Mondays – Fridays 8:00 am – 5:00 pm HST Saturdays 10:00 am – 2:00 pm HST
Disaster	MAUI COUNTY	Mondays – Sundays
Recovery	Lahaina Civic Center	8:00 am – 7:00 pm HST
Center	1840 Honoapiilani Hwy (HI-30) Lahaina, HI 96761	
Portable Loan	MAUI COUNTY	Mondays – Saturdays
Outreach	Maui Resorts Rentals	9:00 am – 5:00 pm HST
Center	30 Halawai Drive	
	Lahaina, HI 96761	
Disaster	MAUI COUNTY	Mondays – Sundays
Recovery	Mayor Hannibal Tavares Comm. Center	8:00 am – 7:00 pm HST
Center	(Lower Multi-Purpose Room)	
	91 Pukalani Street	
	Makawao, HI 96768	
Disaster	MAUI COUNTY	Mondays – Sundays
Recovery	University of Hawaii Maui College	8:00 am – 7:00 pm HST
Center	Building 2205	
	Communications Services Room	
	310 W Ka'ahumanu Avenue Kahului, HI 96732	
	Nativitui, Fit 90732	
Business	MAUI COUNTY	Mondays – Fridays
Recovery	Hawaii Technology Development Corp.	8:00 am – 5:00 pm HST
Center	Maui Research Technology Center (MRTC)	Saturdays
	Building #A, Suite 119 (Conference Rm.)	10:00 am – 2:00 pm HST
	590 Lipoa Parkway	
	Kihei, HI 96753	

Hawai'i Insurance Consumer Rights

- Hawai'i Revised Statutes (HRS) <u>Title 24 Insurance</u>
- Chapter 431, Article 13 Unfair Methods of Competition and Unfair and Deceptive Acts and Practices
- Chapter 431, Article 13, 103(11) Unfair Claim Settlement Practices
- Notices and bulletins issued by the <u>Hawai'i Insurance</u> <u>Department</u>

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



Ka 'Oihana Pili Kālepa

Hawaii Department of Commerce and Consumer Affairs' Insurance Division

The Hawaii Insurance Division will be at the FEMA Disaster Resource Center daily: 8:30 a.m. – 6:00 p.m. Uh Maui College, 310 W Ka'Ahumanu Ave.

Phone: (808) 586-2790

Email: insurance@dcca.Hawaii.gov

https://cca.hawaii.gov/ins/fire-claim-information/



Hawaii law requires your insurer to investigate and pay your claim fairly, timely and in full

- Insurer must respond with reasonable promptness, within 15 working days See Haw. Rev. Stat. § 431:13-103(a)(11)(B).
- Insurer's response must be more than an acknowledgment that correspondence has been received. Insurer must adequately address concerns stated in the communication. See Haw. Rev. Stat. § 431:13-103(a)(11)(B).
- Insurer must affirm or deny coverage of claims within a reasonable time after proofs of loss have been completed.
 See Haw. Rev. Stat. § 431:13-103(a)(11)(E).

What does the HI law require?

- **15 Working Days** Your insurer must respond to your claim with reasonable promptness. Within 15 working days is reasonably prompt. *HRS* § 431:13-103(a)(11)(B)
- More than an Acknowledgement Your insurer's response must be more than an acknowledgment that your correspondence has been received and your insurer must adequately address the concerns stated in your communication. HRS § 431:13-103(a)(11)(B)
- **15 Working Days** With respects to your claim arising under your insurer's policies, your insurer must respond with reasonable promptness, in no case more than **15 working days**, to communications received from: you; any other person involved, including the commissioner; or the insurer of another person that was involved in the same incident. *HRS* § *431:13-103(a)(11)(B)*
- **Prompt Investigation** Your insurer must adopt and implement reasonable standards for the prompt investigation and processing of claims arising under policies. HRS § 431:13-103(a)(11)(C)
- Reasonable Time Your insurer must affirm or deny coverage of claims within a reasonable time after proofs of loss have been completed. HRS § 431:13-103(a)(11)(E)
- **More time** If the insurer needs more time they must provide you with a reasonable written explanation for delay on every claim remaining unresolved for 30 calendar days from the date it was reported. *HRS* § 431:13-103(a)(11)(G)
- **Preserving your right to sue** In Hawai'i policy holders cannot sue for statutory violations of the insurance code. However, such violations can be used as evidence to establish a cause of action/lawsuit for bad faith. Bad Faith actions must be filed within two years of the date of loss. HRS § 657-7

