



Underinsured? Strategies and Remedies for Wildfire-Impacted Property Owners

Wednesday, March 12, 2025

5:00 pm PT

2024 and 2025 California Wildfires

Download and follow the slide deck here: [Uphelp.org/Mar12](https://uphelp.org/Mar12)

United Policyholders
Empowering the Insured

LOG OUT MY QUESTIONS ASK AN EXPERT FORUMS Search

HOME ABOUT MEDIA RECOVERY HELP GET PREPARED ADVOCACY COMMUNITY EVENTS SUPPORT UP

EVENTS

Home » Events » Underinsured? Strategies and Remedies for Wildfire-Impacted Property Owners

Underinsured? Strategies and Remedies for Wildfire-Impacted Property Owners

📅 Wednesday, March 12, 2025
5:00 pm PT

📍 Zoom - Registration Required

👤 2024 and 2025 California wildfire survivors

★ Facilitators will answer pre-submitted questions. See link below!

[REGISTER HERE](#)

This Roadmap to Recovery® webinar will inform underinsured total loss wildfire survivors on laws and regulations, strategies and potential remedies. It will feature an expert panel including UP staff and professional volunteers.

RESOURCES

- 🔗 [Underinsurance 101](#)
- 🔗 [A Guide to Underinsurance](#)
- 🔗 [Survivors Speak: Coping With Underinsurance](#)
- 📄 [Underinsured? Strategies and Remedies for Wildfire-Impacted Property Owners Slide Deck](#)

United Policyholders (UP) and the Roadmap to Recovery[®] Program

- UP is a national 501(c)3 not-for-profit organization based in California that is a trusted information resource and respected voice for insurance consumers in all 50 states.
- A 34-year track record and expertise assisting wildfire impacted households and communities through information, tools, resources, events and advocacy work.
- The Roadmap to Recovery program = *Post disaster guidance and services focused on financial, insurance, real estate and construction decision-making and emotional recovery.*
- UP's work is funded by donations and grants, volunteers/*pro bono*. You can't hire us; our services are free but limited.
- Our partners include other non-profits, state and federal agencies and professional and trade associations.

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

- *Fighting for insurance consumer rights and protections*

California 2024 and 2025 Wildfire Help Libraries

- Step-by-Step Guidance
- Sample Letters and Claim Forms
www.uphelp.org/samples
- Survivors Speak Tips
www.uphelp.org/survivorsspeak
- Upcoming Workshops and Resources
www.uphelp.org/events
- Links to Pro-consumer Professional Help
www.uphelp.org/findhelp

The screenshot displays the United Policyholders website interface. At the top, the logo reads "United Policyholders Empowering the Insured". Navigation links include LOG OUT, MY QUESTIONS, ASK AN EXPERT, and FORUMS. A search bar is located on the right. A main menu bar contains HOME, ABOUT, MEDIA, RECOVERY HELP, GET PREPARED, ADVOCACY, COMMUNITY, EVENTS, and SUPPORT UP. The "RECOVERY HELP" dropdown menu is open, listing: ROADMAP TO RECOVERY®, DISASTER RECOVERY HELP, CLAIM GUIDANCE LIBRARY, STATE BY STATE HELP, SAMPLE LETTERS AND CLAIM DOCUMENTS, PROFESSIONAL HELP DIRECTORY, and ASK AN EXPERT. Below this, the "DISASTER RECOVERY HELP" page is shown, featuring two featured articles: "2025 California Wildfires – Insurance Claim and Recovery Help" (dated JAN 7, 2025 – ACTIVE) and "2024 California Wildfires – Insurance Claim and Recovery Help" (dated NOV 1, 2024 – ACTIVE). The 2025 article text includes: "This Insurance Claim and Recovery Help page includes resources for the January 2025 Palisades Fire and Eaton Fire in Los Angeles County." The 2024 article text includes: "This Insurance Claim and Recovery Help page includes resources for the December 2024 Franklin Fire, the November 2024 Mountain Fire, the September 2024 Airport Fire, Boyles Fire, Bridge Fire, and Line Fire, and the July 2024 Borel Fire, French Fire, Hawarden Fire, Lake Fire, Nixon Fire, Park Fire, and Thompson Fire. These wildfires have damaged or destroyed over 1,817 structures in Butte, Kern, Lake, Los Angeles,

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 www.uphelp.org or speakers at our workshops
- Our speakers are volunteering their time as educators



Today's Presenters

Amy Bach, Esq. Executive Director & Co-Founder

Marcia Belforte, 2017 Wildfire Survivor

Michael Bidart, Esq., Shernoff, Bidart, Echeverria

Daniel Veroff, Esq., Merlin Law Group

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)

Marcia Belforte

- Total loss, 2017 Tubbs Wildfire
- Attended Roadmap to Recovery events, used UP resources
- Underinsured, negotiated an above-limits settlement subject to a confidentiality agreement
- Fire Inspector, Sonoma County Fire and Emergency Services
- Retired Firefighter, Seattle FD



