

# HURRICANES

## A COMPLETE POLICYHOLDER'S GUIDE AND PREPAREDNESS CHECKLIST



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## Hurricane Facts & Figures

- Hurricane Season begins on June 1 and ends on November 30 each year, though hurricanes can occur outside this timeframe as well.<sup>4</sup>
- A cyclone with maximum sustained winds of 39 mph to 73 mph is called a tropical storm. When its maximum sustained winds reach 74 mph, it's designated a hurricane.<sup>5</sup>
- Nearly 40% of all hurricanes to hit the U.S. from 1851 through 2022 have hit Florida.<sup>6</sup>
- Hurricanes have caused over \$1.3 trillion in damages since 1980 (as of August, 2023), with an average cost of \$22.8 billion per event.<sup>7</sup>
- Hurricane Ian in 2022 was the deadliest hurricane to strike Florida since 1935 and the third-costliest hurricane in U.S. history, behind only Katrina in 2005 and Harvey in 2017. Losses from the hurricane are estimated at about \$113 billion.<sup>8</sup>
- The Great Galveston Hurricane on Sept. 8, 1900 was the deadliest weather disaster in U.S. history, killing at least 8,000 people, with some estimates as high as 12,000.<sup>9</sup>
- While we usually associate hurricanes with warmer, tropical areas, hurricanes cannot form within 5 degrees latitude of the equator. That's because the spin of the earth and the resulting Coriolis force is a factor in hurricane formation, and that force is actually at its weakest near the equator.<sup>10</sup>
- An average of 10 tropical storms develop over the Atlantic Ocean, the Caribbean, and the Gulf of Mexico each year. Usually about six of them become hurricanes.<sup>11</sup>
- Storm surges can raise water levels by over 30 feet.<sup>12</sup>
- While faster-moving hurricanes produce a higher storm surge at the immediate coastline where they make landfall, slower-moving storms can produce a surge that penetrates farther inland.<sup>13</sup>

*See references on page 13*

## Katrina. Ian. Harvey.

Powerful hurricanes are such massive, region-altering events that we remember them by name. They can devastate whole cities and economies, throwing millions of people's lives into chaos.

**And they're getting worse.** According to the National Oceanic and Atmospheric Administration (NOAA), tropical cyclone intensities are getting more powerful, hurricane rainfall rates are projected to increase by 10-15%, and sea level rise is causing more extensive flooding throughout coastal areas.<sup>1</sup>

These changes also make forecasting more difficult. Hurricanes in the Atlantic Ocean are now more than twice as likely than they were several decades ago to grow from a weak tropical storm into a major Category 3 hurricane or higher in just 24 hours.<sup>2</sup>

Nearly 40% of the United States' population lives in coastal counties where the growing intensity of these storms has made finding good, reliable insurance more expensive and contentious than ever. That's why we've put together this guide.<sup>3</sup>

This eBook helps you prepare for the worst: We show you how to stay safe, how to find the best insurance policies to protect you, how to make a claim post-storm, and what to do if your claim is denied.



## Begin by Documenting Your Property

Good record-keeping is critical for establishing exactly what you lost in a storm. That's why it's in your best interest to document your property as thoroughly as possible, both inside and out.

### Get an Up-to-Date Home Inspection

The first step in that process: getting an up-to-date home inspection. Make sure the records from your last home inspection are safe, and if it's been more than a decade since your last inspection, be proactive, and get another one. It only costs a few hundred dollars, but it can save you tens of thousands down the road.

You should also determine whether or not your insurance company performed an underwriting inspection when you first got your homeowners policy. Most insurance companies used to send an adjuster to take an initial survey of the state of your property before they approved your policy. However, this has become far less common today, especially among major carriers and for low-premium policies. This may seem like a time-saver when you're getting your home insured, but it puts the burden on policyholders to establish a baseline for the condition of their property prior to a claim.

For that reason, it's optimal to go with an insurance company that completes a thorough review of your home at the inception of your policy and performs regular inspections whenever you update your property. If your insurer doesn't suggest an underwriting inspection, request one. This way, either they do one, or, if they don't, there's a record of their refusal to do their due diligence.

### Make an Inventory

Document your home and your possessions as thoroughly as possible with photographs. Take detailed pictures of the exterior of your house and of each room. Keep a complete inventory of your possessions backed up with photographs, receipts, and serial numbers whenever possible. The more detail, the better. Try to update the list once a year – think of it like part of your spring cleaning routine – and store your records on a remote server or the cloud to ensure they're accessible and won't get lost in an accident. Additional appraisals may be warranted for high-value items, such as antiques in a home or heavy equipment in an office building.

If the process of keeping records feels too overwhelming, there are home inventory apps and software you can use. There are even professional inventory services if you're looking for particularly detailed and impartial documentation.



## Preparing for the Storm: A Checklist

### Know Your Flood Zone

During any hurricane, flooding and storm surges pose the single greatest threat to life. That's why even before a hurricane is on its way you should know whether your home is in a flood zone and what sort of risk that entails.

