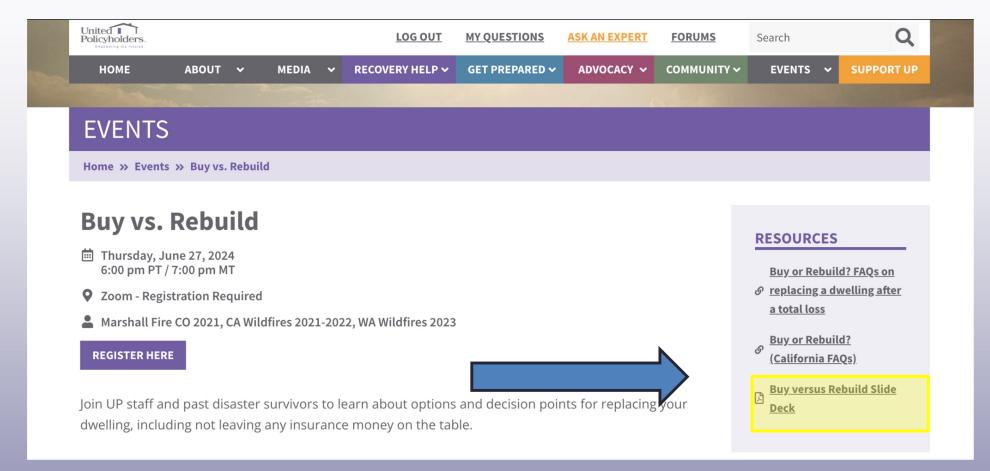


Roadmap to Recovery Program.

#### Buy versus Rebuild

Roadmap to Recovery<sup>(R)</sup> Webinar Marshall Fire / 2021-2022 CA Fires June 27, 2024

#### If you'd like to download and follow the slide deck



#### https://uphelp.org/wp-content/uploads/2024/06/6-27-2024-R2R-Buy-v.-Rebuild.pdf

## About United Policyholders (UP)

- 501(c)3 nonprofit organization
   Tax ID # 94-3162024 (Platinum Guidestar Rating)
- A voice and an information resource for consumers in all 50 states
- A 32 year track-record and subject matter expertise in insurance and disaster recovery
- Not for profit...not for sale
- Funded by donations and grants
- A volunteer corps with personal and/or professional expertise in disaster recovery and insurance

### Team UP

- Professional staff
- Government and nonprofit partners
- Volunteers
  - Team UP 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

– Fighting for insurance consumer rights and protections

## **Disaster Insurance Help Libraries**

#### uphelp.org/recovery/disaster-recovery-help

- State Specific Resources with Step-by-Step Guidance
- One Click Links to Sign UP for ٠ **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





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

All rights reserved.

along the Yellowstone River.



March 2022 Louisiana Tornado -Copyright 2024. United Policyholdersurance 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

#### **Effective Communication**

- An insurance claim is a business negotiation the better your loss documentation and the more reasonable your asks, the better your settlement
- Confirm all communications in writing, a paper trail helps ensure that promises get kept
- Adjusters have varying levels of \$ authority, every insurer has chain of command - local, regional, national

When interacting with an adjuster or insurance company rep

Two words describe the approach most likely to get you what you need:

# POLITE ASSERTIVENESS

### The Fine Print

- This workshop is intended to be general guidance only, not legal advice
- We don't endorse or warrant any of the sponsors listed at <u>www.uphelp.org\_or</u> speakers at our workshops
- Our speakers are volunteering their time as educators



### **Today's Presenters**

Roadmap to Recovery Program.

Valerie Brown

Deputy Executive Director, United Policyholders

Annie Barbour Roadmap to Recovery Coordinator, United Policyholders 2017 Tubbs Fire, Santa Rosa, CA

Neelam Salmen 2017 Tubbs Fire, Santa Rosa, CA

# **Goal of today's presentation:** Help you explore options for replacing your dwelling



### **Today's Topics**

- The decision process
- Survivors who bought replacement homes
  - Neelam Salmen
- Challenges
- Helpful resources

#### **1. DECISION PROCESS**



Rebuild, Rent or Purchase Elsewhere



#### Decision Process



Where Do Additional Funds Come From?