Mike Bidart

- Partner w/Shernoff, Bidart & Echeverria, Claremont, CA
- Has litigated and settled numerous cases on behalf of underinsured wildfire survivors:
 - Unfair practices including:
 - Changing policy terms without notifying phs
 - Increasing premiums without notifying phs
 - Retroactively reducing or eliminating coverage
 - Using computer software that systematically undervalues property damage assessments
 - Broker negligence:
 - Failure to disclose terms of an insurance policy
 - Breach of duty to advise
 - Failure to write adequate insurance (underinsurance)
 - Failure to secure the purchased insurance

Dan Veroff

- Senior Managing Attorney, Merlin Law Group S.F. office
- Has litigated and settled numerous cases on behalf of underinsured wildfire survivors
- Member, UP Board of Directors

<https://www.propertyinsurancecoveragelaw.com/blog/why-are-policyholders-so-frequently-underinsured-in-the-event-of-a-total-loss-what-can-fix-the-underinsurance-problem/>

<https://www.merlinlawgroup.com/attorneys/daniel-j-veroff-esq/>

Reminders

- Be kind to yourself
- Take it one day at a time
- Do your best to be business-like about your insurance claim, get accurate loss valuations from reputable professionals, and go on facts – not rumors

Speaking “UP” and keeping paperwork organized = \$

- Keep a daily Claim/Recovery Journal
- Save all receipts (scan or photocopy and emails)
- Open a separate bank account for insurance funds received, loss/claim related expenses
- Consider creating a special email address just for loss/claim related communications
- Document and track all insurance communications
- Track expenses and \$ matters:
<https://www.uphelp.org/pubs/insurance-accounting-spreadsheet>

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



Copyright 2025. United Policyholders.
All rights reserved.

What is underinsurance?

- A situation where an insurance policy doesn't cover the full extent of a loss...
 - Due to exclusions, limitations, or coverage amounts that are less than what's needed to replace/repair damaged and destroyed property and/or put you back in pre-loss condition.
 - Because your dwelling limit is unrealistically low
 - Because your insurer/agent/broker failed to include or recommend code upgrade and/or extended replacement coverage

Underinsurance is a recurring and challenging problem for wildfire-impacted property owners

2017 North Bay Fires Survey Results

24 Month Survey Results - North Bay Fires

Summary and Highlights:

- 64% of survey respondents reported they do not have enough insurance to cover the cost of repairing, replacing or rebuilding their home by an average amount of \$367,000.

2018 Camp Fire Survey Results

12 Month Survey Results - Camp Fire

Read our [Camp Fire Survey Report \(Recovery Status at 1 Year\)](#)

Summary and Highlights:

- Underinsurance persists. 60% of survey respondents reported being underinsured by an average of \$163,000.

One Year Survey Results – 2021 Marshall Fire, Boulder, Colorado

Read our [Marshall Wildfire One Year Survey Report](#) and [Summary Data](#)

Significant Findings: The survey results show an overwhelming amount of underinsurance with 80% of survey respondents reporting that they do not have enough insurance to cover the cost of replacing or rebuilding their home. The data collected shows that the average amount survivors are underinsured by is \$110/psf. Despite this, 83% of total loss survivors plan to rebuild, requiring funds from other sources besides their dwelling coverage. Legislation has been passed to address the underinsurance issue. While it is not retroactive, we will be monitoring its impact against the data collected in this survey. Another significant finding is there are significant disparities in the percentage of contents benefits survivors received without having to complete a home inventory.

Are you underinsured and if so, how much *should* your home have been insured for?

- Is your dwelling limit less than what it would actually cost to replace the home you lost with one of like kind and quality? (Labor, materials, code upgrades, etc.)
- What about extended coverage, code upgrade coverage, and “Other Structures” coverage?

Review slide deck from UP R2R 1-29-25 ["How to Read and Understand Your Policy"](https://uphelp.org/wp-content/uploads/2025/01/1-29-25-How-to-Read-and-Understand-FINAL-PPT-1-1.pdf) <https://uphelp.org/wp-content/uploads/2025/01/1-29-25-How-to-Read-and-Understand-FINAL-PPT-1-1.pdf>

Underinsurance overview

- Current law doesn't reflect reality of how limits get set in real life
- A ph can seek a “retroactive reformation” of policy limits and offer to pay the difference in premiums
- Leverage *may* convince your insurer to pay above limits
 - Errors insurer and/or agent made in issuing policy
 - Evidence of communications, how limits were set
 - Political pressure, media pressure
 - Assistance from DOI
- A ph can sue insurer and agent/broker
- Sources of \$ for filling insurance gaps include:
 - SBA or commercial loan
 - Lawsuit against an entity responsible for causing the loss (a utility, e.g.)
 - Lawsuit to force an insurer to increase limits
 - Contents funds (only after RCV has been paid [where there's RCV coverage])

“Helpful” facts

1. Insurer or agent/broker misrepresented nature, scope or extent of coverage;
2. Insurer or agent/broker failed to obtain requested limit;
3. Insurer/agent/broker *can be held to have taken on a special duty* through words and/or actions that the insured can prove through evidence. (not just “he said she said”)

The sequence

1. Get a reasonable idea of how much your home should have been insured for
2. Collect all evidence that gives you leverage to get a retroactive increase of your dwelling limit
3. Notify your insurer that you are underinsured due to their failure to accurately set your limits
4. File an RFA w/the DOI
5. Consult or retain an attorney w/experience successfully litigating underinsurance cases *before* you complete a questionnaire/interview
6. Mediate/Litigate as feasible

