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Hurricane Ida Disaster Relief – Legal Assistance Training

November 5, 2021

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Topics

- Scope of Hurricane Ida in New Jersey and nationally
- Remnants of Hurricane Ida in NJ
- FEMA assistance for Remnants of Hurricane Ida in NJ (3573-EM-NJ & 4614-DR-NJ)
 - Initial Background of available assistance
 - Who qualifies?
 - What happens next for clients?
 - What happens when the person gets an award?
- How does someone appeal a FEMA award decision?
- If appeal is denied, what can they do?
- What other things applicants should know?

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Scope of Hurricane Ida in New Jersey and nationally



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megan | מיה
@kehillahjewess



just a little side by side comparison of the schuylkill river
this morning compared to normal [#philadelphia](#)
[#IdaAftermath](#)



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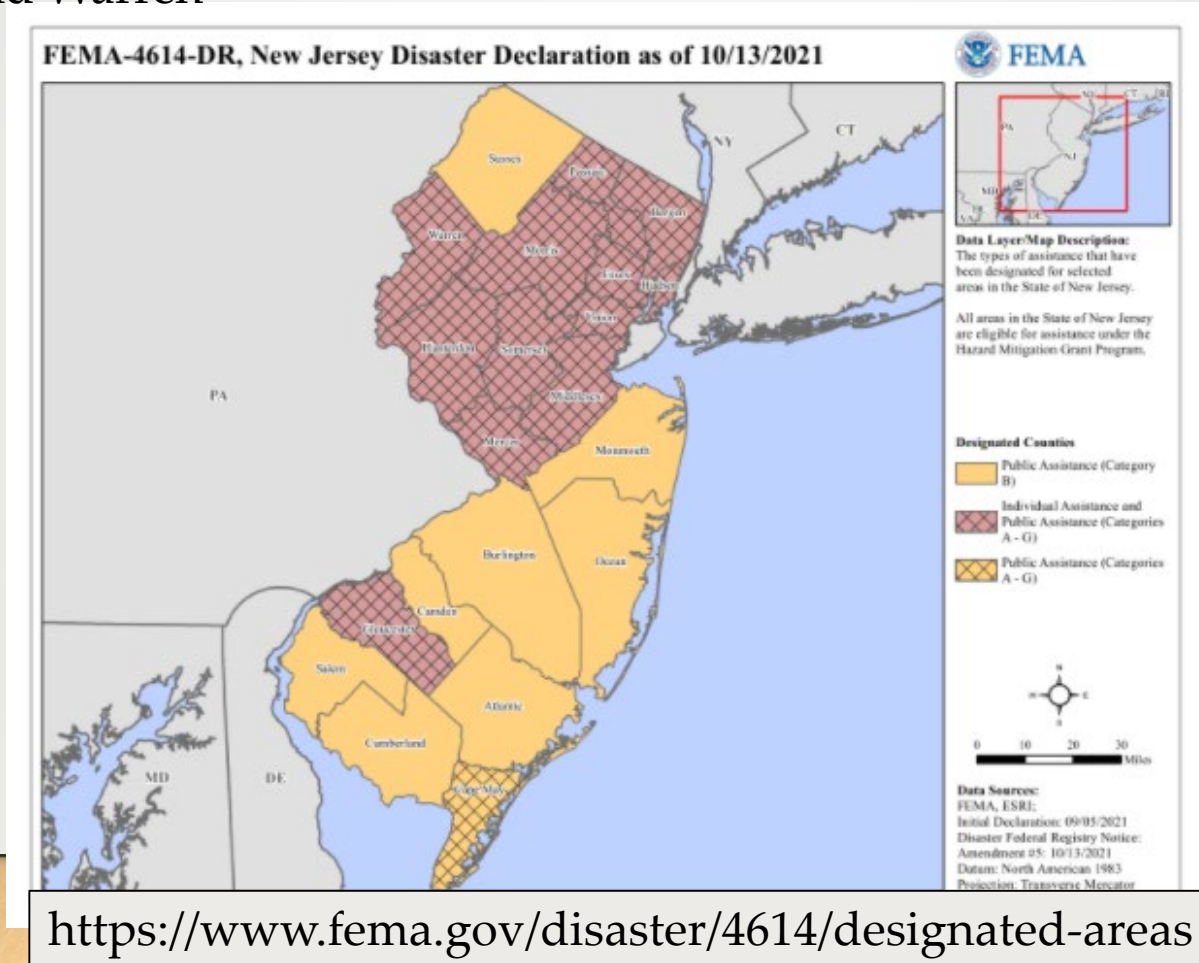
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Remnants of Hurricane Ida in NJ

Disaster designated counties under FEMA 4614-DR-NJ as of 10/13/2021

- Bergen, Essex, Gloucester, Hudson, Hunterdon, Mercer, Middlesex, Morris, Passaic, Somerset, Union, and Warren



<https://www.fema.gov/disaster/4614/designated-areas>

6 | FEMA Assistance for Remnants of Hurricane Ida in NJ (3573-EM-NJ & 4614-DR-NJ)

- Initial background of available assistance, how to access it, what it may cover, deadlines, etc.
- What happens next for clients?
- What happens next in terms of legal issues?
- Recovery timeframe and planning – for advocates and for clients

“Federal disaster assistance under the Stafford Act is intended to be supplemental in nature, and is not a replacement for State emergency relief programs, services, and funds.” 44 CFR § 206.48(b)(1)(ii)

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FEMA - Initial background of available assistance

Type of Assistance	Contents
Individuals & Households Program (IHP)	<ul style="list-style-type: none">a. Providing financial and direct service for repairs or displacement housing costs, and temporary housing assistance (incl. rental assistance)b. It is not a substitute for insurance, so only covers uninsured or underinsured part
Other Needs Assistance (ONA)	<p>Providing financial assistance for necessary expenses and serious needs:</p> <ul style="list-style-type: none">* Non-SBA Dependent Funeral Assistance, Medical & Dental Assistance, Childcare Assistance, etc.* SBA Dependent replacement of personal property, transportation, etc.

FEMA – Who qualifies for assistance?

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1. US Citizens
2. Non-Citizen Nationals
3. Qualified Aliens (such as green card holders, asylees, victims of abuse or trafficking, and others)
4. Undocumented citizens or unqualified aliens if:
 - ◆ Another household member is eligible OR eligible minor children's parents or guardians as long as they live in the same household

Temporary visa holders, foreign students, DACA, and certain other categories of people are not eligible.

“FEMA will not proactively provide applicant information to immigration or law enforcement organizations. However, in rare circumstances, based on a specific request, a FEMA applicant's personal information may be shared within the Department of Homeland Security which includes: Federal Emergency Management Agency, Customs and Border Protection, Citizenship and Immigration Services, Immigration and Customs Enforcement, Transportation Security Administration, United States Coast Guard, United States Secret Service and Federal Law Enforcement Training Center.”

