



Federal Insurance and Mitigation Administration

Sandy Claims Review Division Update

September 8, 2017

Beginning in March 2015, the Sandy Claims Review Division, formerly known as the National Flood Insurance Program (NFIP) Transformation Task Force, reached out to nearly 144,400 policyholders that filed Hurricane Sandy claims and provided an opportunity for all claims to be re-reviewed. The deadline for a policyholder to submit an NFIP flood claim through the Hurricane Sandy Claims Review program was October 15, 2015.

In total, FEMA received **19,461** requests from policyholders for their original Hurricane Sandy claim to be reviewed. To protect their personal information, FEMA complied with the federal [Privacy Act \(5 USC 552a\)](#) and required all NFIP policyholders in the Hurricane Sandy Claims Review to provide written documentation to verify their identity.

NFIP-certified adjusters are focused on ensuring they have the necessary information to review submitted claims. They reach out to each policyholder assigned to provide status updates, seek additional documentation if warranted, and to answer policyholder questions.

As of **September 8, 99.9 percent, or 19,461**, of policyholders who requested a review have received the results. When a policyholder receives the Results of Review, there are two options: a policyholder can accept the recommendations and sign the proof of loss or request a Neutral Review. The Neutral Review is conducted by a third-party such as a retired judge or an independent attorney.

At the present time, there are **668** claims where policyholders are unresponsive. In these cases, FEMA has reviewed the contents of a file and is able to present the results to the policyholder. FEMA attempted to contact these individuals via email, phone and certified mail but has not received a response. In some cases additional verification of identity is required before FEMA can present the findings of the review. FEMA sent a follow up letter to these policyholders requesting that they contact us by September 15, 2017 so that we can help them resolve their claim.

All claims were carefully reviewed, and many policyholders are receiving additional payments for eligible items. As of **September 8, 2017**, FEMA has closed **16,900** claims in which policyholders have accepted an offer and signed proofs of loss. Nearly **83.9 percent** of the closed claims have received additional payments totaling **\$223,362,254**. The remaining **16.1 percent** of closed claims received no additional payment.

As of **September 8, \$164,320,515** in payments have been made as a result of FEMA's mediation efforts, bringing the **total payments to \$395,630,624**.

Third-Party Neutral Review - Updated

If a policyholder does not agree with the Results of Review recommendation, they may opt for a Neutral Review. If a policyholder decides on this course, a written request is required.

On June 30, 2017, FEMA announced that for any outstanding claims still remaining in the Sandy Claims Review where the policyholder desires a Neutral Review conducted via a telephone conference call, the Neutral Review must be scheduled by August 1, 2017 and the oral presentation must be

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concluded on or before September 30, 2017. FEMA has extended this Neutral Review time period to October 25, 2017.

To date, **2,281 policyholders** have chosen a Neutral Review with **1,186** completing their Neutral Review. An additional **801** claims have completed the oral presentation portion of the Neutral Review and are awaiting the final results of their Neutral Review.

A Neutral Review request can take additional time if a policyholder requests a copy, or any part, of the file. The document must go through a redaction process to comply with the federal [Privacy Act and Freedom of Information Act](#). The neutral reviewer – as a contractor of the government – does not have the ability to direct payments or bind FEMA to any particular result that requires payment of government funds.

FEMA must ensure that the neutral’s recommendation aligns with statutory requirements, regulations, FEMA policy, and the Standard Flood Insurance Policy (SFIP). When the finding by the third-party neutral complies with agency regulations and policy, FEMA may adopt the recommendation by the neutral reviewer and authorize the recommendation for additional payment. More information about the “Sandy Claims Neutral Review Process” is available online at www.fema.gov/media-library/assets/images/127741.

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Litigation

The standard practice for a policyholder dissatisfied with an NFIP payment recommendation after a disaster is to either file an administrative appeal with FEMA or file a lawsuit in U.S. District Court. Following Hurricane Sandy, some policyholders did both. Nearly 2,000 Sandy flood insurance litigation cases were filed against NFIP insurers in the Federal District courts of New York and New Jersey. When the former NFIP Task Force formed in March 2015, FEMA worked with the courts through mediation efforts to settle these cases. Of the **1,633** eligible cases, **1,631** cases have been settled, with checks issued totaling **\$164,320,515** as of **September 8, 2017**.

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| Sandy Claims Review Data (September 8, 2017) | Number |
|--|----------------------|
| Claims in Sandy Claims Review Total claims entered into review process | 19,461 |
| Results of Review Ready (cumulative) Adjuster has reviewed the claim and has held, or is ready to hold, a Results of Review discussion with the policyholder. | 19,449 |
| Results of Review Adjuster has notified policyholder of the claim review results. | 19,055 |
| Total payments proposed to policyholders to date | \$258,671,141 |
| Claim files closed After all claim review and payment activities are completed, the claim file is closed. Includes: claims with additional payment, claims voluntarily withdrawn and claims closed without additional payment (2,833) | 16,900 |
| Policyholders with closed, paid claims | 14,171 |
| Total payments accepted by policyholders to date Policyholder signs Proof of Loss. FEMA directs the insurance company to process payment for building coverage, contents coverage, or both. | \$223,362,254 |
| Remaining claims to be reviewed | 12 |
| Sandy Neutral Review Data (September 8, 2017) | Number |
| Total Files Received by Neutral Review Operations Group | 2,281 |
| Total Files Completed Neutral Review | 1,186 |
| Final Agency Decision Concurs with Neutral Reviewer's Recommendation | 1052 |
| Final Agency Decision Partial Concurrence or Non-Concurrence | 127 |
| Total Neutral Review Upheld but with Additional Payment Identified by FEMA | 8 |
| Total Additional Payments based on Neutral Review | \$21,807,043 |

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National Flood Insurance Program (NFIP) Transformation

Summary of Changes

FEMA's top priority is to support disaster survivors and help communities recover from the devastating effects of disasters. FEMA is making significant improvements to the National Flood Insurance Program (NFIP) to continue to accomplish this mission and to better serve policyholders who experience loss from flooding.