Written Statement

1. When did you purchase the property located at XXXXX Pacific Palisades, California (hereafter referred to as the “property”)?
2. Are you the original owner of this property?
3. From whom did you purchase the property?
4. What was your original purchase price of the property?
5. What structures were on this property at the time of your purchase? (Example Main House, Guest House, Detached Garage)
6. If you built the home on this property, who was the General Contractor? What was the full construction cost of your home?
7. You have made an inquiry regarding your policy limits you were sold include the California FAIR Plan. What specific concerns do you have regarding your policy limits? Which policy are you referring to?
8. Do you believe your concerns are the responsibility of State Farm Agent AGENT’S NAME or any member of his staff? If you do believe Agent AGENT’S NAME, or any member of his staff, are responsible for your concerns, please be specific in your explanation?
9. Do you believe your concerns are the responsibility of State Farm Insurance? If so, please be specific in your explanation?
10. Do you believe you have any personal responsibility in establishing the limits of coverage for your property? Why or why not? Please be specific in your response.

Panel Questions:

- What is the downside of seeking to remedy underinsurance on your own or via DOI?
- Can you pay a lawyer by the hour to help w/an underinsurance case or only %?

Scoping/Estimating Your Dwelling Loss

- You can suspect you're underinsured just on the basis of your stated dwelling limit psf.
- To pinpoint exactly how underinsured you are, you'll need a detailed scope and estimate of your home's replacement cost and a complete tally of your available coverage that can be used for a rebuild.
- CA law allows you to add your "Other Structures," and other available coverage extensions/add-ons into your replacement budget. (Cal. Ins. Code § 10103.7(a)).

Resources for estimating RCV

You need: A detailed estimate based on sub bids to replicate the home you lost, prepared by a knowledgeable construction expert. Ideally based on drawings, and including construction supervision, all code upgrades, permit fees, materials labor, trades, etc. etc.

Panel questions:

- When a potential client comes to your firm, how do you determine whether or not they're underinsured and by how much?
- What makes a “good” underinsurance case?

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
 - Coverages and limits of liability
 - Endorsement/Riders
 - Deductible(s)
 - Lender information



NAMED INSURED		MORTGAGEE AND ADDITIONAL INTERESTS	
[REDACTED]		Mortgagee	Loan Number
[REDACTED]		[REDACTED]	[REDACTED]
SECTION I - PROPERTY COVERAGES AND LIMITS			
Coverage			Limit of Liability
A Dwelling			\$ 842,400
Other Structures			\$ 84,240
B Personal Property			\$ 631,800
C Loss of Use			\$ 252,720
Additional Coverages			
Alarm Reward			\$1,000
Credit Card, Bank Fund Transfer, Card, Forgery, and Counterfeit Money			\$1,000
Debris Removal		Additional 5% available	\$1,000 tree debris
Fire Department Service Charge			\$500 per occurrence
Fuel Oil Release			\$10,000
Locks and Remote Devices			\$1,000
Trees, Shrubs, and Landscaping		5% of Coverage A amount	\$750 per item
SECTION II - LIABILITY COVERAGES AND LIMITS			
Coverage			Limit of Liability
L Personal Liability (Each Occurrence)			\$ 300,000
Damage to the Property of Others			\$ 1,000
M Medical Payments to Others (Each Person)			\$ 5,000
INFLATION			
Inflation Coverage Index: 359.8			
DEDUCTIBLES			
Section I Deductible			Deductible Amount
All Losses 1%			\$ 8,424
LOSS SETTLEMENT PROVISIONS			
A1 Replacement Cost - Similar Construction			
B1 Limited Replacement Cost - Coverage B			

CA Fair Plan Sample Dec page

COVERAGES, LIMITS, PERILS AND PREMIUMS

SELECTED COVERAGES	LIMITS
<input checked="" type="checkbox"/> A - Dwelling	\$ 645,000
<input type="checkbox"/> B - Other Structures	\$ 0
<input checked="" type="checkbox"/> C - Personal Property	\$ 75,000
<input checked="" type="checkbox"/> D - Fair Rental Value	\$ 50,000
<input checked="" type="checkbox"/> Ordinance or Law Coverage	\$ 64,500
<input checked="" type="checkbox"/> Debris Removal (additional)	\$ 15,000
<input checked="" type="checkbox"/> Dwelling Replacement Cost	INCLUDED
<input checked="" type="checkbox"/> Inflation Guard	INCLUDED
<input checked="" type="checkbox"/> Personal Property Replacement Cost	INCLUDED
<input type="checkbox"/> Fences	\$ 0
<input type="checkbox"/> Permitted Incidental Occupancy	\$ 0
<input type="checkbox"/> Plants, Shrubs and Trees	\$ 0
<input type="checkbox"/> Outdoor Radio and TV Equipment	\$ 0
<input type="checkbox"/> Awnings	\$ 0
<input type="checkbox"/> Signs	\$ 0
<input type="checkbox"/> Improvements, Alterations and Additions	\$ 0

PERILS INSURED AGAINST	PREMIUM
<input checked="" type="checkbox"/> Fire or Lightning, Internal Explosion and Smoke Damage	\$ 2,307
<input checked="" type="checkbox"/> Extended Coverages	\$ 136
<input type="checkbox"/> Vandalism or Malicious Mischief	\$ 0
Total Annual Premium	\$ [REDACTED]

Premium subject to change at Renewal

THIS IS NOT A BILL

Base limits + endorsements + policy wording = your max available benefits

Coverages and Limits of Insurance : Insurance is provided for the following coverages only when a limit is shown. The limit of liability for this structure (Coverage A - Dwelling) is based on an estimate of the cost to rebuild your home, including an approximate cost for labor and materials in your area, and specific information that you have provided about your home.