- FEMA FACT SHEET: Citizenship Status and Eligibility for Disaster Assistance FAQ

<https://www.fema.gov/press-release/20210318/fact-sheet-citizenship-status-and-eligibility-disaster-assistance-faq>

FEMA, Individual Assistance Program and Policy Guide (IAPPG) Version 1.1 FP 104-009-03 (May 2021), available at https://www.fema.gov/sites/default/files/documents/fema_iappg-1.1.pdf

FEMA IAPPG Policy Amendments Memo (Sept. 2, 2021) https://www.fema.gov/sites/default/files/documents/fema_iappg-policy-amendments-memo.pdf

FEMA FAQ: Citizenship Status and Eligibility for Disaster Assistance: <https://www.fema.gov/press-release/20210318/faq-citizenship-status-and-eligibility-disaster-assistance>

9 FEMA – How to Apply

There are few options:

1. Call 1-800-621-3362 or TTY 1-800-462-7585. Hours: 7 a.m. to 1 a.m. ET, 7 days a week;
2. Visit DisasterAssistance.gov. (<https://www.disasterassistance.gov/>)
3. Visit a FEMA Disaster Recovery Center
4. Mail to FEMA P.O. Box 10055 Hyattsville, MD 20782-8055
5. Fax to 800-827-8112

Deadline: Monday, December 6, 2021 (extended from original 11/4 deadline)

Note: If applicant is under 18 years old, access to DisasterAssistance.gov will **not** be available due to current parameters that FEMA has in place to protect minors on the internet. The household should request FEMA notifications by regular mail, not by email; email notifications will direct the applicant to login on DisasterAssistance.gov, but that will not be available due to the minor's age. Applicants should be sure to call FEMA and provide an updated mailing address if they move around.

10 | FEMA – What Happens Next for Clients?

FEMA will begin Loss Verification process

- ◆ FEMA is required to verify losses to determine applicant's eligibility for IHP assistance. Multiple loss verification methods can be used including:
 - ◆ On-site inspection (typically scheduled within 2 weeks). Due to COVID, inspections are exterior only.
 - ◆ Geospatial Inspection
 - ◆ Documentation of Losses
- ◆ On-site Inspection:
 - Verifies applicant's name, address, contact information, and insurance policies
 - Verifies applicant's proof of ownership and occupancy status (FEMA may accept broad range of ownership proofs)
 - Collects any needed signatures
 - Confirms individuals living in the disaster-damaged residence and other information.
 - Confirms with the applicant all damage that was viewed & goes over next steps in FEMA process.

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FEMA – What Happens when the person gets an award?

1. How do they know they get an award?

FEMA will send Eligibility Notification letter. Check mail or www.DisasterAssistance.gov account.

2. How do they get money?

- ◆ Receiving a check in a mail, or
- ◆ FEMA will direct deposit money in designated bank account

3. Make sure to keep receipts

A recipient should keep receipts for **at least** 3 years because he/she will be monitored and will be subject to audit

1. IAPPG, p. 75 (May 2021)
2. FEMA press release, “Keep in Touch-Update Information with FEMA to Avoid Delays” (Sept. 6, 2020), available at <https://www.fema.gov/press-release/20210318/keep-touch-update-information-fema-avoid-delays>
3. 44 C.F.R. § 204.64 and 2 C.F.R. § 200, part F

12 | FEMA – How do they appeal? -What should they consider before appeal?-

1. Check Deadline: 60 days from date of the eligibility notification letter. Late appeals can be submitted and advocates should consider doing so if there is merit.
2. Assess whether there is merit for appeal or not. Applicants may appeal regarding: Eligibility, amount, rejection of late application, etc.
3. Request copy of FEMA file
4. Consider whether you have sufficient argument or proof
Typical reasons for rejection: Insurance, Occupancy, no damage, other assistance

13 | FEMA – How to appeal? -Specific Procedures of appeal-

1. Make sure to include necessary information
 - ◆ Reason for appeal, Signature, Application number, Address, etc.
2. Submit
 - ◆ Online (<https://www.disasterassistance.gov/>)
 - ◆ In Person: at DRC (<https://egateway.fema.gov/ESF6/DRCLocator>)
 - ◆ By Mail FEMA - Individuals & Households Program National Processing Service Center
P.O. Box 10055 Hyattsville, MD 20782-805
 - ◆ By FAX: (800) 827-8112 Attention: FEMA - Individuals & Households Program

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FEMA – If appeal is denied, what can applicant do?

1. Can the FEMA appeal decision be reviewed by the court?

- ◆ Short answer is **No**. The FEMA appeal decision is considered final (44 C.F.R. § 206.115(f))and barred from judicial review (42 U.S.C. § 5148).
- ◆ Applicants may still sue FEMA for the other claims such as due process violations. There have been some cases claiming civil rights or due process violations, but plaintiffs lost.

2. Are there any other resources ?

- ◆ NJ211, VOADs, etc.
- ◆ Small Business Association(<https://www.sba.gov/article/2021/sep/07/sba-offers-disaster-assistance-businesses-residents-new-jersey-affected-remnants-hurricane-ida>)
- ◆ IRS Deadline Extensions (<https://www.irs.gov/businesses/small-businesses-self-employed/disaster-assistance-and-emergency-relief-for-individuals-and-businesses>)
- ◆ Mortgage Assistance for Homeowners, HUD Press release https://www.hud.gov/press/press_releases_media_advisories/HUD_No_21_135
- ◆ Disaster SNAP Nutrition Assistance (<https://www.fns.usda.gov/disaster/new-jersey-disaster-nutrition-assistance>)
- ◆ Other Federal Support
- ◆ NJ Office of Emergency Management (www.ready.nj.gov)

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1. Minimum and Maximum Amount of financial support

◆ Minimum Amount:

- ✓ Initial Award: \$50
- ✓ Subsequent Award: No minimum amount

◆ Maximum Amount:

- ✓ Should be adjusted each fiscal year
- ✓ The amount for Ida, per household, is \$36,000 for IHP and \$36,000 for ONA*

Under the Disaster Recovery Reform Act (DRRA) of 2018, Section 1212, accessibility-related expenses & financial assistance to rent alternate housing are excluded from the respective “cap” amounts.

2. Income Limitation? There is **no** income limitation to qualify for FEMA assistance.

***NOTE: As of 11/15/2021, the cap amount was updated to \$37,900; this cap applies to disasters declared on or after October 1, 2021.**

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FEMA – What other things should applicants know?

