U.S. Department of Homeland Security
500 C Street, SW
Washington, DC 20472

FEMA

W-13060a

October 1, 2013

MEMORANDUM FOR: Write Your Own (WYO) Company Principal Coordinators, WYO Vendors, NFIP Direct Servicing Agent, and Independent Adjusting Firms

FROM: David L. Miller
Associate Administrator
National Flood Insurance Program

SUBJECT: **Further Extension of The Standard Flood Insurance Policy ("SFIP")'s Proof of Loss Time Requirement Included in The November 9, 2012, BulletinW-12092a for National Flood Insurance Program ("NFIP") Flood Claims Arising Out of Meteorological Event Sandy**

The purpose of this bulletin is to further extend the deadline for Standard Flood Insurance Policy ("SFIP") policyholders to send their complete proofs of loss with all documentation to fully support their claim to their insurers. The SFIP proof of loss requirements are set forth in Section VII, Paragraph (J)(4) of the Dwelling Form and the General Property Form) and Section VIII, Paragraph (J)(4) Residential Condominium Building Association Policy Form. Bulletin W-12092a extended the amount of time required by the above SFIP sections for policyholders affected by Meteorological Event Sandy ("ME Sandy") to send their proof of loss to their insurer from 60 days to one year from the date of loss.

Because NFIP policyholders may have encountered difficulties filing a timely proof of loss, I am further extending the amount of time an insured must submit a complete, signed and sworn to proof of loss (with all documentation to fully support the claim attached) an additional six (6) months. After this further extension, the total time allowed from the date of loss is now eighteen (18) months. The authority for this waiver is found in Paragraph D of the General Conditions section of each SFIP and 44 C.F.R.§ 61.13(D).

This bulletin does not constitute a blanket waiver of the Proof of Loss requirements of the SFIP. All other provisions of Bulletin W-12092a shall apply.

Application: The terms of this Bulletin apply only to flood damage caused by Meteorological Event Sandy with the dates of loss beginning October 25, 2012 and ending November 6, 2012, in the States of FL, GA, SC NC, VA, DC, MD, DE, WV, PA, NJ, NY, CT, RI, MA, NH, VT, ME.

For Example: When the date of loss for the Meteorological Event Sandy flood claim is October 29, 2012, the policyholder must send a complete signed and sworn-to proof of loss, attaching all documentation to fully support their claim such as: paid receipts or invoices for completed repairs; detailed, itemized (room by room) unit cost, contractor's estimate; photographs of damage or of repairs completed or in progress; and any other relevant documents the insurer. With this further extension, the proof of loss for any additional amounts claimed by the insured over and above what has previously been allowed and paid, with supporting documentation, must be received by the insurer on or before April 29, 2014.

We anticipate that this additional six (6) month extension will enable policyholders to timely present their claims. FEMA will continue to monitor claim activity to determine whether further extensions may be warranted.

Authority: 44 C.F.R. § 61.13(d); 44 C.F.R. §§61, Appendices A (1), A (2) and A (3), General Condition (D); 44 C.F.R. § 62.23(k); 44 C.F.R. § 62, Appendix A (1), Articles II (G) and IV (B); 42 U.S.C. § 4019.

Any other questions or comments should be directed to Russ Tinsley, AIC. Mr. Tinsley's email address is Russell.Tinsley@fema.dhs.gov.

Attachment

cc: Vendors, IBHS, and Government Technical Representative
Required Reporting and Independent Adjusting Firms

U.S. Department of Homeland Security
500 C Street, SW
Washington, DC 20472

FEMA

W-12092a

November 9, 2012

MEMORANDUM FOR: Write Your Own (WYO) Company Principal Coordinators, WYO Vendors, NFIP Direct Servicing Agent, and Independent Adjusting Firms

FROM: David L. Miller
Associate Administrator
Federal Insurance and Mitigation Administration

SUBJECT: **Conditional and Partial Waiver of the Proof of Loss Requirement in the Standard Flood Insurance Policy (SFIP) for Losses Related to Meteorological Event Sandy and One Year Extension To Send a Proof of Loss In The Event An Insured Believes Additional Amounts Are Owed Under Their SFIP.**

[Revised Meteorological Event Sandy Dates of Loss]

Recently, a number of States experienced catastrophic losses as a result of Meteorological Event Sandy. The Federal Emergency Management Agency (FEMA) believes that there is an urgent need to rapidly process claim payments to Standard Flood Insurance Policy (SFIP) policyholders.