Decisions You're Now Facing

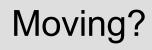


#### Affordability



#### Downsizing?







Building Code impacts on your decision?

### Underinsured? Where Additional Funds Come From





**External Savings** 

Personal Property Proceeds



Retirement Savings/ Loan

Federally Tax Favored Qualified Withdrawal



Granny Unit within the Rebuild?

#### **Decisions You're Now Facing**



How this will impact the rest of your financial future



Child/College expenses





Medical and long-term care

#### **Common Questions**



- Were you properly insured?
- What if you were underinsured?
- How much is owed against your home?
- Can you buy elsewhere in this market? How far away would you need to move? Will the commute impact your current lifestyle?
- Can you refinance?
- Should you consider accepting the insurance and now become a renter?

### How do you decide?



Remember - not all decisions will be financial!



Know your insurance proceeds



Get rebuild quote



Is there enough to rebuild with adjustments?





#### Survivor Wisdom

https://uphelp.org/claim-guidance-publications/survivorsspeak-forced-choice-matrix-for-decision-making/



#### Survivors Speak: Forced Choice Matrix for Decision-making

After we lost our home in the Tubbs Fire (2017), we found that we were underinsured and it would be impossible for us to rebuild our home at market prices. Three or four months after the fire, it was clear that once we were paid all monies that we were entitled to from our insurer, we would look for a replacement home to buy. The questions then became where do we want to live and what do we want in a home.

I found a tool online called a "forced choice matrix", which applies to financial priorities.

The gist of this process is to develop a list of wants, then use the decision matrix to rank those from mostto least-important; that is, to force a decision between two items on the list such that one is ranked higher than the other, then tally the "votes". We based our list on the home we had with a few differences (e.g., one-story home instead of two-story).

#### Filling out the matrix:

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1-story	2	7		3 or ②	④ or 2	5 or ②	6 or ②	7 or ②	8 or ②	9 or ②	10 or ②	11) or 2
2000 ft <sup>2</sup>	3	2			④ or 3	⑤ or 3	6 or 3	⑦ or 3	8 or 3	9 or 3	10 or 3	11 or 3
Walk-in closet	4	5				5 or 4	6 or ④	⑦ or 4	8 or ④	9 or 4	10 or ④	(1) or 4
Open floor- plan	5	7					6 or 5	7 or (5)	8 or (5)	9 or (5)	10 or ⑤	(1) or 5
Walk-in pantry	6	0						⑦ or 6	8 or 6	9 or 6	10 or 6	(1) or 6
View	7	6							8 or ⑦	9 or ⑦	10 or ⑦	(1) or 7
South- facing	8	2								9 or 8	10 or 8	(1) or 8
Hardwood	9	7									10 or (9)	11 or 9
Small yard	10	2										11 or 10
Quiet	11	8										

So now our prioritized list was:

- 1. Sonoma County
- 2. Quiet
- 3. One-story, open floorplan
- 4. View
- 5. Walk-in closet
- 6. 2000 ft<sup>2</sup>, south-facing, small yard
- 7. Walk-in pantry

