

Urgent April 28th Deadline for Sandy-Affected Homeowners

Were you underpaid by your flood insurer?

To preserve your right to contest an underpayment, you must send a "Proof of Loss" to your insurer, and it must be received by your insurer by April 28, 2014.

A Proof of Loss is a complicated set of documents. We strongly recommend that you hire an experienced insurance attorney to represent you now, if you can. Many attorney's work on contingency, meaning you don't have to pay up front.

If your only choice is to file a self-made Proof of Loss or not file at all, we can help:

- Call (646) 786-0887 by Monday, April 7th, 2014 to schedule an appointment at a self-help legal clinic near you. A legal professional will help you prepare a self-made Proof of Loss.
- Clinic services are provided at no cost by experienced non-profit law offices and will be held in Staten Island, Nassau County, Queens, and Brooklyn.

You should know that:

- If you do not file a Proof of Loss you cannot seek further payment and you cannot sue the insurer for underpayment. See the back of this flyer.
- You should file a Proof of Loss even if you are waiting for help from Build It Back or New York Rising.
- A self made Proof of Loss may not be accepted by an insurer and should only be used as a last resort.

Call (646) 786-0887 by April 7th to make your appointment



FILING A PROOF OF LOSS

You must submit a Proof of Loss if:

- Your insurer has not paid your claim
- You received some insurance proceeds but they don't cover all your damage
- You discovered additional damage after the adjuster's visit
- The adjuster overlooked some damage

File a proof of loss even if you are currently negotiating with your flood insurer and believe they are re-evaluating your claim.

Complete *both* of the following official NFIP Proof of Loss form, available at:

<http://www.fema.gov/forms-0>

Form 086-0-9 National Flood Insurance Program Proof of Loss

Form 086-0-12 Statement As To Full Cost Of Repair Or Replacement

Filling out these forms is complicated and several supporting documentation are required. All forms must be signed by you and sent to the correct address by the deadline.

For further information about the Proof of Loss , go to Touro Law Center's website:
disasterlaw.wordpress.com.

DEADLINE TO FILE A LAWSUIT

If you wish to file a lawsuit against your flood insurer, you must timely complete and file a Proof of Loss. However, FEMA says you only have one year from your first "denial" to file a lawsuit. Therefore, one year from the date of your first "denial" may be before April 28, 2014. If you wish to file a lawsuit, you should consult with an attorney to determine what may constitute your first "denial."

FEMA's position that the Proof of Loss deadline can expire before April 28, 2014 (if you received a "denial" before April 28, 2013) is likely to be challenged in Federal Court. We cannot predict any outcome. If you received a denial from your flood insurance carrier earlier than April 28, 2013, you should still file a Proof of Loss now.

FOR HOMEOWNER INSURANCE

Your homeowner policy most likely contains the requirements and deadlines. The NY State deadline to file a lawsuit against a wind/rain insurer is usually 2 years from the date of loss, but your policy may vary. There may also be policy deadlines to recoup depreciation. If your wind/rain insurer demands proof of loss, it needs to be provided within the deadline stated. It should be sent before filing a lawsuit and a lawyer should be consulted.