Section I				Section II		
A Dwelling	B Other Structures	C Personal Property	D Loss of Use	E Personal Liability (Personal Injury & Property Damage) Each Occurrence	F Medical Payments to Others Each Person Each Accident	
\$ 300,200	\$ 30,100	\$ 225,200	\$ 120,100	\$ 1,000,000	\$ 1,000	\$ 25,000

Section I Only:

Section II: Additional Residence Premises if any located (Number, Street, City, State)

P00C00
1st Mortgage Loan No. * 0057254674
2nd Mortgage Loan No.

This policy does not provide Earthquake Insurance.

This policy does not provide Flood Insurance.

Basic Policy Premium

Forms and Endorsements made part of this policy at time of issue.

Homeowners Policy - Special form - \$1000 Deductible (HO-3).

Name Change Endorsement (60 1000 12 13)

Lender's Loss Payable Endorsement (438 BEUNS).

Limited Home Replacement Cost Endorsement - 150% of Cov A (HO-28).

Replacement Value Endorsement Personal Property (HO-29).

\$1000 deductible (HO-60).

Workers' Compensation & Employers' Liability - CA (HO-90).

Private Residence Employees - Class 0910.

Building Code Upgrade Limit - \$75,050.00

Premiums

Pre-submitted questions

If underinsured, how best to get the most from the insurance company to purchase a new home?

I am underinsured with CFP. Nevertheless, I expect to receive an offer below the policy limits which does not reflect current construction costs. What are my best options?

Do the math on YOUR policy

Coverage A - \$500,000

Extended Replacement Coverage = 25%

Coverage A is $\$500,000 \times 25\% = \$125,000$

Code Upgrade Coverage = 20%

Coverage A is $\$500,000 \times 20\% = \$100,000$

Debris removal - 5% of Coverage A*

Coverage A is $\$500,000 \times 5\% = \$25,000$

Trees, Shrubs & Plants - 5% of Coverage A

Coverage A is $\$500,000 \times 5\% = \$25,000$

TOTAL DWELLING Coverage available = \$775,000


*To trigger the additional 5%, the base limit must be exhausted

NOTE: Debris may (or may not) apply separately to each coverage – A, B, C

Coverage B – Other Structures

Structures on your property that are not physically attached to the house; detached garage, retaining wall, fencing, gazebo...

This policy includes \$30,100 for other structures



Section I			
A	B	C	D
Dwelling	Other Structures	Personal Property	Loss of Use
\$ 300,200	\$ 30,100	\$ 225,200	\$ 120,100

Extended Replacement Cost Coverage

Many policies include a provision that increases your dwelling limits by 25%, 50%, or 100% if the Cov A limits are too low to repair or replace your damaged or destroyed home.

- Have different names – look for:
 - OPT ID – Increased Dwelling (State Farm)
 - Building Structure Reimbursement Extended Limits (BSREL - Allstate)
 - ERC – Extended Replacement Cost (Farmers)

Ordinance or Law (Code Upgrade) Coverage

- HO policies in CA are required to include at least 10% additional coverage for CODE UPGRADES
- You can purchase more (20%-50% or more) – more important for an older home that has not been updated
- Pays for upgrades to your home that you are required to add, based upon a building ordinance or law, to bring THE HOME YOU LOST up to current codes
- Check endorsements, as policy often has an exclusion, but then “adds back” coverage in an endorsement.

Deep Breath



Copyright 2025. United Policyholders.
All rights reserved.

How **do** limits get set in real life?

- Insurance company internal formulas
- Agent/Broker professionals
- Software that agents are required to use
- Mortgage balance
- Replacement cost calculators
- Homeowner input
- Premium considerations

AB, MB, DV

General Rule: An insurance agent does **not** have an obligation to volunteer to a homeowner that they should buy additional insurance coverage.

Exceptions:

- 1) The agent **misrepresents the nature, extent or scope** of the coverage being offered or provided.
- 2) The insured makes a **request or inquiry** for a particular type or extent of coverage, or
- 3) The agent **assumes an additional duty** by either express agreement or by holding themselves out as having expertise in a given field of insurance being sought by the insured.

Fitzpatrick v. Hayes (1997) 57 Cal.App.4th 916; *Desai v. Farmers Ins. Exh.* (1996) 47 Cal.App.4th 1110; *Free v. Republic Ins. Co.* (1992) 8 Cal.App.4th 1726; *Jones v. Grewe* (1987) 189 Cal.App.3d 950

Source: Shernoff Bidart Echeverria LLP

Common questions

- Where can a policyholder find evidence of how their limits were set?
- Should I file a DOI underinsurance complaint before consulting w/an attorney?
- Why is it important to consult an attorney w/previous experience representing underinsured wildfire survivors?