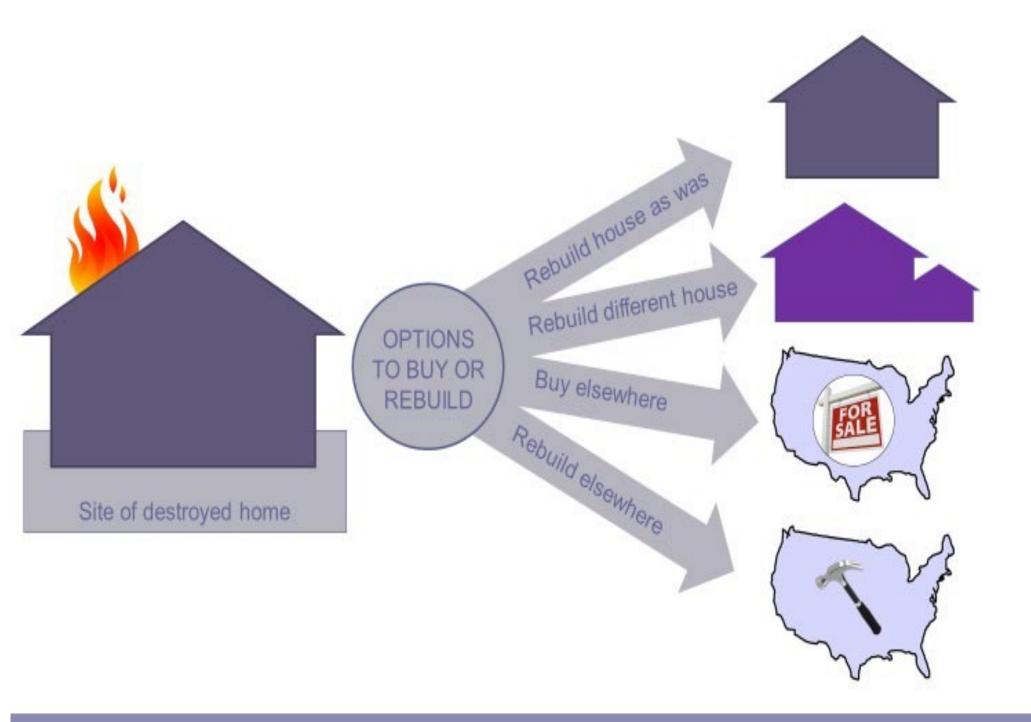
Our replacement home has 7 of our wants out of the original 11, and we did get the top four.

A few things I will say in retrospect:

- (1) this makes us sound a lot more rational and calm than we felt. In truth, we were traumatized and this just helped us think more clearly.
- (2) Had I known at the time that each following year we'd be experiencing more wildfires, evacuations, power outages etc., my list would have been really different. In fact, we're thinking of making a new matrix given the ongoing fire conditions in Sonoma County.

#### Should You Rebuild?

- Where are you in life?
- Kids' ages? Family? who else lives with you and who do you support?
- Are you rebuilding to stay in the area permanently or will you leave the area in retirement?
- Will your neighbor's decision have an impact on your decision to stay or relocate?
- How committed are you to remaining in your same neighborhood?



### Buying vs. Rebuilding



The process is almost identical for all the different options (buy or rebuild).



The most important thing: KNOW HOW MUCH IT WOULD COST TO REBUILD THE HOUSE YOU LOST up to the policy limits.



If buying, you will also need an estimate and a CODE BID for the house you lost, NOT the new one!



If you were paid the full policy limits, you will most likely not need an estimate.



Make sure that you correct the insurance company estimate so you can compare likefor-like with your contractor's estimate.

Aim for an agreed upon scope of loss



Make sure your contractor's estimate is for your OLD home, **not** the one you want.



In-person meetings with adjuster can be productive.



Your contractor/subs should be able to stand behind his/her numbers.



Know the areas where you differ, and why.

#### What does this mean?

- The amount you are owed is based upon the cost to rebuild the home you LOST, plus code upgrades, up to the policy limit.
- In most cases, you will need an estimate to determine what it would have cost to rebuild your prior home, even if you do not intend to rebuild it.

My estimate is higher than my insurance company's estimate

- Ask your adjuster for a "reasonable" adjustment of the estimates – line-by-line
- Identify areas (trades, like roofing, flooring, framing, etc.) where there are large differences
- Get specialized bids (from roofer, flooring contractor, etc.)
- Know and enforce your rights!