FEMA has implemented several changes in how the NFIP operates, with a focus on the customer experience and greater oversight of the Write Your Own (WYO) insurance companies. Our vision for reform is a broad effort that emphasizes the principles of trust, predictability, value, and choice for the policyholder.

The Sandy Claims Review Division focused on improvements to the NFIP that included the need for increased oversight of the program; enhanced education and training; strengthened data gathering and analysis capabilities; and, improved customer experiences.

In May 2016, FEMA published in the Federal Register a [Notice of Proposed Rulemaking](#) to remove the Financial Arrangement between FEMA and the Write Your Own (WYO) insurance companies from the NFIP regulations in order to make changes without going through the rule-making process. After a public comment period, this [Final Rule](#) became effective on December 23, 2016.

FEMA is overhauling and realigning our entire organization to improve the customer experience. For example:

- The toll-free FEMA Registration Hotline provides customers direct access to the NFIP if they are having trouble with their claim, adjuster, or engineer. This one-to-one service improves the customer experience and serves as an “early warning system” for FEMA to become aware of problems sooner, so we can take action to address them.
- In some disaster operations, the NFIP establishes a field office, known as a Flood Response Office (FRO), to provide technical support to adjusters operating in the affected area. Being onsite with state insurance officials allows NFIP representatives to have immediate, direct visibility on daily flood-related activities. These NFIP experts also provide a unique perspective of the customer experience and help facilitate the relationship between policyholders and their flood insurance adjusters.
- FEMA established an oversight team to work closely with the NFIP to address standard billing practices provide litigation-related advice and concur on litigation settlements on NFIP cases when asked by a WYO company.

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National Flood Insurance Program: Summary of Improvements

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| August 2017 | In mid-August, in response to Congressional requests FEMA extended the previous timeline so that a policyholder can request a telephone conference call for a Neutral Review and the oral presentation must be concluded by October 25, 2017. |
| June 2017 | On June 30, 2017, FEMA announced upcoming important dates for the Neutral Review process. For any outstanding claims in the Sandy Claims Review, if a policyholder desires a Neutral Review to be conducted via a telephone conference call, this must be scheduled by August 1, 2017 and the oral presentation must be concluded on or before September 30, 2017. |
| February 2017 | On February 21, in an effort to work for a resolution of claims, FEMA proactively scheduled oral presentations for claims that have requested a Neutral Review and provided those dates to policyholders with 30 days (March 21) for them to respond and reschedule if a different date is preferred. |
| December 2016 | In spring 2016, FEMA published a Notice of Proposed Rulemaking in the Federal Register that proposed removing a copy of the current Financial Arrangement between FEMA and the Write Your Own (WYO) insurance companies from the NFIP regulations. This proposed rulemaking change allows FEMA in the future to make revisions and updates to an outdated WYO Arrangement. After a public comment period, the Final Rule became effective on December 23, 2016. |
| December 2016 | Due to significant delays in the Neutral Review process, FEMA modified the necessary requirements for a review to occur. When a policyholder requests a Neutral Review, this signifies that documentation is included for the review to occur on the presented information. |
| November 2016 | FEMA clarifies guidance to Write Your Own Companies about third-party check endorsements. After FEMA and the policyholder reach an agreement on the results of the claim review, and if the review indicates additional payment, FEMA directs the NFIP insurer to issue a check in the name of the policyholder, including any loss payee. By law, FEMA must include on checks the names of those with secured interests at the time of loss, such as a mortgage company or the U.S. Small Business Administration. The policyholder is responsible for negotiating with lienholders regarding the distribution of funds. |
| October 2016 | FEMA published clarification for WYO companies about the listing of third parties on a payment check that is not in litigation. This program bulletin lays out the procedures a third party must follow to be included as a payee. The manner in which a flood insurance claim payment is issued, including the payees on a check, is governed exclusively by applicable federal laws and regulations, and the terms of the Standard Flood Insurance Policy (SFIP), and must comply with the Assignment of Claims Act. |
| May 2016 | FEMA also announced steps to control legal costs associated with flood insurance-related litigation. When a policyholder sues a WYO Company as a fiscal agent of the United States, the company is responsible to its insured and taxpayers to defend the litigation in a cost-effective and appropriate manner. FEMA reimburses insurance companies that service flood insurance for all reasonable litigation expenses. |
| March 2016 | At FEMA’s request, the Office of Inspector General (OIG) conducted an audit that concluded that the agency does not provide adequate oversight of the National Flood Insurance Program (NFIP). FEMA concurred with each of the seven recommendations for improvement in the audit report. |

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