

Filing an insurance claim when a hurricane, tornado, hailstorm, fire, flood or other disaster strikes

Concrete steps every homeowner, business, church, school district, and municipality should take both before and after the storm

Recently Texas has been inundated with hailstorms, tornados, and floods. Hurricane season extends from June 1 through November 30 every year. Whether your windstorm, fire or flood policy protects a home, commercial property, church, school district or municipality-owned buildings, here are some concrete steps to take both before and after the storm (or any loss covered by your insurance policy):

Before the storm

Obtain and securely store a copy of your Declaration Page and insurance policy every year. Most homeowners and businesses have multiple insurance policies (e.g., homeowner, windstorm, flood, commercial general liability, etc.). Obtain a copy of each policy and secure these important documents (preferably by electronically scanning the documents in searchable PDF format and uploading to a remote server). Accompanying each policy, insurance companies provide homeowners with a Declaration Page (or “Dec Page”) which outlines the most relevant insurance coverage information of the policy on a single page—the named insured(s) on the policy, property location, lienholder information, amount and terms of coverage, and the name and address of the issuing insurance company. Keep the Declaration Page and insurance policy for the current policy year in a secure location where it can be readily accessed when needed, even in the unfortunate event that your property has been seriously damaged or destroyed.

Document your property with photographs. Take time-stamped photographs of your property—particularly the roof. Insurance companies frequently claim that storm-related damage, such as lifted or broken roof shingles, are due to poor maintenance rather than wind and hail.

Create an inventory of home contents including furniture, electronics, jewelry, firearms, clothing, collectibles, and other valuable items before a hurricane, tornado, fire, flood or other loss occurs. If possible, for each item of personal property, document the item’s brand name, purchase date, purchase price, serial number and one or more photographs of the item. Phone “apps” are available to assist you in creating an inventory.

After the storm

File an insurance claim immediately and in writing. First, determine where to send written notice of claim, and then send notice of the claim in writing—by certified mail return receipt requested or facsimile—to your insurance company. The Texas Insurance Code defines “notice of claim” as “any written notification provided by a claimant to an insurer that reasonably appraises the insurer of the facts relating to the claim.” A one-page document including the name of the insured(s), the insured address, policy number, the date(s) of loss, a simple written description of the incident, a list of known or possible damages, and your signature will suffice. Many insurance companies provide a blank form and will assist you in submitting a written notice of claim. Keep proof that the insurance company received the notice of claim, such as a U.S. Postal Service Form 3811 or a facsimile transmittal page. If anyone, including a representative of the insurance company, tells you that written notice is not necessary, ignore their bad advice. Insurance policies require *prompt written* notice of claim. Promptly submit a written notice of claim—on the same day of the loss if possible or shortly thereafter. Insurance companies can—and often do—deny claims if the policyholder fails to promptly submit a written notice of claim. Following receipt of your notice of claim, the insurance company will issue a claim number. Retain this number and all written correspondence from the insurance company.

Schedule a date for an insurance adjuster to inspect your property. The insurance company will appoint an adjuster to visit your property, document the damages with photographs, and calculate an estimate to repair or replace damaged property. Do not clean up or throw away damaged property until your insurance company has scheduled an inspection, during which their adjuster has taken sufficient time and effort to document the loss by taking many photographs. The damage should be thoroughly documented with numerous photographs. Take your own time-stamped photographs of the damage to your property before any repairs are made.

Protect your property against further damage. Insurance companies can, under certain circumstances, deny claims if future damages are deemed preventable and the property owner fails to adequately protect the home or other property from further damage or fails to make reasonable and necessary temporary repairs to protect the home or property. Take immediate action to remedy any condition in your home or other real property which could lead to further damages. However, do not initiate permanent repairs until after your insurance company has sent an adjuster to inspect your property and completed his estimate and you have communicated your intent to undertake permanent repairs to your insurance company. Your policy may provide for an advance to pay for temporary repairs. Many insurance policies provide for an immediate payment when the policyholder has experienced significant damage. If appropriate, request an advance payment which will provide you with cash to make temporary repairs. Keep all receipts for materials and services used to make temporary repairs to the damaged property.