#### Replacement Cost v. Actual Cash Value

ACTUAL Value of your home an instant before the loss **CASH VALUE** (What you are owed until you repair, rebuild, or Cost to put your replace) home back together with new building material Deduction in value DEPRECIATION of materials due to wear and tear REPLACEMENT COST

#### **RCV & State Bulletins/Regulations**

**CO** – Due to the extent of the destruction for policyholders who experienced a total loss, the Division requests carriers to maximize the payout on additional coverages without requiring the policyholder to incur the actual costs before reimbursement.

If applicable, policyholders must be notified that any payments issued under coverages requiring policyholders to incur costs could be subject to repayment should the policyholder elect to relocate and not rebuild....

CO DOI Bulletin B 5.44 Issued 02-08-2022

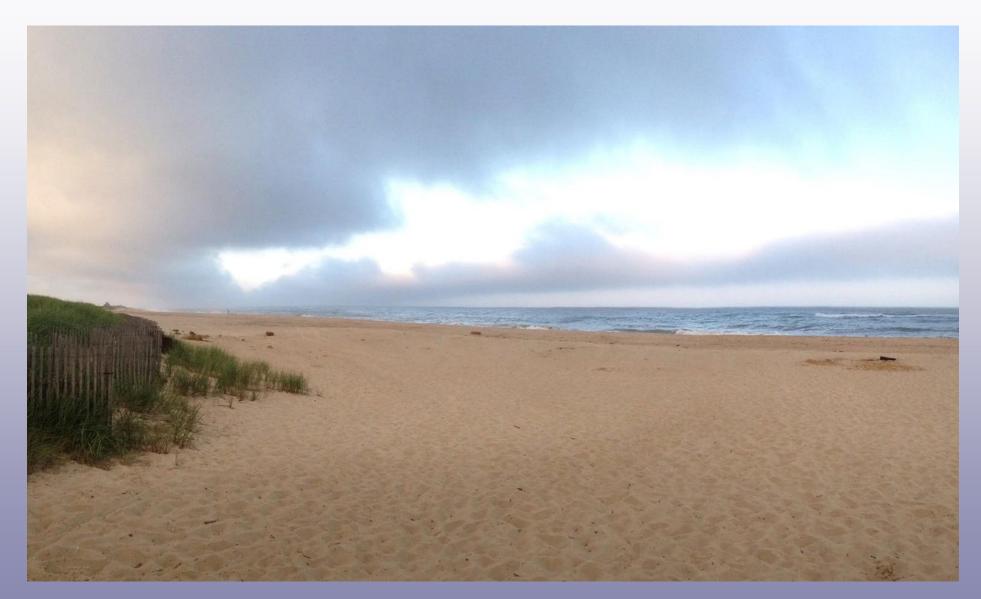
**CA** – If the policy requires the insured to repair, rebuild, or replace the damaged property in order to collect the full replacement cost, the insurer shall pay the <u>actual</u> <u>cash value</u> of the damaged property, as defined in Section 2051, <u>until the damaged</u> <u>property is repaired, rebuilt, or replaced</u>. Once the property is repaired, rebuilt, or replaced, the insurer shall pay the difference between the actual cash value payment made and the full replacement cost reasonably paid to replace the damaged property, up to the limits stated in the policy. *Cal Ins Code 2051.5(a)* 

#### **Disaster Income Tax Reporting**

	Casualtie	s and Thefts	latest information.	20	10. 1545-0177
4684	Casualties Go to www.irs.gov/Form4684 for Attach to Use a separate Form 4			Identifying number	r tuada
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10 Casualty or	theft loss. Add the amount		Copyr	ight 2024	4. Unite

Talk to your CPA about the tax implications of buying or rebuilding.

#### **Deep Breath**



### 2. SURVIVORS WHO BOUGHT...

#### 2021 Marshall Fire (CO)



#### Starting Point



#### You've decided to BUY a house, instead of rebuild.

## 9

So, where do you start?

## Buying vs. Rebuilding



The process is almost identical for all the different options (rebuild/buy/codes).