To increase the speed of claim payments, I am granting a conditional and partial waiver of the requirements in General Conditions (J) (4) and (9) of the SFIP Dwelling Form (Section VII (J) (4); (J) (9)), General Property Form (Section VII (J) (4); (J) (9)), and Residential Condominium Building Association Policy Form (RCBAP) (Section VIII (J) (4); (J) (9)). This conditional and partial waiver will permit the insurer to adjust and pay a loss based on the evaluation of damage in the adjuster's report instead of the signed Proof of Loss or insured-signed adjuster's report.

As part of this rapid claims process and under this waiver, the requirement in the General Conditions for the Dwelling Form (Section VII (M) (1)), the General Property Form (Section VII (M) (1)), and RCBAP Form (Section VIII (M) (1)), that losses will be payable 60 days after the insurer receives the insured's proof of loss or within 90 days after the insurer receives the insured-signed adjuster report will not apply. Instead, the covered loss will be payable as soon as practicable after the insurer receives and reviews the adjuster's report. Also, under the terms of this waiver, the 60 day time limit in the following sections will not apply: Dwelling Form (Section VII (J) (4) (7); M (2) (c)); General Property Form (Section VII (J) (4) (7); M (2) (c)); and RCBAP (Section VIII (J) (4) (7); M (2) (c)).

As part of this rapid claims process and under this waiver, the insurer will send the insured the payment for the covered loss, a copy of the adjuster's report, and a letter explaining this rapid claims procedure.

Negotiation of the payments based upon the adjuster's report will not prohibit an insured from seeking additional payment under his SFIP where coverage limits have not been exhausted. If the insured disagrees with the amount of the payment, the insured must send to the insurer a signed and sworn proof of loss meeting the requirements of Section VII(J) of the Dwelling and General Property SFIP Forms, and Section VIII(J) of the RCBAP SFIP, within the extension of time granted in this document. If payment is issued based upon the adjuster's report and no additional proofs of loss are submitted by the insured, the insurer will close the file.

If a proof of loss is submitted by the insured for additional amounts, all terms of the SFIP will apply and the insurer will then process the proof of loss. This means that the provisions in Sections VII(J) and VII(M) of the Dwelling and General Property SFIP Forms, and Sections VIII(J) and (M) of the RCBAP SFIP, which are waived only for the payment based upon the adjuster's report, will be applicable.

To allow enough time for insureds to evaluate their losses and have the opportunity to seek additional SFIP payments, I am extending the amount of time within which an insured must submit a proof of loss as required in in SFIP Section VII (J)(4) of the Dwelling and General Property SFIP Forms, and Section VIII(J)(4) of the RCBAP from 60 days to one year from the date of the loss.

If the insurer denies the claim, in whole or in part, the insured may appeal directly to the Associate Administrator, Federal Insurance and Mitigation Administration. If a lawsuit is filed, it must be filed against the insurer within one year of the date of the first written denial of all or part of the claim as provided in General Conditions, Section VII (R) of the Dwelling and General Property SFIP Forms, and Section VIII(R) of the RCBAP SFIP.

This bulletin does not constitute a blanket waiver of the Proof of Loss requirements of the SFIP.

Application: The terms of this Bulletin apply only to flood damage caused by Meteorological Event Sandy with dates of loss beginning October 25, 2012 and continuing, in the States of FL, GA, SC, NC, VA, DC, MD, DE, WV, PA, NJ, NY, CT, RI, MA, NH, VT, ME.

The terms of this Bulletin will be used in subsequent reviews and audits of claims covered by this bulletin.

Authority: 44 C.F.R. § 61.13(d); 44 C.F.R. §§61, Appendices A(1), A(2) and A(3), General Condition (D); 44 C.F.R. § 62.23(k); 44 C.F.R. § 62, Appendix A(1), Articles II(G) and IV(B); 42 U.S.C. § 4019.

Any other questions or comments should be directed to Russ Tinsley, AIC. Mr. Tinsley's email address is Russell.Tinsley@fema.dhs.gov.

cc: Vendors, IBHS, and Government Technical Representative

Required Routing: Reporting and Independent Adjusting Firms