




FEMA

W-13068

November 14, 2013

MEMORANDUM TO: Write Your Own (WYO) Principal Coordinators, the National Flood Insurance Program (NFIP) Direct Servicing Agent, and Selected Adjusting Firms

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

SUBJECT: **Notice of Limited Waiver of the Standard Flood Insurance Policy to Extend the Time for Sending Proofs of Loss in the State of Colorado for Claims Related to Torrential Rains**

The National Flood Insurance Program (NFIP) Standard Flood Insurance Policy (SFIP) requires a policyholder to send the insurer a complete, signed, and sworn-to-proof of loss within sixty (60) days after the date of loss. The proof of loss requirements are set forth in the SFIP in Section VII, Paragraph (J) (4) (Dwelling Form and General Property Form) and Section VIII, Paragraph (J) (4) (Residential Condominium Building Association Policy Form). Requirements for supporting documentation that must accompany the proof of loss are set forth in paragraphs (J) (4) (f) through (J) (4) (i).

Properties insured by the NFIP in the above-referenced state experienced flood losses as a result of torrential rains beginning on September 10, 2013. In many instances, access to NFIP-insured buildings was not possible due to damage to the infrastructure and high water. These conditions delayed the claims process for many NFIP policyholders.

Because NFIP policyholders may have encountered difficulties filing timely proofs of loss, FEMA is providing a limited waiver of the 60-day time limit and an additional extension of time for filing the proof of loss. 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).

Pursuant to Paragraph D of the General Conditions section of the SFIPs and 44 C.F.R. §61.13(d), I hereby authorize an additional 21-day extension of the time period within which a policyholder must submit the requisite signed and sworn-to-proof of loss with their NFIP insurer. With this extension, an NFIP policyholder will have a total of 81 days after the date of loss to provide the completed, signed, and sworn-to-proof of loss to the insurer. This extension shall apply to all claims for the flood damage related to the Colorado flooding occurring between September 10, 2013, and September 30, 2013, to NFIP-insured buildings and insured contents in the above-referenced state. This limited waiver applies to SFIPs issued directly by FEMA or by private insurance companies participating in the NFIP's Write Your Own Program.

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For example, under the SFIP, the NFIP policyholder who incurred a flood loss on September 10, 2013, must send his or her proof of loss to the insurer by November 9, 2013. With this extension, the policyholder must send a completed signed and sworn-to-proof of loss by November 30, 2013. Finally, if the policyholder incurred a flood loss on September 30, 2013, they would have until November 29, 2013. With this extension, the policyholder must send a completed signed and sworn-to-proof of loss to the insurer by December 20, 2013. We anticipate that this additional extension of twenty-one (21) days will enable affected policyholders to present their claims. FEMA will continue to monitor claim activity to determine whether further extensions may be warranted.

By granting this limited waiver and extension of the time period to send a proof of loss, FEMA does not hereby waive any other provision of the SFIP, and all other terms and conditions of the SFIP remain in effect. However, if for a valid reason the policyholder is unable to submit their signed and sworn-to-proof of loss within this time period, the insurer may submit to the Associate Administrator a request for a waiver of this time extension. Each such request will be handled by FEMA on a case-by-case basis.

We ask for your full support. Any questions or comments regarding this extension should be directed to James A. Sadler, CPCU, AIC, Director of Claims, Federal Insurance and Mitigation Administration. Mr. Sadler may be reached by email at James.Sadler@fema.dhs.gov.

cc: Vendors, IBHS, FIPNC, Government Technical Representative
Required Routing: Claims, Underwriting