

Reed Smith **Hurricane Harvey** Disaster Relief Resources Guide

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Individuals impacted by Hurricane Harvey will generally have claims relating to flooding of their homes and/or automobiles. For homes, the entire floor of flooding must be cleared of impacted carpet/flooring, cabinets, dry wall up several feet, appliances, and personal property. Construction to repair flooded homes is expected to take 5-12 months and individuals will need to obtain temporary housing for a prolonged period of time.

Auto Insurance

Estimates are that between 500,000 and 1,000,000 automobiles in Texas were damaged by flooding from Hurricane Harvey.

Automobile damage from flooding is generally covered under the Comprehensive coverage portion of the policy. Individuals should obtain a complete copy of their automobile insurance and submit a claim to their automobile insurer.

Flood Insurance

Estimates are that about 200,000 homes were flooded and 13,500 homes completely destroyed by Hurricane Harvey. Unfortunately, only 20% of impacted homes may have flood coverage.

Individuals with flood insurance under the National Flood Insurance Program (NFIP) should file a claim through their insurer. NFIP policies are often managed by an individual's regular home insurer. The form policy generally covers up to \$250,000 to repair/replace real property and \$100,000 to repair/replace personal property. Usually, an advance of \$5,000 to \$10,000 is available, if needed, and homeowners need to follow NFIP guidelines to avoid mold (which is not covered).

Individuals should obtain complete copies, including endorsements, of all homeowner and flood policies and file claims under both policies. FEMA information on filing NFIP flood claim is available here: <https://www.fema.gov/nfip-file-your-claim>. A proof of loss is generally required within 60 days of date of loss, although FEMA recently announced that it is waiving the initial proof of loss requirement for Harvey-related claims: <https://www.fema.gov/news-release/2017/09/04/femas-national-flood-insurance-program-enhances-flood-claims-process-and>

Under the NFIP standard policy, certain types of real property and all personal property are covered only at "actual cash value" or depreciated value, rather than replacement value. A FEMA summary of the coverage available under the form NFIP policy is available here: <https://www.fema.gov/media-library/assets/documents/12179>.

NFIP insurance may also pay for the increased cost of compliance with codes up to \$30,000. <https://www.fema.gov/increased-cost-compliance-coverage>. Generally, if more than 50% of the value of a home was damaged, there may be newer code requirements that must be met. Such codes may require raising the elevation of a home, demolishing it, or relocating to a new site.

Homeowners Insurance

Homeowners insurance may cover other types of damage, such as wind, but generally exclude flood. Several homes were partly damaged by wind and flood. The homeowners insurer is likely to cover only the portion of the loss caused only by wind, and not damage caused by a combination of wind and flood, because of a prior ruling of the Supreme Court of Texas. <http://caselaw.findlaw.com/tx-supreme-court/1698644.html>

Claims should be made immediately so an adjuster can inspect the property to determine if any damage is covered by the homeowners policy.

SBA Disaster Loans

Even with flood insurance, most individuals will have a significant gap between their actual costs from the disaster and the insurance proceeds.

The Small Business Administration provides low interest (generally under 3.5%) long term loans to individuals impacted by disasters up to \$200,000 to repair/replace real property and \$40,000 to repair/replace personal property on their primary residence. Information on these loans can be found here: <https://www.sba.gov/loans-grants/see-what-sba-offers/sba-loan-programs/disaster-loans/2017-hurricane-harvey-recovery-assistance>.

Most people can demonstrate the economic ability to repay an SBA loan and qualify for the loan. Collateral is not necessary to qualify for an SBA disaster loan, i.e. the home does not need to have sufficient equity to cover the loan. A fact sheet about qualifying for the program is available here: <https://www.sba.gov/sites/default/files/articles/sba-disaster-loans-faq.pdf>

All impacted individuals should go through the process of applying for an SBA loan, because it impacts the ability to obtain certain FEMA assistance (that does not need to be repaid).

