



HURRICANE IRMA: THE DAMAGE IS DONE, NOW WHAT? YOU'RE ALREADY A VICTIM OF THE STORM, DON'T BECOME A VICTIM OF THE PROCESS.

By Travis L. Stock, Esq. of the Weinstein Law Firm | September 15, 2017

Whether a resident of Florida or not, all eyes were on Hurricane Irma as the strongest storm on record in the Atlantic set its sights on the sunshine state. Although there was uncertainty as to whether it would make landfall in Monroe County, Miami-Dade County, Broward County, Palm Beach County, or Collier County, there was never a question that the wrath of this record-breaking hurricane would be felt statewide. On September 10, 2017, Hurricane Irma began its relentless assault on Florida when it made landfall in Cudjoe Key in Monroe County. For the next couple of days, Hurricane Irma continued to cause catastrophic damage throughout Florida including Miami-Dade County, Broward County, Palm Beach County, and Collier County. Despite Florida escaping the “worst-case scenario,” Hurricane Irma damaged homes and property leaving many residents, homeowners, business owners, and tenants with a big mess and a long road to recovery.

Although homeowners and residents in Florida are no strangers to the perils of living in this beautiful state, coping with the damage of a hurricane is never easy and the process of handling a homeowner’s insurance claim can be time-consuming, complex, and overwhelming. As people start to survey the damage to their homes and property, many will be faced with the daunting reality of having to process an insurance claim. Of course, we hope that insurance carriers will do right by their insureds by fulfilling their promises, but it should come as no surprise that insurance companies are in the business of making money and they often do everything in their power to minimize their losses by paying as little as possible or by refusing to pay anything at all. While most insurance companies and claims adjusters want to do the right thing, make sure you protect yourself in case they don’t. Always listen to your gut instinct: If something seems wrong or unfair, it probably is. The important thing to remember is to keep calm, never give up, and to continue to fight!

As victims of Hurricane Irma start to pick up the pieces in Florida and start to rebuild, here are a few things to consider as you begin the process of filing insurance claims on damaged property and belongings:

1. Your goal when dealing with a property damage insurance claim should be to promptly report your hurricane damage to your insurance company, get the damage assessed and inspected by your insurer and other professionals, get the damage repaired by a reputable contractor, and ultimately get everything paid for in full by your insurance company (less your deductible) in a timely fashion.
2. To start, locate and secure all applicable insurance policies (e.g., homeowners, renters, automobile, umbrella etc.). If you do not have access to them, your insurance carrier should provide them to you upon request.
 - a. Automobile Insurance Policy – If your automobile was damaged, look at your automobile insurance policy to see if you have comprehensive coverage. If so, you may be entitled to get the vehicle repaired, to a rental car, to money for the loss of use of your vehicle, and for diminished value of your car.
 - b. Homeowners Insurance Policy – If your home, landscaping or personal property was damaged, look at your homeowners insurance policy. If your home was damaged by flooding, your flood insurance may apply. If your home was damaged by wind or flying debris, your homeowners insurance should apply.
 - c. Renters Insurance Policy – If you are renting and your personal property was damaged, look at your renters insurance policy.
3. Once you have all applicable insurance policies, make sure you carefully read and re-read your entire policy and understand everything before you begin the process. Like taking an exam, if you walk into this without studying and doing your homework, you will likely fail. When reading your policy, make note of specific procedures and time frames you are required to comply with. Your claim may be denied if you miss a deadline or fail to follow a procedure.
 - a. What damages are covered under your insurance policy depends on the specific language of your policy, but typically some of the damages that are covered include:
 - Roof repairs or replacement including damaged shingles
 - Damaged gutters or siding
 - Windows and doors
 - Interior damage
 - Floor replacement or repair
 - Mold remediation services
 - Cleaning services

- Fence repair
- Hurricane shutter replacement
- Damaged personal property
- Debris removal
- Living expenses while you are staying outside of your home, such as hotel expenses

4. **Document, Document, Document!!!** To quote from the movies *Law Abiding Citizen* and *Training Day*, “*It’s not what you know, it’s what you can prove.*” It’s **EXTREMELY IMPORTANT** that you create a paper trail and document everything! Make a copy of everything for the insurance company, but keep your originals.