DV, MB

Who sold you the policy?

An insurance “Agent”?

- “a person authorized, by and on behalf of an insurer, to transact all classes of insurance other than life insurance.” (Ins. Code Sec. 31)
- Insurers are liable for the acts of their “Agents”.

An Insurance Broker?

- “a person who, for compensation and on behalf of another person, transacts insurance other than life with, but not on behalf of, an insurer.” (Ins. Code Sec. 33)

Who chose the Policy Limit, when and how?

Why does that matter so much?

What are the obligations of an insurance broker or agent?

Reasonable care, diligence and judgment to procure the coverage requested

No duty to volunteer

“As a general proposition, an insurance agent does not have a duty to volunteer to an insured that the latter should procure additional or different insurance coverage.”

- *Fitzpatrick v. Hayes* (1997) 57 Cal.App.4th 916, 927;
- *Roberts v. Assurance Co. of America* (2008) 163 Cal.App.4th 1398, 1403-1404

But when they do volunteer...

They take on a professional responsibility to set limits accurately

Consumer questions:

Are insurance companies required to provide clearly written renewals? Or, can they insert document numbers as stand ins for documents, but not provide the document itself? My insurance company, Farmers, is stating that my initial policy, which has effective and expiration dates includes language that applies to my current renewal. However, my current renewal, which is titled “Your Policy” including endorsements, does not have any of that language or policy limits. And I was not provided that referenced document at any time. They are using this expired policy to decrease payout.

DV, MB

CA Ins. Code at section 10103.4 states:

(a) An insurer that provides replacement cost coverage...shall, on an every other year basis, at the time an offer to renew a policy of residential property insurance is made to the policyholder, provide an estimate of the cost necessary to rebuild or replace the insured structure that complies with Sections 2695.180 to 2695.183, inclusive, of Article 1.3 of Subchapter 7.5 of Chapter 5 of Title 10 of the California Code of Regulations.

Cal. Code Regs. Tit. 10, § 2695.183

No licensee shall communicate an estimate of replacement cost to an applicant or insured in connection with an application for or renewal of a that provides coverage on a replacement cost basis, unless the requirements and standards set forth in subdivisions (a) through (e) below are met:

The estimate shall include...

- (1) Cost of labor, building materials and supplies;
- (2) Overhead and profit;
- (3) Cost of demolition and debris removal;
- (4) Cost of permits and architect's plans; and
- (5) Consideration of components and features of the insured structure, including at least the following:
 - (A) Type of foundation;
 - (B) Type of frame;
 - (C) Roofing materials and type of roof;
 - (D) Siding materials and type of siding;
 - (E) Whether the structure is located on a slope;

The estimate shall include, cont'd...

- (F) The square footage of the living space;
- (G) Geographic location of property;
- (H) Number of stories and any nonstandard wall heights;
- (I) Materials used in, and generic types of, interior features and finishes, such as, where applicable, the type of heating and air conditioning system, walls, flooring, ceiling, fireplaces, kitchen, and bath(s);
- (J) Age of the structure or the year it was built; and
- (K) Size and type of attached garage.

Cal. Code Regs. Tit. 10, § 2695.183

(b) The estimate of replacement cost shall be based on an estimate of the cost to rebuild or replace the structure taking into account the cost to reconstruct the single property being evaluated, as compared to the cost to build multiple, or tract, dwellings.

AND

(e) The licensee shall no less frequently than annually take reasonable steps to verify that the sources and methods used to generate the estimate of replacement cost are kept current to reflect changes in the costs of reconstruction and rebuilding, including changes in labor, building materials, and supplies, based upon the geographic location of the insured structure. The estimate of replacement cost shall be created using such reasonably current sources and methods.

Panel question

How does this reg help you in proving your case for your clients?

However,...

Although the California Insurance Code - § 10103.4 requires an insurer to accurately estimate RCV, it also says:

(d) This section is not intended to change existing law with respect to the duty of the policyholder or applicant to select the coverage limits for a policy of residential property insurance.

- How often did you speak with your agent/insurer or did you buy your policy online?
- What, if any, specific conversations do you remember?
- How did your insurer/agent explain your coverage (including ads, mailers, orally and in writing)?
- Did you fully cooperate with all requests for information and requests for inspection from your agent/insurance company?
- Did you ever refuse a recommended *increase or decrease* in coverage?
- Did you notify your insurer of major improvements or remodeling?

Deep Breath



Copyright 2025. United Policyholders.
All rights reserved.



Copyright 2025. United Policyholders.
All rights reserved.

**Oct 2017
Tubbs Fire
Sonoma County, California
+5,000 homes lost**



2019



Summer 2020



Copyright 2025. United Policyholders.
All rights reserved.

Oct 2020
3 years after Tubbs Fire



Deep Breath



Copyright 2025. United Policyholders.
All rights reserved.