3. Relationship between IHP and Insurance

- ◆ FEMA provides IHP assistance for uninsured or underinsured disaster-caused expenses and serious needs.
- ◆ Applicants are required to provide all insurance information to FEMA.

Settlement amount \geq Loss

FEMA Verified Loss: \$25,000

Settlement: \$40,000

Deductible: - \$5,000

Net Settlement: \$35,000

Loss: \$25,000

Net Settlement - \$35,000

Not Eligible: 0

Settlement amount $<$ Loss

FEMA Verified Loss: \$25,000

Settlement: \$15,000

Deductible: - \$5,000

Net Settlement: \$10,000

Loss: \$25,000

Net Settlement - \$10,000

IHP Assistance: \$15,000

Loss $<$ Deductible

FEMA Verified Loss: \$2,000

Verified Loss: \$2,000

Deductible: - \$5,000

Net Settlement: 0

Loss: \$2,000

Net Settlement - 0

IHP Assistance: \$2,000

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FEMA – What other things should applicants know?

4. Important Terminology for application or appeal

◆ Primary Residence

- ✓ The home where applicant normally lives during the major portion of the calendar year, or
- ✓ The home that is required because of proximity to employment, including agriculture activities that provide 50% of the household income
- ✓ Occupant means a resident of the housing unit.
 - ✓ All household members at the time of disaster are considered occupants.
- ✓ Even if an applicant did not occupy the residence at the time of the disaster, the person might be able to receive IHP if applicant submits a statement verifying their intent to occupy – for example, applicant recently purchased a home and had an intention to move in.

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FEMA – What other things should applicants know?

5. When will FEMA pursue a “recoupment” (demand for return of FEMA assistance)?
 - ◆ Some of the main reasons that FEMA pursues recoupments include:
 - ✓ The applicant has already received some money from other sources such as insurance (“duplication of benefits”)
 - ✓ Another person living in the same household already received IHP assistance
 - ✓ Payment mistakenly disbursed to non-eligible person, or payment exceeded the cap
 - ✓ Applicants used the funds inappropriately
 - ✓ Fraud
 - ◆ The Recovery Process
 - Identifying Potential Debt → Verifying Debt → Potential Debt Notification /Appeal →
 - Establishing Debt → Debt Compromise/Suspension and Termination → Transfer of Debt to Treasury

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FEMA – TIPS (slide 1 of 2)

1. Tips for successful Application

- ◆ Make sure current and up-to-date FEMA contact information

- ◆ Prepare necessary information

SSN, Address (Current and the damaged primary residence). Description of damage, Insurance coverage, Phone number, Bank account and routing number etc.

- ◆ Other Tips

- ✓ Only one person in a household can apply

- ✓ Save your receipt or contract for repairing

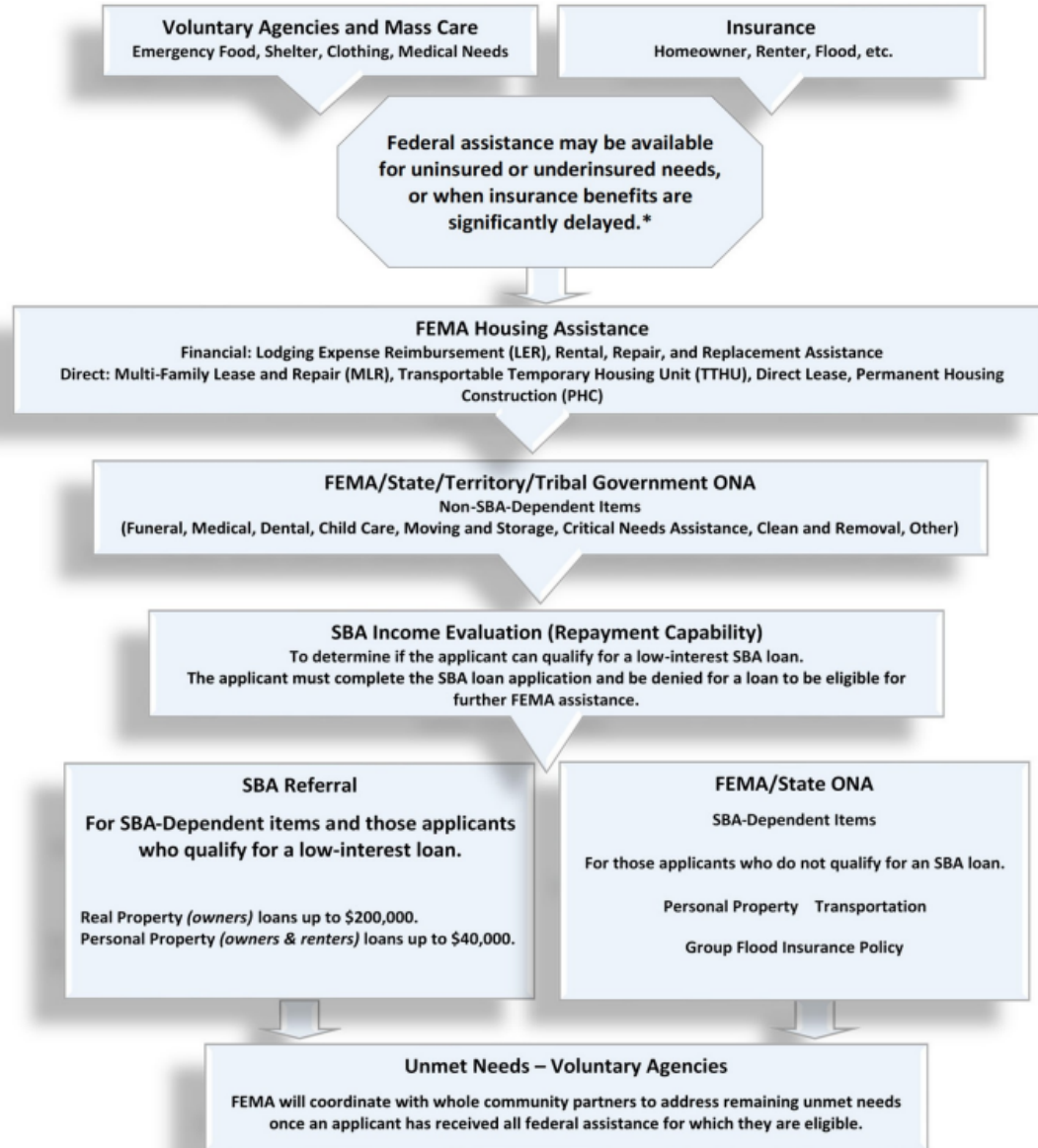
- ✓ Take photos of property before repairing

- ✓ Submit insurance claims & apply to FEMA if a disaster declaration is available for your county.