- If you took any photos or videos of your home or belongings before the hurricane hit, this will be invaluable evidence to help you show that your home or property was in good condition and that the damage did not exist before the hurricane. Without it, you may run into an issue where the insurance company takes the position that the damage already existed and was not caused by the hurricane.
- Take photos and videos of all damaged property as you found it and before you do anything else. Start by taking wide shots and then gradually move to closer shots that show specifically damaged areas in greater detail.
- Protect damaged areas from further damage. Most homeowners insurance policies require the insured to mitigate or minimize damage. Some examples may include covering broken windows, placing a tarp over a damaged roof, or removing waterlogged and other items from your home that may cause mold to spread. Again, document your every move and do not dispose of anything until your insurance carrier has had a chance to inspect it and has given you written permission. Also, make sure you keep records and receipts of any materials and immediate repairs.
- Basically, you should document everything that you do and everything that you spend that is in any way related to the hurricane damage.
- All communication with anyone even remotely connected to the hurricane damage should be in writing. This includes, but is not limited to any communication with your insurance company, any adjuster, any insurance agent, any contractor, any police officer, etc. If you talk to someone over the phone, follow-up with a letter or email confirming what you just talked about.

5. Contact your insurance carrier or agent as soon as possible. Most insurance policies require you to promptly notify the carrier of damage and may even set forth a deadline (e.g., within 60 days of the property being damaged). A proof of loss is the formal submission to the insurance company of your claim. Once you initiate an insurance claim, you will be referred to as the “claimant.”

a. Here are some common issues that may arise during the claims process:

- Flood vs. windstorm damage: Flood damage is not automatically covered by your homeowners insurance; it is usually a separate policy. If you do not have flood insurance, the insurance company may try to blame your damage on a flood so that they can deny your claim.
- Denying your claim on the basis of pre-existing damage or some other coverage issue.
- Value of damaged property: Do not let the insurance company pay you less than what the damaged property is worth. Remember, insurance adjusters handle claims for a living and can easily trick you into taking a low settlement if you do not know your rights. I strongly suggest that you itemize everything that was damaged and come up with a value for each item that you would accept. Be realistic and make sure you can support your number with objective evidence like receipts, comparable items for sale online, estimates, appraisals, etc. This may make it easier to help convince the insurance company to give you what you are asking for. Keep in mind that problems can arise when the claim is for unusual items like jewelry, artwork, or antiques, without receipts or documentation. You should have separate insurance riders for expensive items, and appraisals for unique or valuable items such as works of art.
- Watch out for unreasonable delay in communicating, processing, and paying your claim.
- Do not rely on your insurance company’s interpretation of what they believe is covered or not covered. Just because your insurance company says one thing, does not mean you are stuck with that answer. Insurance companies are

wrong all the time! Challenge them!

- Be very careful before you sign any release of claims. You could be giving everything up by signing it.
 - If you get a check from the insurance company, look for words on the check or accompanying correspondence that say payment is being made in “full” or payment is “final”. By cashing such a check, you could be giving up your ability to pursue your claim further.
6. Get at least three expert opinions and estimates from reliable professionals. Make sure the estimates are detailed and contain the proposed repairs, repair costs, and replacement prices. Remember to keep a copy of everything for your records.
 7. Verify that your contractor has a license, bonding and insurance. Also, ask for references. The last thing you want is to give a dishonest contractor a deposit for repairs that will never happen.
 8. Unfortunately, there will be people out there looking to take advantage of your situation. This is why it is so important to know who you are dealing with and what you are signing before you enter into any agreements with anyone. Do not allow anyone into your house unless they have shown you proper identification and their identify has been verified. Go the extra step and call the official number of the company they claim to work for and verify the person is who they say they are and that they are scheduled to be in your area. It’s always better to be safe than sorry!
 9. Be careful when hiring independent adjusters. Typically, they will charge you a percentage of your claim to help you write an estimate of your damages.