Step 1

Check your policy for obvious errors

Your insurer may have insured the wrong address or the wrong square footage. If you can establish the error was not your fault, you may have a strong case for increasing your limits to where they should have been

Step 2

Calculate cost to rebuild as-was (what your home *should* have been insured for)

Site Work and Foundations								
DESCRIPTION	QTY	UNIT PRICE	TAX	O&P	RCV	DEPREC.	ACV	
<u>DWELLING</u>								
1. Footings - labor & materials	36.63	CY	498.49	502.87	3,752.52	22,515.08	(0.00)	22,515.08
NOTE- This is a concrete grade beam foundation tied to underlying, drilled friction piles. Grade beam foundation estimated to be 30" x 14"								
2. Concrete Piles - 18" diam r	300.00	LF	86.10	316.45	5,229.30	31,375.75	(0.00)	31,375.75
NOTE- Drilled 18" concrete friction piles underly concrete grade beam foundation. Piles spaced 6'-0" OC. Average depth to bedrock estimated at 8'-0" deep.								
3. Steel rebar - j-bar - #4, 2' 6"	289.00	EA	3.92	23.18	231.22	1,387.28	(0.00)	1,387.28
4. Concrete wall - labor & materials	3.65	CY	380.87	44.11	286.86	1,721.15	(0.00)	1,721.15
NOTE- For concrete stem wall								
5. Steel rebar - #4 (1/2")	638.41	LF	1.26	22.02	165.28	991.70	(0.00)	991.70
6. Steel rebar - #4 (1/2")	650.20	LF	1.26	22.43	168.34	1,010.02	(0.00)	1,010.02
7. Steel rebar - #4 (1/2")	1057.67	LF	1.26	36.49	273.84	1,642.99	(0.00)	1,642.99
8. Backhoe loader and operator	8.00	HR	118.75	0.00	190.00	1,140.00	(0.00)	1,140.00
NOTE- This is to dig new 12" x 24" footings in newly compacted earth								
9. Backfill foundations	593.41	LF	4.69	0.00	556.62	3,339.71	(0.00)	3,339.71
NOTE- New stem wall foundations and grade beams will require backfilling on both sides after form removal								

Step 3

Review history of how/when your dwelling limits were set

- Did you remodel? Re-finance? Change insurers/agents?
- Did something trigger you to contact insurer to seek reassurance?
- Did you get reassurance of adequacy of your limits?
- Do you have any communication in **writing**?
 - Emails/texts/letters

Step 4

Compare notes with other property owners underinsured by your same agent and/or insurance company

- If others got your agent or insurance company to retroactively increase their limits, find out what evidence and arguments won the day for them

Step 5

Make a clear, written demand that your insurance company and/or agent or broker honor the promises that were made to put you back where you were before a loss

- Go up the chain of command, and take all steps necessary to enforce that demand
- Let your insurer know that you are underinsured through no fault of your own
- Tell them the exact amounts by which you are underinsured
- Provide them with the documentation outlined in Step 2 above (what your home *should* have been insured for)

Step 5 Cont. - Best Practices

- Keep communication professional
- Be concise and to the point
- Bold or bullet point your requests
- Avoid long paragraphs
- Use good grammar and punctuation
- Cite to things the insurer did wrong when adjusting your claim
- Be professional and/or get professional help
- *If your insurer responds by sending you a written questionnaire with questions that get at how your limits were set, see Step 6*

Step 5 Cont. - How your recovery journal/paper trail factors in during negotiations and settlement discussions

- Confirm you are cooperating
- Tell them what you need
- Any missed time frames (on their part)
- Why you are requesting what you need
- Remind them of your leverage
- Give them a specific time frame to reply/comply

Follow up again at that time...

If your insurer responds by sending you a written questionnaire with questions that get at how your limits were set, see Step 6

Step 6

Consult with an experienced policyholder attorney. Do this before allowing your insurer to interview you, take your recorded statement, examine you under oath, or get you to answer a series of written questions about the history of your policy

- You can visit the [“Find Help”](#) section of United Policyholders website as a starting point to find the right lawyer

Litigation

Multi-plaintiff/class action/unfair practice/fraud

- Systematic underinsurance, improper software
- Systemic fraud
- Improper depreciation
- Disparate treatment
- Utility negligence/liability

Individual

- E & O claim vs. agent/broker
- Breach of contract/covenant of GFFD

Litigation

- What to expect?
- Fees, costs, appeals?
- Who will actually be your lawyer?

Mediation

- Mediation is an informal, voluntary, non-binding process for conducting settlement negotiations between you and your insurance company.
- Can be fast and inexpensive if your dispute is ripe for mediation and you're prepared and empowered

Mediation “Pros”

- Inexpensive
- If you don't like the result, you can walk away
- Efficient way of putting the dispute behind you and moving forward
- Educates both sides about the strengths and weaknesses of their positions

Mediation “Cons”

- Insurance company may not be seriously interested in settling, but uses mediation to gather evidence and test the strength of your legal case
- Mediator may inappropriately discourage/scare the policyholder to force a settlement
- Mediator may tell insurance company things you ask them to keep secret
- Insurance rep may take advantage of your inexperience with the mediation process and legal concepts
- You may leave the mediation feeling it was a waste of time and money

Pre-submitted

I know we can buy something else (instead of rebuilding) and get our Home Protector/extended insurance if we buy something that costs more but the rules on this are so nebulous b/c they say "something similar in size and fixtures" but

- a) since we can't get the money out of the land, a lot of us are looking to buy something with JUST the insurance money we got for the dwelling so it's impossible to find something similar in size and fixtures (i.e. would rather buy a condo but that's not going to be similar, or would buy in another state but even then that place is taking into account land in the price so the house isn't going to be same size/fixtures) and
- b) many of us also have the extended insurance that carries over to "structures" or "plants/shrubs" and we're supposed to also find something that has similar structures and plants?