HI Unfair Claim Practices

Hawai'i has adopted the Unfair Methods of Competition and Unfair and Deceptive Acts and Practices. The following are a few examples listed in **HRS § 431:13-103(a)(11)**. Enumerated Unfair claim settlement practices:

- (11) Unfair claim settlement practices. Committing or performing with such frequency as to indicate a general business practice any of the following:
- Misrepresenting pertinent facts or insurance policy provisions relating to coverages at issue;
- With respect to claims arising under its policies, failing to respond with reasonable promptness, in no case more than fifteen working days, to communications received from:
 - The insurer's policyholder;
 - Any other persons, including the commissioner; or
 - The insurer of a person involved in an incident in which the insurer's policyholder is also involved.
- The response shall be more than an acknowledgment that such person's communication has been received and shall adequately address the concerns stated in the communication;

Unfair Claim Practices, cont'd

- Failing to adopt and implement reasonable standards for the prompt investigation of claims arising under insurance policies;
- Refusing to pay claims without conducting a reasonable investigation based upon all available information;
- Failing to affirm or deny coverage of claims within a reasonable time after proof of loss statements have been completed;
- Failing to offer payment within thirty calendar days of affirmation of liability, if the amount of the claim has been determined and is not in dispute;
- Failing to provide the insured, or when applicable the insured's beneficiary, with a reasonable written explanation for any delay, on every claim remaining unresolved for thirty calendar days from the date it was reported;
- Not attempting in good faith to effectuate prompt, fair, and equitable settlements of claims in which liability has become reasonably clear;
- 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 the insureds;
- Attempting to settle a claim for less than the amount to which a reasonable person would have believed the person was entitled by reference to written or printed advertising material accompanying or made part of an application.

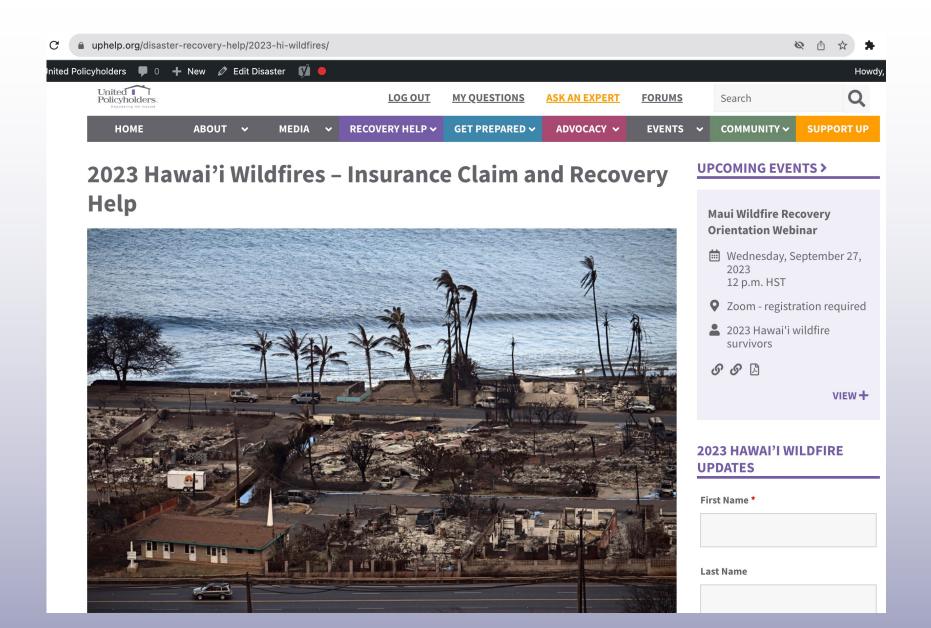
Survivor to Survivor...

- You are not alone...No one else understands your challenges and emotions like another survivor
- Insights, best practices, honesty
- Survivors only

Register @ www.uphelp.org to stay informed on UP Maui Wildfires Roadmap to Recovery webinars and events







Mahalo for your time