- **Don't wait for insurance decision before applying for FEMA if it's available.**

- **Don't wait for FEMA declaration before filing insurance claim.**

Figure 2: Disaster Assistance Sequence of Delivery



**Eligibility for Federal assistance is based on each applicant's individual circumstances as they relate to each program's conditions of eligibility. Not all applicants will be eligible for all forms of Federal assistance.*

21 | FEMA – TIPS (Slide 2 of 2)

2. Tips for Appeal

- ◆ **Request your file from FEMA (important)**
- ◆ Take detailed photographs and notes of damages
- ◆ Maintain several copies of documents
- ◆ Use the disaster declaration identifier – for NJ Remnants of Hurricane Ida, that is DR 4614 NJ
- ◆ Make sure to explain the damage clearly with comparison to the pre-disaster condition.

3. General Tips

- ◆ Take pictures in advance if possible.
- ◆ Note that another weather disaster could happen again; document what happened after this event specifically.
- ◆ Keep important documents in a safe location; e-mail to self.

FEMA Application and Appeals (FAA) 910 (Nov. 2020), 10

SBP Disaster assistance Process Overview, 11, available at https://sbpusa.org/public/uploads/pdfs/SBP1643_DAPO-R5_2017-02-07_LowRes.pdf (SBP, formerly St. Bernard's Project)

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FEMA assistance & other benefits or debts

- 44 CFR § 206.110(f). FEMA assistance is **not** counted as income.
 - *Assistance not counted as income.* Assistance under this subpart is not to be counted as income or a resource in the determination of eligibility for welfare, income assistance or income-tested benefit programs that the Federal Government funds.
- 44 CFR § 206.110(g). FEMA assistance is exempt from garnishment.
 - *Exemption from garnishment.* All assistance provided under this subpart is exempt from garnishment, seizure, encumbrance, levy, execution, pledge, attachment, release or waiver. Recipients of rights under this provision may not reassign or transfer the rights. These exemptions do not apply to FEMA recovering assistance fraudulently obtained or misapplied.



AMERICAN BAR ASSOCIATION

Young Lawyers Division

FOR IMMEDIATE RELEASE

FREE LEGAL ASSISTANCE FOR SURVIVORS OF HURRICANE IDA
Partnership between New Jersey State Bar Association, ABA Young Lawyers
Division and FEMA for NJ residents

New Brunswick, October 13, 2021 - A free legal helpline for Hurricane Ida survivors in the state declared disaster areas located in Bergen, Essex, Gloucester, Hudson, Hunterdon, Mercer, Middlesex, Morris, Passaic, Somerset, Union and Warren County is now available for people facing legal issues due to the recent disaster. Residents who cannot afford to pay an attorney can contact the Legal Services of New Jersey (LSNJ) statewide Hotline to request free legal assistance through its website, www.lsnjlawhotline.org. The online application can be submitted any time. The Hotline can also be reached at 1-888-LSNJ-LAW (1-888-576-5529), starting at 8 a.m. on October 13, 2021. The New Jersey State Bar Association, American Bar Association's Young Lawyers Division and the Federal Emergency Management Agency have teamed up to provide services to residents who need legal help related to the disaster. Assistance will be available in connection with insurance-related claims, FEMA appeals, landlord-tenant matters and creditor-debtor matters.

If you need help, you should contact LSNJ at www.lsnjlawhotline.org and apply online. In your application, identify that you are seeking legal assistance related to Hurricane Ida and answer questions as part of the intake process. You can then get matched with an advocate who can provide assistance or general legal information regarding your issue. You may also call the LSNJ Statewide Hotline during the hours of 8 am to 5:30 pm.

The helpline is part of a long-standing partnership between FEMA and the ABA, and is administered by the New Jersey State Bar Association through its Mass Disaster Response Program.

Background

When the U.S. president declares a major disaster, FEMA, in cooperation with the ABA YLD, establishes a toll-free number for disaster survivors to request legal assistance. Funding for the toll-free line comes from FEMA under the authority of Section 415 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Public Law 100-107). The ABA YLD partners with state bar associations and other legal organizations to recruit volunteer lawyers in affected areas to handle survivors' questions and cases. Survivors should be aware that there are some limitations on disaster legal services. For example, assistance is not available for cases that will produce a fee (i.e., those cases where attorneys are paid part of the settlement by the court). Such cases

FEMA Disaster Legal Services in NJ

- Apply at www.lsnjlawhotline.org,
or call 888-576-5529 Monday to
Friday, 8:00 a.m. – 5:30 p.m.



FEMA

Fact Sheet

Disaster Legal Services

FEMA, through an agreement with the Young Lawyers Division of the American Bar Association, provides free legal help to disaster survivors through the request of the state, local, tribal or territorial governments. The Disaster Legal Services (DLS) program is authorized under section 415 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, Public Law 93-288, 42 U.S.C. 5182, as amended, when the President declares a major disaster that includes Individual Assistance (IA).

DLS provides confidential free legal assistance to low-income survivors who were directly affected by the Presidentially declared major disaster, meet the definition of low-income, and do not have the means to hire an attorney. Low-income refers to survivors who have insufficient resources to secure adequate legal services, whether the insufficiency existed prior to or resulted from the major disaster.

DLS attorneys are volunteers who provide survivors with legal counseling and advice, and when appropriate legal representation for non-fee generating cases; they are not FEMA employees. Any services or conversations that occur between a survivor and one of the attorneys are confidential and will not be shared with FEMA. If volunteer attorneys are unable to assist survivors with their legal needs due to topic and/or time that would generate a fee, survivors will be referred to independent attorneys who can provide pro-bono or low cost services through the lawyer referral network in the impacted area.

Services typically provided include:

- Help with insurance claims for doctor and hospital bills, loss of property, loss of life, etc.
- Drawing up new wills and other legal papers lost in the disaster.
- Help with home repair contracts and contractors.
- Advice on problems with landlords.
- Estate administration, including guardianships and conservatorships.
- Consumer protection matters, remedies, and procedures.
- Preparing powers of attorney and guardianship materials.
- FEMA appeals and other disaster-related actions against the government.

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Questions?

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Disaster Relief Insurance Basics

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Topics

- Homeowners Insurance, Renters Insurance and Flood Insurance
 - What do they cover and not cover?
 - How to file an insurance claim.
 - How to appeal an insurance decision.
- Can your policy be terminated?
- How do you prevent loss of property or personal items?
- What is an Anti Concurrent Causation Clause?
- How do you assess and review the specifics of an insurance decision to assess merit for an appeal or further action?
- How to document your appeal?
- Issues faced when filing appeal for each type of insurance.
- Where can clients get assistance if their claim is validly denied?