<https://uphelp.org/claim-guidance-publications/buy-or-rebuild/>

UP Claim Help Library

www.uphelp.org/disputeresolution

- **A Guide to Underinsurance:** <https://uphelp.org/underinsurance-help-were-you-lulled-into-a-false-sense-of-security-or-did-you-intentionally-underinsure-your-biggest-asset/>
- **Hiring an Attorney to sue a utility** <https://uphelp.org/claim-guidance-publications/survivors-speak-hiring-an-attorney-to-sue-a-utility-that-caused-or-contributed-to-a-wildfire/>
- **Speak UP: Going up the chain of command**
- **What to Expect When You're Suing an Insurance company** <https://uphelp.org/claim-guidance-publications/what-to-expect-when-youre-suing-an-insurance-company/>
- **Hiring an Attorney for an Insurance Claim:** <https://uphelp.org/claim-guidance-publications/hiring-an-attorney-for-an-insurance-claim/>

Stay informed – Sign UP

To be added to our mailing list for notices of future events and updated guidance, please visit:

uphelp.org/2024CAwildfires

uphelp.org/2025CAwildfires

To review today's slides or video recording, visit www.uphelp.org and go to “events”

Encourage friends to sign up too!

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>

Upcoming Roadmap to Recovery[®] Events

The screenshot displays the United Policyholders website's navigation and event listings. The top navigation bar includes the logo, 'LOG OUT', 'MY QUESTIONS', 'ASK AN EXPERT', 'FORUMS', a search bar, and a magnifying glass icon. Below this is a secondary navigation bar with links for HOME, ABOUT, MEDIA, RECOVERY HELP, GET PREPARED, ADVOCACY, COMMUNITY, EVENTS, and SUPPORT UP. The main content area features three event cards, each with a title, date, time, location, and audience information, followed by a 'VIEW +' button.

United Policyholders
Engineering the Insured

LOG OUT MY QUESTIONS ASK AN EXPERT FORUMS Search

HOME ABOUT MEDIA RECOVERY HELP GET PREPARED ADVOCACY COMMUNITY EVENTS SUPPORT UP

Underinsured? Strategies and Remedies for Wildfire-Impacted Property Owners
Wednesday, March 12, 2025
5:00 pm PT
Zoom - Registration Required
2024 and 2025 California wildfire survivors

Survivor to Survivor Forum (for wildfire survivors)
Tuesday, March 18, 2025
4 pm HT/ 7 pm PT/ 8 pm MT
Zoom - registration required
All wildfire survivors

Navigating Wildfire-Damaged Home Insurance Claims (Standing Homes/Partial Losses)
Wednesday, March 19, 2025
5:00 pm PT
Zoom - Registration Required
2024 and 2025 California wildfire survivors

VIEW + VIEW + VIEW +

www.uphelp.org/events

Register for upcoming events.

View recordings of past events and related resources.

Past webinars for 2024 CA Wildfires

United Policyholders
Empowering the insured

LOG OUT MY QUESTIONS ASK AN EXPERT FORUMS Search

HOME ABOUT MEDIA RECOVERY HELP GET PREPARED ADVOCACY COMMUNITY EVENTS SUPPORT UP

PAST EVENTS >

2024 California Mountain Fire Navigating Your Contents Claim

📅 Thursday, March 6, 2025
6:30 pm PT

📍 Camarillo United Methodist Church 291 Anacapa Drive Camarillo CA 93010

👤 2024 California Mountain Fire survivors

🔗 📄 📄 📄

[VIEW +](#)

Navigating Your Contents Claim

📅 Wednesday, February 26, 2025
5:00 pm PT

📍 Zoom

👤 2024 and 2025 California Wildfire survivors

🔗 📄 📄 📄

[VIEW +](#)

Survivor to Survivor Forum (for wildfire survivors)

📅 Tuesday, February 18, 2025
5 pm HT/ 7 pm PT/ 8 pm MT

📍 Zoom

👤 All wildfire survivors

🔗

[VIEW +](#)

2024 California Mountain and Park Fire Taxing Matters for Non-FEMA Declared Catastrophic Loss Events

📅 Thursday, February 13, 2025
6:30 pm PT

📍 Zoom

👤 2024 California Mountain and Park Fire survivors

🔗 📄 📄 📄

[VIEW +](#)

Replacing Your Wildfire-Destroyed Home: Options and Insurance Considerations

📅 Wednesday, February 5, 2025
5:00 pm PT

📍 Zoom

👤 2024 and 2025 California Wildfire total loss survivors

🔗 📄 📄

[VIEW +](#)

How to Read and Understand Your Policy

📅 Wednesday, January 29, 2025
5:00 pm PT

📍 Zoom

👤 2024 and 2025 California Wildfire survivors

🔗 📄 📄 📄

[VIEW +](#)

