

# Winter storms – Frequently Asked Questions

These answers to questions frequently asked by consumers address many areas of uncertainty arising from winter storms. The information largely is based on provisions of the typical homeowners policy sold in the United States. Many large insurers offer a standard homeowners policy with even broader coverage. Your policy may contain riders that either expand or reduce your coverage. We strongly encourage you to contact your agent or insurer directly regarding specific questions you may have about your policy.

You should also refer *any questions or disputes* to the **New Hampshire Insurance Department**.

In-State and Local: [603.271.2261](tel:603.271.2261)

TTY/TDD Relay Services: [1.800.735.2964](tel:1.800.735.2964)

<http://www.nh.gov/insurance/index.htm>

**What coverage is available for debris removal, power outages, lightning, frozen water pipes, water damage due to the breakage of frozen pipes, and the weight of ice and snow causing a roof, porch, or deck to collapse?**

Debris removal for trees: Generally speaking, the insurance company will pay up to \$500 for the removal of trees from the premises *if* the tree damages your home or other insured property. That coverage includes removing a neighbor's tree that fell on your property. It doesn't matter who owns the tree, just that it causes damage to an insured building or fence.

Power outages: The typical homeowners policy excludes from coverage damages from power outages unless they result directly from covered "perils" (wind, hail, lightning, etc.). For example, if lightning strikes the house and causes a power interruption, the consequent spoilage of food in a freezer is covered.

Lightning: Damage caused by lightning is covered.

Frozen water pipes: The typical policy covers repair of frozen pipes and the damage they cause. An exception can occur when the dwelling is vacant or under construction unless you use reasonable care to a) maintain heat in the building or b) shut off the water supply and drain the system and appliances of water.

Weight of ice and snow causing roof, porch, deck to collapse: The typical homeowners policy covers damage involving collapse of an insured building or any of its parts caused by the weight of ice, snow or sleet.

**What coverage must I have on my auto policy to cover repairs if ice fell on it and damaged it?**

Comprehensive coverage will pay for ice falling on the auto.

**Does a vehicle's owner have responsibility for ice falling off a vehicle and damaging the car behind it? Does the vehicle owner have any duty to clean off the vehicle before it is driven down the highway?**

Generally, owners whose cars are damaged file these claims under their comprehensive or collision coverage, depending on the circumstances.

**To what extent do insurers cover your expenses if you are forced to move to a motel or other quarters when you lose power after a storm?**

To qualify for so-called "additional living expense" payments, your home must have suffered an insured loss or physical damage from the storm. Simply losing power and heat does not obligate the insurer to pay for your motel bills, for example. Check with your agent, adjuster or insurance company to see if you qualify for these benefits, which can total up to 20 percent of the insured value of your home.

**What if my tree branch fell on my neighbor's house and caused damage? Is my neighbor responsible, or do I make a claim on under my homeowners policy?**

In most circumstances, your neighbor would file a claim under his or her insurance policy. Your homeowners policy covers your home, not the neighbor's.

The same applies to costs for removal of debris or repairs for an auto damaged by falling branches: the owner of the property damaged should file the claim, not the owner of the tree. Comprehensive coverage will cover cars damaged by falling trees.

If your tree was dead or diseased and you are accused of negligence for not removing the tree earlier, assigning responsibility for the damage is more complicated, and you should consult your agent.

**What if my neighbors are in Florida for the winter and their tree branch is still on my roof, or over the fence in my yard, can I cut it down and remove it? Who should pay these costs?**

Yes, proceed with cleanup. If damage occurred to your fence or roof, your homeowners policy generally will pay those costs up to \$500. See "debris removal" under question #1.

**A tree fell down and landed in my yard. Is there coverage to have it removed?**

No, the debris removal provision of your policy does not apply if the tree did not damage insured property.

**What about my hot tub damaged by weight of ice and snow or freezing?**

Policy language and circumstances may vary on this issue. If you have a claim that has been denied, you may submit a completed complaint form to DIFP, and we will research the claim on your behalf.

**What about my pool damaged by weight of ice and snow or freezing?**

Swimming pools are generally excluded for freezing under most policies. Your policy may cover collapse of (above-ground) swimming pools from the weight of ice and snow.

**What about my car that was damaged at a business' parking lot when the ice slid off the business' roof and onto my car? Is the business responsible? Should I contact my auto insurer?**

In this event, document the claim, and make the business owner aware that the claim occurred. The business owner's commercial liability coverage may pay this claim, but negligence on the part of the business owner would need to be established. To expedite payment for repairs, submit the claim under your comprehensive auto coverage. The insurer cannot use these claims to raise your premium or non-renew your policy.

## **What is my duty to make temporary repairs?**

Protect the property from further damage. If repairs to the property are required, you must make reasonable and necessary repairs to protect the property and keep an accurate record of repair expenses. Prepare an inventory of damaged personal property showing the quantity, description, date of purchase, actual cash value and amount of loss. Attach all bills, receipts and related documents that justify the figures in the inventory. If you do not take reasonable steps to stop damage from spreading and do not prove your costs for making temporary repairs, the insurer may reduce the settlement or deny the claim.

If your claim is not covered, this documentation is valuable when you file your income tax return, which provides for deductions based on property losses. Furthermore, if you live in a federal disaster area, you may qualify for reimbursement for uninsured losses.

## **Is food spoilage covered under my homeowners policy?**

The basic homeowners policy does not cover food spoilage from the simple loss of electric power, but coverage varies in policies actually sold. In some cases, you were asked to pay a higher premium for this additional coverage; in other cases, you weren't. The benefit is usually \$500, with a \$100 deductible.

## **Do commercial policies include coverage for loss of business income, debris removal, power failure, frozen water pipes, water damage from frozen water pipes and collapse due to weight of ice and snow?**

Business policies can vary widely on the type of losses covered. You should report the claim to the insurer. If the claim is denied, ask the insurance company to provide you with the specific language that excluded coverage.

## **What if my losses are not insured?**

Individuals who suffered a loss as a result of the storm should first look to insurance coverage to pay any damages and costs, and they should call their insurance agents to begin the claim and adjustment process. However, if they had inadequate coverage or incurred hotel or other costs that insurance will not pay, and they live in federal disaster areas, they should call FEMA for help.

All prospective beneficiaries must start the process by calling [1-800-621-FEMA \(3362\)](tel:1-800-621-FEMA) for federal disaster relief. *Call TTY 1-800-462-7585 for people with speech or hearing disabilities.* It is a "teleregistration number" where operators are trained to ask specific questions of the callers. The answers to the questions are very important as they are used to classify the person's eligibility for assistance.

Under FEMA programs, individuals may be eligible for reimbursement of hotel expenses if they had to leave their home. (Loss of power under homeowners policies usually is covered only if storm damage to the residence - i.e., a lightning strike - caused the power outage and rendered the home uninhabitable.). The individual will need to call the 1-800 number and have receipts available for the expenses incurred. Checks are generally issued directly to the individual from FEMA with no state involvement.

Individuals may be eligible for federal assistance for renting a generator.

Generally speaking, individual are not eligible for assistance to cover their insurance deductibles.

**Where can I learn more about federal assistance?**

On the Internet, go to <http://www.fema.gov/assistance/index.shtm> for further information on both homeowners and business owners who are disaster victims.