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Homeowners insurance

- Where do you find your homeowners insurance policy?

You can obtain a copy from your insurance provider. The declarations page contains your name, indicates who your lender is if you have a mortgage, coverage, everyone involved in the policy, when your policy began and when it expires.



Homeowners insurance

Coverage:





- Dwelling coverage; This is coverage that provides protection for structure of the house i.e roofs and walls.
- Personal property coverage i.e furniture.
- Liability protection if a claim is brought against you by someone who sustained an injury at your property or if you damage their property.
- Guest medical protection to cover medical treatment for those injured at your property.
- Other structures that are on your property but not attached to your home i.e detached garage.
- Additional living expenses protection. This essentially covers additional expenses incurred because you can no longer live in your home due to the damage suffered. However, the cause of damage must be covered by your policy.


What is not covered:

- Pre-existing damage or 'wear and tear' i.e poor maintenance of the property.
- Ordinance or law (An ordinance is essentially a local law); you are only compensated for the cost of repairs to get your home back to the standard it was at before the loss. if the building codes within your residential area have been altered since your home was built, you are responsible for any repairs to ensure your property is compliant with the relevant building codes.
- Earth Movement i.e earthquakes, volcanic eruptions.
- Damage caused by war.
- Nuclear Hazards i.e 'nuclear waste leaks.
- If you neglect your property any damage caused is not covered.

WHAT DOES HOMEOWNERS INSURANCE COVER?

Homeowners insurance may help protect your house, your belongings and even you if the unexpected occurs. Typical policies include four key types of protection — dwelling, other structures, personal property and liability coverage. Not all policies are alike, and it's important to remember that coverage limits and deductibles may apply.

<h3>DWELLING COVERAGE</h3> <p>If your home is damaged, dwelling coverage may help pay to repair or rebuild the home. Some of the risks that are typically covered include:</p>  <p>FIRE & SMOKE WIND LIGHTNING STRIKES HAIL</p>	<h3>OTHER STRUCTURES COVERAGE</h3> <p>Other structures coverage may help pay to repair or replace certain components that are not attached to your home after a covered loss. This coverage may extend to items such as:</p>  <p>A SHED A DETACHED GARAGE A FENCE</p>
<h3>PERSONAL PROPERTY COVERAGE</h3> <p>Personal property coverage may help reimburse you for the value of your belongings or pay to replace your belongings after a covered loss. Examples of what personal property coverage may help protect include:</p>  <p>FURNITURE ELECTRONICS CLOTHING</p>	<h3>LIABILITY COVERAGE</h3> <p>No matter how careful you are, accidents can happen. Liability coverage may help pay for costs resulting from an injury to someone else or damage to their property if you are found liable. For instance, liability protection may help cover:</p>  <p>A GUEST'S MEDICAL BILLS YOUR LEGAL EXPENSES IF SUED AN INJURED PARTY'S LOST WAGES COSTS OF REPAIRING DAMAGE YOU ACCIDENTALLY CAUSED TO SOMEONE ELSE'S PROPERTY</p>

 **Allstate**
You're in good hands.

Contact a local Allstate agent for an insurance quote or for help reviewing or adjusting your existing coverages. www.allstate.com/tools-and-resources

<https://www.allstate.com/tr/home-insurance/covered-in-homeowners-policy.aspx>

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How to file a homeowners insurance claim (slide 1 of 2)

- Policy dependent (review policy for specific required steps)
 - Report theft to the police.
- Claims should be filed immediately.
- Make urgent temporary repairs.
- Policy may cover Additional Living Expenses for uninhabitable homes.
- Compile a list of all damaged items / take photos.
- Support your claim with evidence.

How to file a homeowners insurance claim (slide 2 of 2)

- Replacement cost coverage may require homeowner to purchase replacements before getting a refund.
- After filing a claim, usually an adjuster will be sent by the insurance company.
- Claim decision will be made; an amount may be offered to settle the claim. Claim could be denied.

https://www.state.nj.us/dobi/division_consumers/insurance/homeinsurancebasics.html

Be aware of public adjusters – in the best situation, they are licensed professionals who may be able to help insureds dispute the insurance company’s claim decision & obtain additional funds.

- They are a regulated profession in NJ, but many people end up being preyed upon by storm-chasers. The storm-chasers may or may not be licensed, and may or may not actually do anything to “adjust” the claim but still take a percentage of the claim settlement amount from the insured’s payout. It’s important to check credentials, be clear on terms of the agreement & whether the proposed percent of claim settlement is reasonable. If a client has been scammed by a public adjuster, steps should be taken to recover their loss with possible trebled damages under the NJ Consumer Fraud Act (NJSA 56:8-1 et seq.).

32 | How to appeal a homeowners insurance decision?

- Appeal should be in writing; ; include your name, home insurance policy number, the date the loss/damage occurred.
- Policy dependent specifics, so refer to policy.
- NJSA 17:29E-9 requires companies to enforce internal appeal processes.
- The denial letter should indicate an appeal time period; be sure to locate this information & adhere to it.
- If you are unsatisfied with appeal decision, can request investigation of the claim decision via the State of New Jersey Department of Banking and Finance & New Jersey Department of Banking and Insurance claims ombudsman.
- People should work with a lawyer; likely better outcomes.
- **Note:** The applicable time constraints on filing a lawsuit are policy specific, but most policies provide a 1-2 year period. In the absence of express provisions in the policy, an insured might be able to argue six years to file a lawsuit under NJSA 2A:14-1.

https://www.state.nj.us/dobi/division_consumers/insurance/homeinsurancebasics.html

<https://library.nclc.org/ms/1201040202>

<https://www.state.nj.us/dobi/consumer.htm>

https://www.state.nj.us/dobi/ins_ombudsman/ombudsfaq.html

Other information for homeowners insurance.

Tips on how to prevent loss -

- Install heat, smoke and carbon monoxide detectors.
- Keep policy in a safe place, know who your insurer is & your insurance agent's name.
- Pay insurance premiums on time to prevent coverage cancellation.
- Make a list of all your belongings & condition, value, etc.

Can your policy be terminated? Yes

- Can be terminated within 60 days of becoming a policy holder for lawful reasons.
- Pay premiums to prevent termination. Comply with any notices. Dispute alleged termination reasons where applicable. Seek legal assistance with these issues.

Renters Insurance

- Where do you get a copy?