The most important thing: KNOW HOW MUCH IT WOULD COST TO REBUILD THE HOUSE YOU LOST up to the policy limits.



If buying, you will also need an estimate and a CODE BID for the house you lost, NOT the new one! ?

If you were paid the full policy limits, you will most likely not need an estimate.

### Replacing a home by buying, not rebuilding

You can replace your home by buying elsewhere without leaving insurance money on the table

- Cal. Ins. Code 2051.5 (2018 fires and later)
- CO DOI Bulletin B-5.44 (issued 2/8/22)

The measure of what you're owed should include all costs that would have been incurred if you'd replaced the destroyed dwelling with one of the same size and features, including upgrades that would have been required to comply with current building codes and coverage for "Other Structures." If those costs would have exceeded your stated dwelling limit and qualified you for extended benefits, those are included in the funds available toward the purchase.

## Replacement cost to rebuild vs. Price of replacement home you want to buy

- Present your insurer with one or more estimates for what it would cost to rebuild
- Reach an agreement with your insurer on that cost
- After you have reached an agreement with the insurer as to the amount it would have cost to build the home that was destroyed, find a home that costs at least as much as it would have cost to rebuild as was
- Present the real estate documentation to your insurer

## Survivor Wisdom

My main point at this time, five years after the fire, is that while we don't regret selling our lot and buying, the impulse to find a home was overwhelming and we didn't choose well. In hindsight, I would have waited another year at least to buy. Now I find myself in a house that doesn't suit me. And I know others who did the same thing. Some can afford to move on to another house, and some can't.

Lee Lehrman, 2017 North Bay Fires (CA)

## **Deep Breath**



## **3. CHALLENGES**

## Challenges



Differences between insurance co. and contractor's estimates



#### "Like Kind & Quality"



Code Upgrade coverage



Land valuation

## "Soft Costs"

- Historically, certain items were left as "OPEN" items, that were "paid as incurred" during the rebuilding process
- Some insurers are saying that these costs will only be paid if "incurred" in a rebuild
- These costs are part of the "replacement cost" of the home you lost, and are owed, whether you buy or rebuild

## "Like Kind and Quality"

- Like kind and quality is used to determine the amount the insurance company owes you to replace your home
- Neither the statute, or the policies, say that you have to actually replace with like kind and quality, whether you are buying or rebuilding
- Some adjusters misunderstand this concept

## CA Code Upgrades

2051.5 (c) In the event of a total loss of the insured structure, a policy issued or delivered in this state shall not contain a provision that limits or denies, on the basis that the insured has decided to rebuild at a new location or to purchase an already built home at a new location, payment of the building code upgrade cost or the replacement cost, including any extended replacement cost coverage, to the extent those costs are otherwise covered by the terms of the policy or any policy endorsement. However, the measure of indemnity shall not exceed the replacement cost, including the building code upgrade cost and any extended replacement cost coverage, if applicable, to repair, rebuild, or replace the insured structure at its original location.

#### CO DOI Bulletin B-5.44 (issued 2/8/22)

"...Due to the extent of the destruction for policyholders who experienced a total loss, the Division requests carriers to maximize the payout on additional coverages without requiring the policyholder to incur the actual costs before reimbursement...."

https://uphelp.org/wp-content/uploads/2022/02/Bulletin-No.-B-5.44-Concerning-the-Communication-of-Certain-Coverage-Limited-by-Homeowners-Insurance-Companies.pdf

## CO – HB22-1111

(a) A policy of homeowners insurance may not limit or deny a payment of the building code upgrade cost or a payment of any extended replacement cost available under the policy coverage for a policyholder's structure that was a total loss on the basis that the policyholder decided to rebuild in a new location or to purchase an existing structure in a new location if the policy otherwise covers the replacement cost or building code upgrade cost; except that the measure of indemnity may not exceed the replacement cost, including the upgrade costs and extended replacement cost for repairing, rebuilding, or replacing the structure at the original location of the loss.

