

# THE VOSS ★ LAW FIRM

## Insurance Claim Tips for Partial Loss Fires:

***What you need to know if your home has been damaged, but not destroyed...***

### **Q: A fire damaged my home. What do I need to know?**

A: Fires that damage but do not completely destroy a home create special insurance claim issues.

These claims are often called “partial losses” because the home has only been partially destroyed. Things to watch out for with partial losses include:

- **Hidden damage** (water, smoke, ash, mold, air quality, ducts)
- **Inadequate or improper cleaning** and repair methods
- **Delays:** Particularly after disasters, partial losses can be low priority for overworked insurance adjusters
- **Disputes over “matching” and line of sight:** Repairs should return your property to a “uniform and consistent appearance” even if that means replacing undamaged items such as roof tiles or carpeting.

In any property loss situation, there are basic steps to follow to make the insurance recovery process go more smoothly. Document everything that was damaged or destroyed, file a timely claim, learn and assert your rights to full and fair payment, and get help if and when you need it.

### **Q: My neighbor’s home burned down but mine seems undamaged-- what should I do?**

A: Even if there is no obvious damage to your home, it **may** have been impacted by extreme heat, smoke or fire retardant, so you still need to have it thoroughly inspected by an experienced and qualified professional.

### **Q: Who should inspect the damage?**

A: Licensed, experienced professionals. Contractors and Structural Engineers are qualified to evaluate damage (and the structural integrity of your roof/ remaining beams, etc.) and estimate the cost of repairs. A Certified Industrial Hygienist is qualified to test the air quality. It is rarely sufficient to have a serious loss inspected/evaluated only by the adjuster assigned by your insurer. It is almost always necessary to have qualified professionals ***in addition to the adjuster’s inspection.*** If your insurer refuses to

conduct or pay for proper inspections, ask again in writing, politely remind them of their legal duty to thoroughly investigate **all** damage, including hidden damage. If a dispute arises, it's worth finding and paying for your own inspection by an independent reputable specialist.

### **Q: What does a “thorough inspection” include?**

A: A thorough inspection will cover the following areas:

**Roof:** Your roof should be inspected for damage from burning embers. If heat was extreme, the roof structure may be compromised. Wood under the roofing material may be water stained and moldy. A roofing expert can verify damage.

**Structural Steel, Iron:** Steel and iron structures may transfer heat and destabilize a foundation or retaining wall.

**Stucco, Siding and Concrete:** Stucco may spall and crack due to dehydration and baking. Siding may melt after exposure to heat and mold may be present underneath. Heat may also damage an anchored foundation or footing and may require testing as well as concrete core sampling. Structural engineers may do x-ray testing and other miscellaneous forensic work.

**Windows:** Window frames may melt, blister or discolor due to heat. Glass can experience warping and discoloration and may lose some of its transparent clarity. Warped windows can lead to moisture problems and/or a mold problem.

**Plumbing and Heating Systems:** Pipes, solder/connectors and ducts should be checked for damage.

**Interior Walls/Framing:** A contractor conducting a thorough inspection of your home's interior may need to open up walls to check for damage to the framing, or to uncover potentially dangerous mold. It's better to uncover damage sooner rather than later. Be politely assertive in claim negotiations to make sure your home is restored to a “uniform and consistent” appearance as opposed to a “patchwork quilt” of unmatched new and old materials. Read more information below about “matching.”

### **Q: My insurer does not want to pay to match the new siding to the old siding on my home's exterior walls. What can I do?**

A: Keep in mind that in most states and under most policies, you are entitled to be paid for the cost of restoring your home back to a “uniform and consistent” appearance, both on the exterior and interior. If you have only a partial loss and your insurer won't pay to match paint colors, roof tile materials, carpeting, or any other visible materials, check to make sure there is a clear and unambiguous exclusion in your policy (and verify whether that exclusion is legal) before you accept it. Get help from your state insurance department or a qualified legal professional before you take no for an answer.

**Q: A family member has asthma. How do I make sure that my house is thoroughly cleaned, so her condition won't be aggravated?**

A: If you or a resident of your home has health sensitivities such as allergies or asthma, alert your adjuster right away. Mold and soot inside your home, if not eliminated, can irritate people with respiratory problems. After a partial loss, you can (and should) seek payment from your insurer for mold, smoke, soot and odor mitigation.

Your adjuster may tell you that it is sufficient for you to wipe surfaces yourself, and that a deep cleaning is not necessary. The cleaning/drying process can be expensive when it's done right, so insurance companies have developed ways to control their payouts for this work. You must stand firm and reject shortcuts and improper cleaning.

It is also very important to have the entire HVAC system of your home cleaned out. You can access some parts of the system and clean by hand, but a professional should do the rest. Read more about mold, smoke and ash "remediation" (removal) below.

**Q: Will my insurance policy pay for cleaning up mold?**

A: Maybe. In recent years, insurance companies have added mold damage exclusions to most property policies. Exclusions in your policy may or may not apply, depending on the damage and the exact wording in your specific insurance contract.

**NOTE: Even if your policy has a mold exclusion, it probably covers cleanup, fans and other drying methods. If your insurer refuses to pay for cleaning and drying which in turn causes mold to develop, the entire damage may be covered, despite the mold exclusion.**

Keep in mind that fire suppression efforts may have caused mold to develop **inside** your home's walls, and/or leave the structure of your home exposed to weather. Wet drywall is notorious for developing mold. Drywall, as well as the underlying wood, on both the interior and exterior of the house, needs to be inspected, dried and properly repaired.

**Q: Will my insurance policy pay for cleaning smoke and ash?**

A: Smoke damage is a covered peril in most homeowners policies. It will (temporarily or permanently) damage porous materials such as fabrics, rugs, curtains and unfinished wood.

Some items can be cleaned, others need to be replaced. Marble and tile may experience discoloration. Your insurance company will most likely pay for cleaning smoke and ash, but disputes often arise over **cleaning versus replacing** items that have been exposed to smoke. For example, suppose your insurance adjuster insists that cleaning your drapes is sufficient.

**The scenario below presents two possible outcomes:**

Scenario A: You take the drapes to a reputable cleaner who insists there's no point in cleaning them, or you get them professionally cleaned but they still have an odor. **In this case, replace the drapes and get reimbursed by your insurer.**

Scenario B: A reputable cleaner does a good job and the drapes clean up just fine. **In this case, repairing or cleaning can be acceptable and appropriate.**

**Q: My yard is a mess. Will my insurance pay for damaged plants and trees?**

A: Extreme heat and smoke will kill most plants and may contaminate soil, making replanting difficult. Damaged plants may not die right away. Keep your claim open for at least six months and file supplemental claims if necessary. Coverage for the cost of landscaping replacement is typically a set amount or a percentage of your dwelling coverage amount. Make sure you do your own math to calculate the maximum amount you can recover. Landscaping losses often exceed coverage limits – mature trees can be valued as high as \$5,000 yet many policies contain a \$500 per tree limit.

If you live on a hillside, loss of foliage from a fire can lead to landslides and/or mudslides in rainy conditions. It is important to quickly replant your property with native trees and grasses to stabilize the landscape. Sandbags can provide temporary landscape protection until your new plants have a chance to mature.

**Q: I don't have enough insurance to cover all the damage, what can I do?**

A: [Contact The Voss Law Firm, P.C. for a free policy review. You may have coverage you did not know about.](#)

**The Voss Law Firm, P.C.**

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