Request a copy from insurance company. Pay close attention to the declarations page that has the insured's name, covered address, and information about policy coverage including relevant addendums and riders.



https://www.state.nj.us/dobi/division_consumers/insurance/renters.pdf

Renters Insurance

What is covered:

- Policy dependent but generally:
- Damage caused by fire, lightning
- Damage caused by explosions
- Vandalism
- Theft
- Sudden and accidental water damage
- Weight of ice, snow, sleet

What is not covered:

- Flooding
- Earthquakes
- Infestations by i.e termites, rats etc
- Intentional actions by yourself or those in your household
- Mold (except where insurance policy covers this)
(This is not exhaustive list)

Generally, natural disasters such as earthquakes and flooding are excluded, however, specialized policies may be available for these events. There may be other events that aren't covered under your policy. You should always review your policy documents and contract to be sure.

(<https://www.geico.com/information/aboutinsurance/renters/>)

https://www.state.nj.us/dobi/division_consumers/insurance/renters.pdf

Example renters insurance coverage



What is renters insurance?

A renters insurance policy through GEICO provides low cost coverage for you and your belongings for things like:

- Fire
- Smoke damage
- Vandalism
- Theft
- Windstorm
- Water damage
- Visitor injuries

What does renters insurance cover?

Commonly covered items include:

- Electronics and appliances (television, computer, etc.)
- Furniture and clothing
- Extra expenses if property is uninhabitable due to a covered loss
- Accidental damage to someone else's property
- Medical expenses and/or legal fees if someone is injured on your property

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How to file a renters insurance claim; example

Personal Property:

- Inform insurance immediately, report theft to police, take precautions to prevent further damage, note down all damaged items, establish cause and extent of damage and sign a sworn proof of loss (if required).

Liability Claim

- Inform insurance company immediately, submit and required documentation, submit evidence, and do not make any voluntary payments without express direction from insurer.
- Review claim with insurance company agent or adjuster

Appeal? Review policy & otherwise follow recommended steps for homeowner insurance appeal (prior slides).

Flood insurance

What is the National Flood Insurance Policy Program?

- It provides insurance to help reduce the socio-economic impact of floods. It is managed by the Federal Emergency Management Agency (FEMA) and offered to individuals via about 60 insurance companies and the NFIP Direct.
- Overwhelming majority of people have flood insurance through the NFIP, but some do not. Some of this information will not apply to flood policies that are not NFIP policies.

Flood insurance

Property Coverage

- Electrical and plumbing services.
- Refrigerators, stoves and built in appliances.
- Furnaces and water heaters.
- Carpets, cupboards, paneling and book cases that are permanently installed.
- Detached garages.

Personal Property

- Clothing, furniture electronics.
- Curtains.
- Washing machine and dryer.
- Valuable assets i.e paintings.
- Carpets not insured by the property coverage.

What is not covered

- Damage that is not a direct consequence of the flood
- Damage inflicted by “earth movement” even where it is a consequence of the flood
- Preventable damage like mold
- Car damage, pools, fences
- Foundation shifting

NOTE: NFIP has statutory maximum coverage of \$250,000 for property damage & \$100,000 for personal belongings. 42 U.S.C. § 4013(b)(2). Homeowners can buy excess flood insurance.

https://www.state.nj.us/dobi/division_consumers/insurance/homeinsurancebasics.html

<https://library.nclc.org/ms/1201040203>

<https://www.valuepenguin.com/flood-insurance/new-jersey>

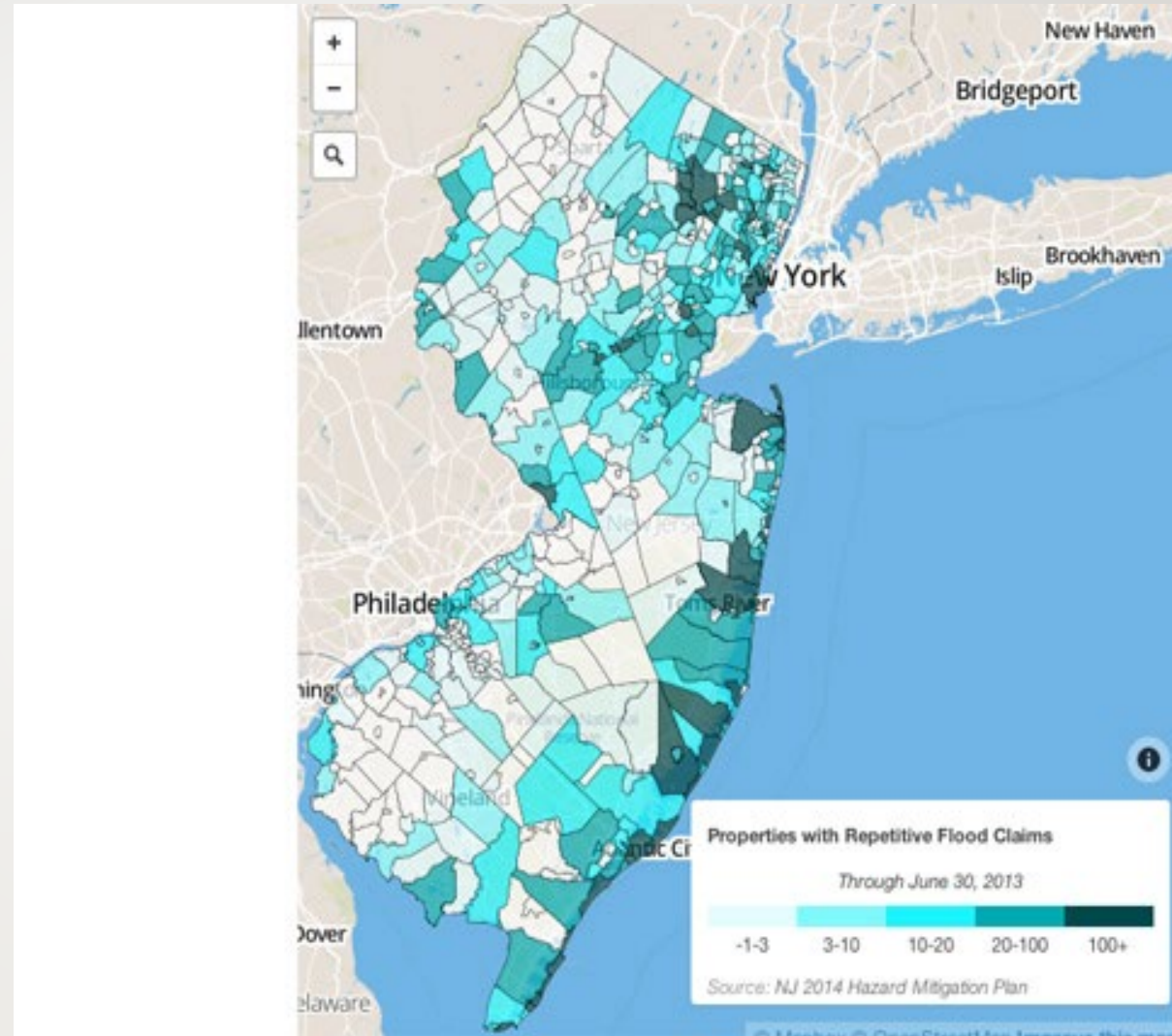
<https://www.floodsmart.gov/how/what-is-covered>

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Flood insurance?