I hope that you found this article helpful! If for any reason, you do not feel comfortable handling this process on your own, you have any questions, or you just do not want to be bothered, give us a call. In most cases, if we are successful in making the insurance company pay your disputed claim, the insurance company will be required to pay our fees and costs and if we are not successful, you do not owe us a penny. Our thoughts are with all of you and we wish you the best! Remember, we have your back if you need us!

Helpful Hurricane Irma Recovery Resources:

- If you need disaster assistance from FEMA, you can apply online at www.DisasterAssistance.gov or register on the phone at 1-800-621-3362.
- If your home is contaminated with mold, be careful of the health risks. Refer to the Center for Disease Control for more info on mold: www.cdc.gov/disasters/hurricanes/pdf/flyer-get-rid-of-mold.pdf.
- The Office of Insurance Regulation company search service can provide full names, business addresses, and identifying information for companies/entities doing business in the State of Florida. <http://www.flor.com/CompanySearch/>. Additionally, contact information for Florida's property insurance companies can be found by visiting <http://www.flor.com/siteDocuments/FLLargestPropertyCompaniesContact09152017.pdf>
- Check each contractor's address, license and complaint history by calling the Florida Department of Business and Professional Regulation (DBPR) at (850) 487-1395 or by visiting DBPR's website: <http://www.myfloridalicense.com/dbpr/>
- To verify an insurance agent's or adjuster's license, visit the Licensee Search page: http://www.myfloridacfo.com/Data/AAR_ALIS1/index.htm
- The Department of Health and Human Services (HHS) Disaster Distress Helpline (1-800-985-5990) remains open 24/7 for free help coping with the stress of the storm. This toll-free, multilingual, and confidential crisis support service is available to all residents in the United States and its territories. Stress, anxiety, and other depression-like symptoms are common reactions after a disaster.
- Disaster Unemployment Assistance is available for Florida residents whose jobs were affected by Hurricane Irma, specifically those who live or work in the counties included in the major disaster declaration. This may include people not normally eligible for unemployment benefits, such as self-employed persons and farm-workers. They can apply for unemployment benefits online at Florida's Department of Economic Opportunity.
- Immediate Foreclosure Relief from the U.S. Department of Housing and Urban Development (HUD) may be available for Florida residents in disaster-designated areas. HUD is granting a 90-day moratorium on foreclosures and forbearance on foreclosures of Federal Housing Administration (FHA)-insured home mortgages. HUD is also offering longer-term recovery assistance to survivors and impacted communities. For more information, visit <http://www.hud.gov> and

<http://espanol.hud.gov>.

- If you are having trouble making a payment on your loans, credit cards, or mortgages, call the lender and see what your options are. Under these circumstances, lenders will typically allow you to postpone payments or grant you a forbearance.

*The Weinstein Law Firm was established by managing partner and civil justice attorney, Andrew J. Weinstein more than 20 years ago. The firm represents individuals and families injured in automobile and premises liability accidents, as well as those harmed by dangerous and defective products throughout the State of Florida. In addition, the firm represents Florida health care professionals in a wide range of legal issues, which include Personal Injury Protection (PIP) and insurance claims. The firm also handles property damage claims and we will work to make sure that your property insurers do everything required under your policy to restore your home and property after a loss and we are committed to helping property owners get the money they are entitled to for their claims. Our experienced team of litigators are ready to help you through the claims handling process with your insurance carrier. More information can be found at www.weinstein-law.com or by calling (954) 757-7500. We offer a **FREE** consultation!*

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