FEMA Disaster Assistance

FEMA aid is generally considered emergency assistance of last resort to help individuals find temporary housing and to be able to return to their primary residence. FEMA aid is available for temporary housing, repair, replacement, housing construction, and other basic needs. The cap on assistance is about \$33,000 per household.

Individuals have 60 days from the date of the disaster to apply for FEMA disaster assistance, although the date is expected to be extended. Every impacted individual should immediately file for aid at <https://www.disasterassistance.gov/>.

Information from FEMA on Harvey is available here <https://www.fema.gov/hurricane-harvey> and a FEMA "Know Your Rights" guide is available through the Texas Young Lawyers Association: <http://www.tyla.org/tyla/index.cfm/resources/general-public/know-your-fema-rights/>

FEMA assistance is generally not available if there is any other funding source available, including insurance, an SBA loan, or private or other charitable donations. However, FEMA will advance immediate funds to individuals that they may need to pay back if those costs are ultimately covered by insurance or paid by another source.

FEMA temporary housing assistance is available regardless of income generally for 3 months for homeowners and 1 month for renters, but that may be extended based on individual circumstances.

Tenants Issues

Individuals may have issues with their landlords involving the condition of the damaged premises. The lease governs the tenant's rights and generally requires that actions be taken in writing, such as a notice of termination. Individuals may need to negotiate with their landlords to delay or reduce rent, but ultimately it may be necessary to pursue legal action.

Here is a link to general information tenant rights: <https://www.texasattorneygeneral.gov/cpd/tenant-rights>

Replacing Original Documents

Individuals may need to replace original documents. Copies of insurance policies may be obtained directly from the insurers. Proof of insurance may be available from a broker, who can assist with obtaining a full copy of any policy. Attorneys that assisted with home closings may have copies of deeds, mortgages, plats of survey and real estate appraisals (often with pictures of the home).

Here are some additional links to assist with that process:

Social Security Issues and to Replace Card <https://www.ssa.gov/>

Texas Driver's License Replacement <http://www.dps.texas.gov/DriverLicense/>

Vital Records (Texas) apply online <https://txapps.texas.gov/tolapp/ovra/index.htm>

Vital Records (Other States) see www.cdc.gov/nchs/w2w.htm

Tips on Hiring a Contractor

Individuals should be careful about selecting their contractors. Tips in English and Spanish:

<http://www.tyla.org/tyla/index.cfm/resources/general-public/hiring-a-contractor-or-other-professional-after-a-natural-disaster/>

<http://www.tyla.org/tyla/index.cfm/resources/general-public/hiring-a-contractor-or-other-professional-after-a-natural-disaster-espanol/>

Enrolling your child in a different school after Harvey

http://tea.texas.gov/About_TEA/Other_Services/Weather_and_Disaster/Dealing_with_Disasters_Frequently_Asked_Questions/

<http://www.tyla.org/tyla/index.cfm/resources/general-public/enrolling-your-child-in-another-school-after-a-natural-disaster/>

Finding a Lawyer

Texas State Bar disaster resources and attorney referral service

<https://www.texasbar.com/Content/NavigationMenu/ForThePublic/DisasterReliefResources1/default.htm>

https://www.texasbar.com/AM/Template.cfm?Section=Lawyer_Referral_Service_LRIS

For Low Income Individuals (and pro bono hotlines)

https://www.americanbar.org/content/dam/aba/administrative/young_lawyers/dls/jt-harvey-pr-release.pdf

<http://www.lonestarlegal.org/>

Help for Attorneys Assisting Harvey Victims

Here are some resource materials from the State Bar of Texas

<https://texasbar.com/Content/NavigationMenu/ForLawyers/DisasterResourcesforAttorneys/default.htm>

Unemployment Assistance

The Texas Workforce Commission has announced that 29 counties are eligible for disaster unemployment assistance. Information can be found here:

<http://www.twc.state.tx.us/news/disaster-unemployment-aid-now-available-11-additional-texas-counties>

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