Who must have flood insurance?

- Individuals in high risk flood areas generally are required to have flood insurance.



How flood insurance premiums are calculated

What impacts flood insurance policy costs?

A number of factors are considered when determining your annual flood insurance premium. These factors include:

- Flood risk (e.g., your flood zone)
- The type of coverage being purchased (e.g. building and contents coverage)
- The deductible and amount of building and contents coverage
- The location of your structure
- The design and age of your structure
- The location of your structure's contents (e.g. Are your utilities elevated?)

How to file a flood insurance claim

- Inform insurance carrier immediately.
- Evidence is important and helpful – photos (pre-disaster and post-disaster), videos etc.
- Create list of all damages property.
- Usually insurance company sends an adjuster to conduct an inspection. Homeowners should verify identity of inspector.

Adjuster's role is to assist homeowner in calculating an estimated amount of the covered loss.

- Review their written estimate.
- Homeowners should NOT pay for these services or be asked to pay a deductible amount for this.
- Insurance compensation amount for the claim depends on evidence of damage and policy coverage



The Flood Claim Process

Once you report a loss an adjuster is assigned to assist you with your claim. The adjuster will work with you to reach an agreed amount for the covered loss. The adjuster will also scope the damage and provide an estimate of the covered flood damage and a proof of loss form for your signature. It is important to know that once you sign the proof of loss form, there is still an opportunity to work with your insurance carrier if you find additional flood damage or if you have a request for additional payment under your claim. The estimate, proof of loss form, and other supporting documentation comprise the **Proof of Loss**, which is required before your claim can be paid. If you disagree with your adjuster's estimate of damage, the following guidance outlines the effort to develop the Proof of Loss, to reach an agreed-to loss settlement amount, and/or to fully explain to you any damage that is not covered under the terms and conditions of your Standard Flood Insurance Policy (SFIP). It is also important to note that even though the adjuster offers assistance to you with your claim, the responsibility to promptly report your loss, timely submit the Proof of Loss and the payment amount requested, is solely yours as stated within the SFIP at Section VII. General Conditions, paragraph (J) "Requirements of Case Loss".

- STEP 1:** Report the loss to your insurance agent or the insurance carrier, who will in turn assign an adjusting firm who provides an adjuster to assist you with presenting the support for your loss.
- STEP 2:** The adjuster inspects the property (scoping visit) and may ask if you wish to request an advance payment from your insurer; the adjuster will send you a detailed room-by-room unit-cost estimate of damage and a proof of loss form. If you agree, the proof of loss form should be signed to and sworn to, and upon your insurer's review and agreement, the loss is settled.
- STEP 3:** If you do not agree, you should work with your adjuster to find a dollar amount for the covered loss that can be agreed on. Also, working with your general contractor is also helpful.
- STEP 4:** If you are unable to reach an agreement with the adjuster, you should contact your adjuster's supervisor by calling the adjusting firm.
- STEP 5:** The supervisor should work with you to find a dollar amount for the covered loss that can be agreed on.
- STEP 6:** If you are unable to reach an agreement with the adjuster's supervisor, you should contact your insurance carrier's claims department to discuss the amount difference or coverage issue with a claim examiner.
- STEP 7:** If you are unable to reach an agreement with the claim examiner, you should complete a proof of loss **form** for the total amount you are requesting (the undisputed amount plus any additional amount), and then send the signed and sworn-to proof of loss form with documentation to support the additional amount you are requesting, directly to the insurance carrier claim examiner.
- STEP 8:** If the insurer agrees with your documentation, they will pay the amount you are requesting; or they may provide the adjusting firm with their recommendation which may lead to an additional payable amount and a new Proof of Loss. If the insurer disagrees, they will issue payment for any undisputed amount, and a written denial letter will be sent to you fully explaining the reasons for the disallowance (denial) of your claim or any portion of your claim.
- STEP 9:** If you agree with the denial or no longer dispute the decision, the loss is settled.
- STEP 10:** For any denial of payment, in whole or in part, which you are disputing, three options remain:
 - You may send an *amended* Proof of Loss with supporting documentation back to the claim examiner; see STEP 8
 - You may submit a formal Appeal to FEMA
 - A written Appeal letter must be sent to FEMA within 60 days of your insurer's denial letter, along with a copy of the denial letter and the documentation you have to support your Appeal.
 - You may file a lawsuit against your insurer
 - A lawsuit must be filed within one year of your insurer's first written denial letter and only in U.S. District Court in the district where the property is located at the time of the loss
 - However, once you file a lawsuit, you may no longer appeal your claim to FEMA or file an amended Proof of Loss with your insurer

"FEMA's mission is to support our citizens and first responders to ensure that as a nation we work together to build, sustain, and improve our capability to prepare for, protect against, respond to, recover from, and mitigate all hazards."

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How to appeal a flood insurance claim (slide 1 of 2)

Work with your insurance company to find a resolution.

File an appeal with FEMA.

Seek an appraisal.

File a lawsuit.

- Proof of loss form must be submitted within 60 days after the incident.
- Deadline may be extended in circumstances of extreme floods.
- Include copy of insurance denial letter with the appeal.
 - FEMA may require the designated adjuster's initial and last report, detailed account of the damaged personal belongings, evidence of insurance and policy, evidence of repairs to damage incurred before the flood, etc.
- No payment is required for appeal & third-party representation is not necessary.

<https://www.floodsmart.gov/flood/appeal-your-claim-payment>

https://www.fema.gov/sites/default/files/2020-07/fema_nfip_how-to-file-flood-insurance-claim.pdf

How to appeal a flood insurance claim (slide 2 of 2)

Some restrictions:

- Standard Flood Insurance Policy (SFIP) guidelines must be followed
- If homeowner requests an appraisal to dispute the initial claim coverage offer, then an appeal cannot later be filed.

Flood claim appeal and guidance

We want to ensure that you and your family are on the [road to recovery](#). If you are unsatisfied with the amount of your claim or receive a denial letter for some or all of your claim, you have options:

- | | |
|--|---|
| Work with your insurance company to find a resolution. | + |
| File an appeal with FEMA. | + |
| Seek an appraisal. | + |
| File a lawsuit. | - |

If you are not able to resolve your dispute using the options above, you may file suit with your insurer within one year of the denial of your claim.

You may file suit after filing an appeal with FEMA. However, filing an appeal does not extend the one-year period of time to file suit.