Survivor to Survivor Forum (for wildfire survivors)

📅 Tuesday, January 21, 2025
5 pm HT/ 7 pm PT/ 8 pm MT

📍 Zoom

👤 All wildfire survivors

🔗

[VIEW +](#)

2024 Mountain Fire Recovery and Insurance Orientation

📅 Thursday, December 19, 2024
6:30 pm PST

📍 Roar Church, 340 Mobil Ave., Camarillo, CA 93010

👤 2024 Mountain Fire survivors

🔗 📄

[VIEW +](#)

Survivor to Survivor Forum (for wildfire survivors)

📅 Tuesday, December 17, 2024
5:00 p.m. HT / 7:00 p.m. PT / 8:00 p.m. MT

📍 zoom

👤 All wildfire survivors

🔗

[VIEW +](#)

Survivor to Survivor Forum (for wildfire survivors)

📅 Tuesday, November 19, 2024
7:00 p.m. PT / 8:00 p.m. MT

📍 Zoom

👤 All CA, CO, NM, OR and WA wildfire survivors

🔗

[VIEW +](#)

Wildfire Recovery and Insurance Orientation

📅 Thursday, September 12, 2024
4:00 pm PT / 5:00 pm MT

📍 Zoom

👤 2024 California and Colorado Wildfire survivors

🔗 📄 📄

[VIEW +](#)

Past webinars for 2025 CA Wildfires



[LOG OUT](#)

[MY QUESTIONS](#)

[ASK AN EXPERT](#)

[FORUMS](#)

Search



[HOME](#)

[ABOUT](#) ▾

[MEDIA](#) ▾

[RECOVERY HELP](#) ▾

[GET PREPARED](#) ▾

[ADVOCACY](#) ▾

[COMMUNITY](#) ▾

[EVENTS](#) ▾

[SUPPORT UP](#)

Navigating Your Contents Claim

Wednesday, February 26, 2025
5:00 pm PT

Zoom

2024 and 2025 California Wildfire survivors



[VIEW +](#)

Survivor to Survivor Forum (for wildfire survivors)

Tuesday, February 18, 2025
5 pm HT/ 7 pm PT/ 8 pm MT

Zoom

All wildfire survivors



[VIEW +](#)

Replacing Your Wildfire-Destroyed Home: Options and Insurance Considerations

Wednesday, February 5, 2025
5:00 pm PT

Zoom

2024 and 2025 California Wildfire total loss survivors



[VIEW +](#)

How to Read and Understand Your Policy

Wednesday, January 29, 2025
5:00 pm PT

Zoom

2024 and 2025 California Wildfire survivors



[VIEW +](#)

2025 California Wildfires Recovery and Insurance Orientation

Wednesday, January 22, 2025
5:00 pm PT

Zoom

2025 California wildfire survivors



[VIEW +](#)



CALIFORNIA DEPARTMENT OF INSURANCE



**Wildfire resources
and insurance
information**

**FOR FREE, PERSONAL ASSISTANCE WITH YOUR
CLAIMS OR UNDERINSURANCE ISSUES**

CALL US AT: 1 800 927 4357

OR GO ONLINE: insurance.ca.gov

Ask an Expert Forum

uphelp.org/ask-an-expert/

- Register. It's free.
- Write in your questions.
- Get an answer from an expert in construction, insurance, laws and disaster recovery.

The screenshot shows the top navigation bar of the United Policyholders website. The logo is in the top left, and 'LOG IN' and 'ASK AN EXPERT' are in the top right. The main navigation menu includes 'HOME', 'ABOUT', 'MEDIA', 'RECOVERY HELP', 'GET PREPARED', and 'ADVOCACY'. Below this is a green header for 'ASK AN EXPERT' with sub-menu items: 'COMMUNITY', 'ASK AN EXPERT', 'MEET OUR EXPERTS', 'FORUMS', and 'ACCOUNT'. The main content area contains a paragraph explaining the forum's purpose, a notice for January 2025 prioritizing wildfire-impacted California residents, and a disclaimer about response times. At the bottom, there is a search bar with the text 'WHAT DO YOU WANT TO KNOW?' above it and a 'Filter: All' option below it.

United Policyholders
Engineering the future

LOG IN ASK AN EXPERT

HOME ABOUT MEDIA RECOVERY HELP GET PREPARED ADVOCACY

ASK AN EXPERT

COMMUNITY ASK AN EXPERT MEET OUR EXPERTS FORUMS ACCOUNT

This website offers extensive information, links and resources. Please use the navigation bar and “Search” box to find what you need. If you are an insurance consumer (policyholder) and you can’t find what you need by searching this site, you can post a question in this forum, and we will do our best to provide an answer from our staff or expert volunteers. Expert volunteers include professionals in construction, insurance claims and insurance law.

JANUARY, 2025: We are currently prioritizing answering questions from wildfire-impacted California residents.

PLEASE ALLOW TIME TO GET A RESPONSE. We’re not able to respond to urgent or time-sensitive questions. UP staff reserves the right to view and approve your question before it appears on our site.

WHAT DO YOU WANT TO KNOW?

Search

Filter: All

Thank you to our Donors and Funders