\*Technically does not apply to Marshall losses, but establishes what CO lawmakers expect from insurers

# What's included in Code Upgrades?

- As always, *read your policy*, as the language varies.
- In general, this coverage pays the amount to bring THE HOME YOU LOST up to current building codes, up to available limits.
- This means things that were not there, but will need to be added in order to gain occupancy after rebuilding, i.e., sprinklers, solar, energy efficiency upgrades, etc.
- The cost can be "rolled into" purchase and upgrading of a new house, but the amount is determined by the old house.
- This coverage is usually paid "as incurred" (meaning \$ is spent) but insurer has discretion.
- Often, you have to show that the city/county will enforce the codes in order to get payment.

## Getting Ordinance & Law Payouts

Can I get O&L payouts by buying elsewhere? How do I persuade my insurance company to do so?

Building Code or Ordinance/Law Compliance https://uphelp.org/claim-guidance-publications/building-code-ordinance-or-lawcompliance/

Sample Letter Requesting Extension of Policy Benefits for Building Code Upgrades <u>https://uphelp.org/claim-guidance-publications/sample-letter-requesting-</u> <u>collecting-policy-benefits-for-building-code-upgrades/</u>

## The Land Value Issue

- Some insurers want to deduct an amount for the land under the home you want to buy - we believe this is unfair.
- This is an unsettled area of the law in most states.
- We recommend pushing back:
  - Ask where it states in policy
  - You are NOT asking for \$ for land! Just cost of lost home
  - New home including land is same price as old home excluding land so it's not a windfall
  - CA & CO legislatures have addressed for future disasters

## No land value deductions (CA)

...the measure of damages available to a policyholder to use to rebuild or replace the insured home at another location shall be the amount that would be have been recoverable had the insured dwelling been rebuilt at its original location and a deduction for the value of land at the new location shall not be permitted... Cal. Ins. Code 2051.5(c)(2)



When you purchased your home, you purchased the structure as well as the land it sits on.

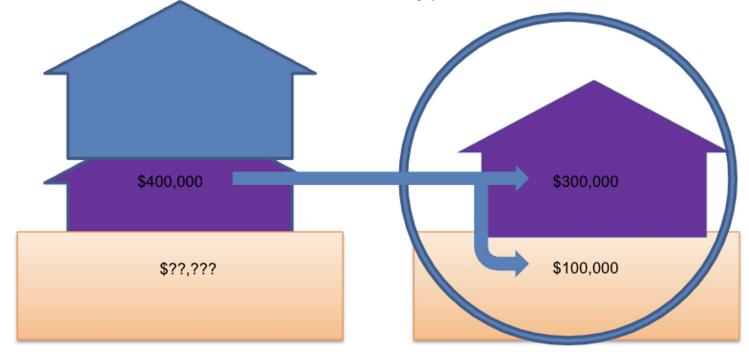
However, homeowner's insurance only covers the structure, NOT the land.

Let's say the house that was lost was worth \$400,000 and the value of the land is unknown after the loss. However, that \$400,000 will necessarily include the value of both the house & LAND underneath it.

**Result:** The purchased home is worth less than your previous home because the amount of your insurance proceeds will likely be used to purchase the land under that house as well! That means that you would be left with a house that is worth less than the \$400,000 you received from your insurance policy to replace your previous home!

If your home was properly insured, your RCV should be \$400,000 for a total loss.

If you decide to buy elsewhere, you will likely purchase a home around \$400,000.



## Survivor Wisdom

"The loss of your home is a deeply emotional loss. Emotion is the enemy of a good business deal. When dealing with contractors, suppliers, insurers, banks, and other businesses, the more you resist emotional decisions, the better it will turn out. Do not let businesses profit off of your emotions."

