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June 20, 2018

Via CMRRR: 7017 2680 0000 1571 6074

Via Email: brock.long@fema.dhs.gov

Attn: William “Brock” Long,
Administrator of FEMA
Federal Emergency Management Agency
U.S. Department of Homeland Security
500 C St., SW
Washington, D.C. 20472

Via Email: david.maurstad@fema.dhs.gov

Attn: David I. Maurstad,
Deputy Associate Administrator for
Insurance & Mitigation
Federal Emergency Management Agency
U.S. Department of Homeland Security
500 C St., SW
Washington, D.C. 20472

Re: NFIP Proof of Loss Deadline Extension for Hurricanes Harvey, Irma, and Maria

Dear Administrator Long and Deputy Associate Maurstad,

Since 1989, Merlin Law Group, P.A. has represented insurance policyholders throughout the United States who have been devastated by natural disasters including Hurricanes and floods. As concerned community members and advocates who assist property owners and residents throughout Texas, Florida, the U.S. Virgin Islands, and Puerto Rico, we respectfully request that your agency(ies) extend the current proof of loss deadline for an additional six (6) months for those affected by Hurricane Harvey, Hurricane Irma, and Hurricane Maria.

If this request is granted, disaster victims affected by Hurricanes Harvey, Irma, and Maria would effectively have 1.5 years (or 18 months) from the date(s) of loss to submit their sworn proof of loss in support of their claim. This extension will allow FEMA, WYOs, and policyholders the additional time needed to properly present and support these claims.

In the aftermath of mass disasters, such as Hurricanes, the claims handling and resolution processes frequently experience prolonged delays. FEMA recently described the lengthy flood claim handling process, and stated “these cases will turn on individualized issues” and “the evidence relevant to evaluating these questions is also highly individualized.” *See* Opposition By William B. Long, Administrator of the Federal Emergency Management Agency (“FEMA”), To Plaintiffs’ Motion for Consolidation at 15 – 18, IN RE: Florida, Puerto Rico, and U.S. Virgin Islands 2016 and 2017 Hurricane Seasons Flood Claims Litigation, MDL No. 2844 (May 5, 2018) [Dkt. 77]. FEMA addressed the extensive steps that should occur within the claims handling process—that may cause claims to take excessive time—to ensure that each claim is handled individually. FEMA reiterated that its “claims adjustment process reflects [] individualization. Ordinarily, an independent insurance adjuster...works with the policyholder on their respective claim. Through this process an individualized claim file is compiled for each policyholder’s loss...After being reviewed at multiple levels, the personnel at FEMA’s Direct Servicing Agent will issue any denial letters...” *See id.* at fn. 19.

Regarding the documents and evidence that FEMA wants from policyholders in support of their claim, FEMA cited 44 C.F.R. § 62.20, which mentions “examples of the kinds of documentation which FEMA will require...” including but not limited to: room by room itemized estimates from the adjuster (includes contractors’ estimates), detailing unit cost and quantities for the items needing repair or replacement; personal property inventories that include the approximate age of the items; real estate appraisals; photographs; financial statements; paid receipts and invoices that support insureds’ out-of-pocket expense; architectural plans and drawings; detailed engineering reports; etc. *See id.* at 15 – 18. Similarly, FEMA addressed various claim issues that prolong and delay the claims handling process, including pricing disputes, causation disputes, and coverage disputes. *Id.* at 15.

addressed various claim issues that prolong and delay the claims handling process, including pricing disputes, causation disputes, and coverage disputes. *Id.* at 15.

The significant, widespread devastation resulting from Hurricanes Harvey, Irma, and Maria has caused policyholders to experience extensive delays in obtaining and compiling damage repairs estimates, among other various records, necessary to submit their sworn to proof of loss. Our offices have received numerous complaints from policyholders regarding claims handling delays related to attaining the necessary documents and submitting their proof of loss, as well as complaints regarding adjusters failing to communicate and acknowledge their correspondence, significant adjuster delays and reassignments, and total lack of adequate claims handling by the WYO Companies and their assigned adjusters.

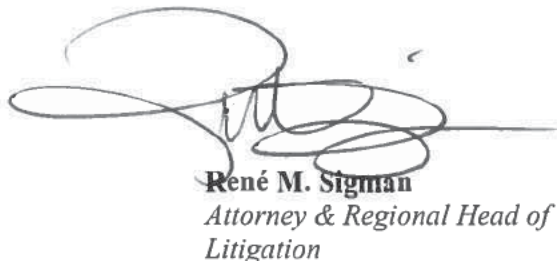
These external factors are outside the policyholders' control, yet the policyholders are being negatively affected nonetheless. Please keep these victims in mind, and provide the requested extension to the proof of loss deadline.

Sincerely,

MERLIN LAW GROUP, P.A.



William "Chip" F. Merlin
Attorney & Founder



René M. Sigman
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Litigation

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