Make a copy of all receipts and give these copies to the insurance company for reimbursement.

Comply with the insurance company's reasonable requests for information and documentation. Most insurance policies require the policyholder to cooperate with the insurance company's inspection of the property and analysis of the claim. When a policyholder fails to allow access to the property or fails to produce requested documents, the insurance company may refuse to pay the insurance claim on that basis. However, it is recommended that you obtain legal counsel if the documentation requested by the insurance company is unreasonable or intrusive, e.g., it is not reasonably related to calculating the amount of damages to your property. Furthermore, the insurance company may require submission of a "proof of loss," which is a sworn statement setting out the amount of the loss. It is recommended that you obtain legal counsel before submitting a proof of loss. Lastly, it is recommended that you obtain legal advice if the insurance company asks you to submit to an Examination Under Oath (EUO), which generally means that the insurance company will have an attorney question you under oath as if you were giving testimony in a court of law. Do not allow the insurance company to take your Examination Under Oath without your having an attorney present to represent you. Insurance companies generally do not demand an Examination Under Oath unless they are contemplating denying your claim.

Communicate with the insurance company in writing whenever practicable. Immediately following every telephone or in-person conversation with the insurance adjuster or other representative of the insurance company, memorialize the conversation in writing with a short letter to the insurance company. In your letter, include the date, the name of the adjuster or other person you spoke to, and exactly what was said or agreed. Obtain frequent updates from your insurance company regarding the status of your claim. Additionally, update the insurance company if your contact information changes or if you do additional temporary repairs.

Strongly consider hiring a public adjuster. A public adjuster is a licensed insurance claims adjuster who advocates for the policyholder in appraising and negotiating the insurance claim. Insurance companies have their own adjusters. A public adjuster works for the policyholder, negotiating with the insurance company on your behalf. Like attorneys who accept insurance claims, public adjusters generally work on a contingency basis, taking about 10 percent of the settlement or recovery of the insurance claim. Like the insurance company's adjuster, the public adjuster will schedule a visit to your property, document the damages with photographs, calculate their own independent estimate to repair or replace damaged property, then negotiate on your behalf to obtain a fair settlement of your claim.

If your insurance company unreasonably denies or partially denies your claim, immediately retain an experienced insurance attorney. There are strict deadlines under Texas law for filing a lawsuit and/or invoking appraisal if your claim has been denied or partially denied.

With experience representing hundreds of clients throughout the State of Texas including homeowners, corporations, school districts, and municipalities involving insurance claims ranging from residential roof damage to multimillion dollar insurance claims by corporate, school district and municipality clientele due to major storms, our attorneys employ a range of expert strategies to recover compensation for denied or underpaid insurance claims. Most claims are handled on a contingency basis. To contact our office and schedule a free appointment to speak to an attorney, please call 979-236-8271 or send an email to steve@stevecostellolaw.com.

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Disclaimer: The undersigned attorney may be retained only on the basis of a written contract, signed by the attorney and the potential client, together with the payment of fees and costs as provided within the contract, when applicable. Accordingly, no representation shall commence, nor shall the attorney-client relationship exist with the undersigned attorney or his office absent execution of a written contract between the attorney and the potential client, together with prepayment of any costs and fees as may be required by said contract.

Tags: insurance claim, notice of claim, claim number, prompt payment, public adjuster, proof of loss, Examination Under Oath, denied claim, insurance claim denial letter, hurricane, hail, windstorm, fire, flood, theft, Brazosport, Lake Jackson, Freeport, Clute, Richwood, Oyster Creek, Surfside Beach, Jones Creek, Sweeny, Brazoria, West Columbia, Angleton, Danbury, Manvel, Alvin, Rosharon, Pearland, Brazoria County, Bay City, Van Vleck, Sargent, Matagorda County, Galveston County, Texas