Ken Klein, UP Volunteer/2003 San Diego wildfire survivor

## **4. HELPFUL RESOURCES**

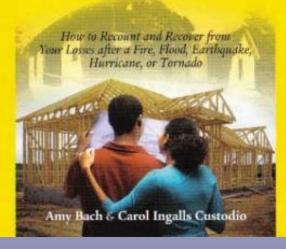
## Combining Coverages (CA only)

Allows RC amounts due for Other Structures to be used to rebuild the Primary Structure without requiring actual replacement of the Other Structures

- "In the event of a covered loss relating to a state of emergency, as defined in Section 8558 of the Government Code, an insured under a residential property insurance policy shall be permitted to *combine payments for claims for losses up to the policy limits for the primary dwelling and other structures, for any of the covered expenses reasonably necessary to rebuild or replace the damaged or destroyed dwelling, if the policy limits for coverage to rebuild or replace the primary dwelling are insufficient.* Any claims payments for losses pursuant to this subdivision for which replacement cost coverage is applicable shall be for the full replacement value of the loss without requiring actual replacement of the other *structures or contents.* Claims payments for other structures in excess of the amount applied towards the necessary cost to rebuild or replace the damaged or destroyed dwelling shall be paid according to the terms of the policy." *Cal Ins Code 10103.7* 

#### **R2R Guidance and Tools**

The Disaster Recovery Handbook & Household Inventory Guide



# "The Little Yellow Book"

Email <u>info@uphelp.org</u> for a copy mailed to you

#### Survivors Speak Share your knowledge with other survivors https://uphelp.org/claim-guidance-publications/survivors-speak-tip-series/

#### "Survivors Speak" Tip Series

This section of our claim help library offers recovery guidance and strategies from people with personal experience recovering from a catastrophic loss, in their own words. While the label "disaster victims" is in common usage, many people whose homes have been damaged or destroyed prefer to be referred to as "survivors" because that term implies strength and a pro-active approach to getting out of a bad situation. Our Survivors Speak tips are part of United Policyholders' extensive library of free information.

*"We learned first-hand that the best way for us to heal from our devastation and loss was to help others recover."* — Karen Taylor-Burke, 42, of Leonardo, N.J., whose home was destroyed in October, 2012. She and her husband hope to be done rebuilding in the spring of 2015. ["Lessons Learned From Hurricane Sandy", New York Times, 10/28/14]

### Submit your tip to info@uphelp.org

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: <u>http://www.uphelp.org/events</u>



#### **Colorado Division Of Insurance**

For Free, Personal Assistance With Your Claims Or Underinsurance Issues

To File a Complaint Online: <u>www.doi.colorado.gov</u>

By Email: <u>dora\_insurance@state.co.us</u>

Or Call: (303)894-7499



#### Welcome to the Colorado Division of Insurance



# CALIFORNIA DEPARTMENT OF INSURANCE





### FOR FREE, PERSONAL ASSISTANCE WITH YOUR CLAIMS OR UNDERINSURANCE ISSUES CALL US AT: 1 800 927 4357

#### Upcoming Roadmap to Recovery® Events

#### **EVENTS**

Home » Events

#### **UPCOMING EVENTS**



www.uphelp.org/events Register for upcoming events. View recordings of past events and related resources.

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

#### ASK AN EXPERT

COMMUNITY ASK AN EXPERT

MEET OUR EXPERTS

FORUMS ACCOUNT

PLEASE ALLOW TIME TO GET A RESPONSE. We're not able to respond to urgent or time-sensitive questions. Thanks for your patience as we find the right expert to respond to your question. Please note that UP staff reserves the right to view and approve your question before it appears on our site.

You Need Answers. Use this forum to get them. Search for answers or post a question about your insurance issue or the loss recovery process. Expert volunteers include professionals in construction, insurance claims and insurance law plus people sharing their own disaster recovery lessons learned.

#### WHAT DO YOU WANT TO KNOW?

Search

Q,

- Register. It's free.
- Write in your questions.
- Get an answer from an expert in construction, insurance, laws and disaster recovery.
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#### Thank You to Our Funders







INSPIRING IDEAS, IGNITING ACTION.\*