Additionally, once you file suit, you also forfeit your option to appeal directly with FEMA.

45 | Anti-Concurrent Causation Clauses

- Anti-concurrent causation clauses protect insurers when two different incidents occur in close proximity to each other, but only one incident is covered by the insurance policy.
- If an Anti-Concurrent clause is referenced by an insurer in a claim decision, that means they are claiming they are not obligated to compensate you some or all aspects of the loss.

Example language in policy:

- Where an excluded peril contributes directly or indirectly to cause a loss, then coverage is excluded regardless of any other cause or event that contributes concurrently or in any sequence to the loss. . . .
- Loss or damage caused directly or indirectly by any of the following. Such loss or damage is excluded regardless of any other cause or event that contributes concurrently or in any sequence to the loss. . . .

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How do you assess and review the specifics of an insurance decision to assess merit for an appeal or further action?

- Review client's insurance policy and confirm if the claim was validly denied. You'll need to review coverage under the policy, exclusions, riders, addendums, and any related coverage documents.
- Then, if the claim was denied or underpaid improperly, send a written appeal to the insurance company within policy-proscribed timeframe. Appeal should point the insurer to sections of the policy showing that its claim decision was contrary to policy coverage language.

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General issues with any appeal (homeowners, flood or renters)

- Insurer may argue that the cause of damage/loss is not covered by the policy (e.g. floodwater damage is not covered by homeowners insurance; this would be accurate though).
- Usually some disagreement about the \$\$ amount owed to insured or paid on the claim.
- Most people will think their insurer is underpaying the claim. Evidence of actual costs of repairs, work, materials, etc. may be valuable in an appeal.
- Know what the insured's policy does and does not cover, and be sure to comply with policy deadlines. Missed deadlines can be automatically fatal to an otherwise meritorious claim or appeal.

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Other resources for disputing insurance claim process, experience, getting second professional opinion, etc.

Contact New Jersey Department of Banking & Insurance, <https://www.state.nj.us/dobi/index.html>

Contact United Policyholders, www.Uphelp.org

We've got your back when insurance matters

United Policyholders (UP) is a non-profit 501(c)(3) whose mission is to be a trustworthy and useful information resource and a respected voice for consumers of all types of insurance in all 50 states. We don't take money from insurance companies. We give you the straight scoop. Guide you on buying insurance and navigating claims. Fight for your rights.

Contact the National Association of Insurance Commissioners, www.naic.org

Consumer

Discover tools and resources to help you, as a consumer, understand different types of insurances, claims processes, and practical tips that can better support you at every stage of your life.



AMERICAN BAR ASSOCIATION

Young Lawyers Division

FOR IMMEDIATE RELEASE

**FREE LEGAL ASSISTANCE FOR SURVIVORS OF HURRICANE IDA
Partnership between New Jersey State Bar Association, ABA Young Lawyers
Division and FEMA for NJ residents**

New Brunswick, October 13, 2021 - A free legal helpline for Hurricane Ida survivors in the state declared disaster areas located in Bergen, Essex, Gloucester, Hudson, Hunterdon, Mercer, Middlesex, Morris, Passaic, Somerset, Union and Warren County is now available for people facing legal issues due to the recent disaster. Residents who cannot afford to pay an attorney can contact the Legal Services of New Jersey (LSNJ) statewide Hotline to request free legal assistance through its website, www.lsnjlawhotline.org. The online application can be submitted any time. The Hotline can also be reached at 1-888-LSNJ-LAW (1-888-576-5529), starting at 8 a.m. on October 13, 2021. The New Jersey State Bar Association, American Bar Association's Young Lawyers Division and the Federal Emergency Management Agency have teamed up to provide services to residents who need legal help related to the disaster. Assistance will be available in connection with insurance-related claims, FEMA appeals, landlord-tenant matters and creditor-debtor matters.

If you need help, you should contact LSNJ at www.lsnjlawhotline.org and apply online. In your application, identify that you are seeking legal assistance related to Hurricane Ida and answer questions as part of the intake process. You can then get matched with an advocate who can provide assistance or general legal information regarding your issue. You may also call the LSNJ Statewide Hotline during the hours of 8 am to 5:30 pm.

The helpline is part of a long-standing partnership between FEMA and the ABA, and is administered by the New Jersey State Bar Association through its Mass Disaster Response Program.

Background

When the U.S. president declares a major disaster, FEMA, in cooperation with the ABA YLD, establishes a toll-free number for disaster survivors to request legal assistance. Funding for the toll-free line comes from FEMA under the authority of Section 415 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Public Law 100-107). The ABA YLD partners with state bar associations and other legal organizations to recruit volunteer lawyers in affected areas to handle survivors' questions and cases. Survivors should be aware that there are some limitations on disaster legal services. For example, assistance is not available for cases that will produce a fee (i.e., those cases where attorneys are paid part of the settlement by the court). Such cases

FEMA Disaster Legal Services in NJ - Apply at www.lsnjlawhotline.org, or call 888-576-5529 Monday to Friday, 8:00 a.m. – 5:30 p.m.



FEMA

Fact Sheet

Disaster Legal Services

FEMA, through an agreement with the Young Lawyers Division of the American Bar Association, provides free legal help to disaster survivors through the request of the state, local, tribal or territorial governments. The Disaster Legal Services (DLS) program is authorized under section 415 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, Public Law 93-288, 42 U.S.C. 5182, as amended, when the President declares a major disaster that includes Individual Assistance (IA).

DLS provides confidential free legal assistance to low-income survivors who were directly affected by the Presidentially declared major disaster, meet the definition of low-income, and do not have the means to hire an attorney. Low-income refers to survivors who have insufficient resources to secure adequate legal services, whether the insufficiency existed prior to or resulted from the major disaster.

DLS attorneys are volunteers who provide survivors with legal counseling and advice, and when appropriate legal representation for non-fee generating cases; they are not FEMA employees. Any services or conversations that occur between a survivor and one of the attorneys are confidential and will not be shared with FEMA. If volunteer attorneys are unable to assist survivors with their legal needs due to topic and/or time that would generate a fee, survivors will be referred to independent attorneys who can provide pro-bono or low cost services through the lawyer referral network in the impacted area.

Services typically provided include:

- Help with insurance claims for doctor and hospital bills, loss of property, loss of life, etc.
- Drawing up new wills and other legal papers lost in the disaster.
- Help with home repair contracts and contractors.
- Advice on problems with landlords.
- Estate administration, including guardianships and conservatorships.
- Consumer protection matters, remedies, and procedures.
- Preparing powers of attorney and guardianship materials.
- FEMA appeals and other disaster-related actions against the government.

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Questions / Comments?