Familiarize yourself with your state's specific flood zone protocols and designations. (For instance, Florida's [Know Your Zone, Know Your Home](#) page categorizes flooding evacuation zones from A to F and maintains a site for regular updates on evacuation orders and safe-travel routes.) At the national level, the Federal Emergency Management Agency's (FEMA's) [Flood Map Service Center](#) is the official go-to location for flood hazard information used by the National Flood Insurance Program (NFIP).

### Follow Evacuation Orders

Unlike with tornadoes, which can develop and strike very suddenly, hurricane tracking has gotten very sophisticated, and you can know days in advance when a storm is headed your way, even if the precise time and place of landfall is a little hazy. That's why you should always stay informed by monitoring your local news, paying attention to alerts from authorities, and heeding evacuation orders when they're issued.

For people who live in hurricane-prone areas, it's tempting to delay or ignore orders based on past good luck, but the longer you delay, the harder it is to get away when you need to, and the more difficult it is for first responders to reach you in an emergency. Familiarize yourself with official evacuation routes, and determine where you can go to wait out the storm in an emergency.



## How To Protect Your Property

Here's a checklist for protecting your home from a hurricane.

### Your House

- Remove debris from your gutters so that rain water is directed away from your house.
- Get your roof inspected for loose or missing shingles that could lead to leaks and water damage.
- Fortify doors and windows from impact with shutters or plywood – that includes your garage door, especially if you have an attached garage.
- Make sure that any holes where wires, pipes, or cables enter or exit the house are sealed as tightly as possible. Seal cracks or other openings with caulk. Be on particular lookout for cracks near electrical equipment, such as outlets, electrical boxes, or circuit breaker panels.
- Test your smoke and carbon monoxide detectors.
- Unplug electronics and appliances before evacuation to reduce the likelihood of an electrical surge.
- Double-check your generator if you have one. Keep it in good working order so it works if the power goes out.

### Your Yard

- Keep the trees around your house trimmed, and remove dead or perilous branches.
- Pile sandbags around doors and entryways, basement and ground-level windows, and low-lying areas around your foundation in order to block floodwaters. Stack them at least two rows high, overlapping them like bricks for a tighter seal and covering them with tarp.
- Tie down or take in any loose items around your house, such as grills, umbrellas, patio furniture, birdbaths, lawn ornaments, pool accessories, etc.

- Remove any loose items or debris from sheds, gazebos, or other secondary structures. Take down any fabric or other items that are likely to cause wind resistance, and anchor the structure as best you can using brackets or ground anchors.

### Your Car

- Fill your tank as early as possible, in case gas stations are temporarily closed or experiencing prohibitively long lines.
- Park your car in a garage or a sheltered enclosure if you can.
- Avoid parking under trees or power lines if you must park outside.
- Cover your car with a well-secured tarp to protect it from minor dings or scratches.
- Leave the parking brake off so it isn't damaged if the car is moved by flood waters.

### Your Boat

- If possible, take your boat to an indoor dry storage facility.
- If your boat's in a marina, follow their guidelines closely.
- If your boat is docked, allow for a storm surge by lengthening dock lines and adding spring lines to absorb shock.
- If your boat is on a lift, take it off, put it on a trailer, and bring it as far inland as possible. At minimum, avoid leaving it near trees or power lines.
- Remove any loose items from your boat, and store them someplace safe.
- Seal all windows, vents, and hatches with waterproof tape.
- Secure the boat to the trailer or to ground anchors.





## Understanding Your Policy

Knowing exactly how your homeowners insurance policy works is critical to making sure you're protected. But understanding these policies isn't as easy as it might seem.

Remember, these are lengthy legal documents with technical language that's often difficult to interpret for anyone who isn't an expert. This can include insurance professionals themselves, which is why it's critical to make sure your agent explains how your policy works to you in plain language. Ask questions posing real-world scenarios:

- "What would be covered if a hurricane caused a tree to collapse on the roof of my home?"
- "Would the gazebo behind my house be covered if it were damaged or destroyed by a hurricane?"
- "What would happen if a hurricane led to flooding that destroyed personal property on the first floor of my home and led to mold growth?"

Get particular with your questions, and record your insurance agent's answers. In the same way you keep records of all your property, keep records of every interaction with your insurance company. If you can't literally record them with a microphone or on your phone, take notes, then send the notes in an email after the meeting, confirming the explanations the agent gave you.

## Types of Coverage

Discuss your policy with your insurance agent to determine the type of coverage you need and what you can afford. You should read your policy carefully to make sure you understand the causes of loss the

policy insures, the types of property it covers, and any noteworthy exclusions that could affect your coverage.

Obviously, every policy comes with a trade-off between the cost of your premiums and the level of risk the policyholder is willing to assume. Remember that most "all-risk" homeowners policies don't provide coverage for all risks. For example, a typical "all-risk" policy covers losses caused by hurricane winds but doesn't cover losses caused by flooding.

## Homeowners Versus Flood Insurance

Homeowners insurance typically covers the damage done to your home's structure from the powerful wind, rain, and hail encountered in a hurricane. However, insurance companies in every coastal state from Maine to Texas have separate deductibles – or sometimes even exclusions – for windstorms and hurricanes, so it's essential to check your policy if you live in a high-risk coastal area. You may occasionally have to purchase a separate windstorm insurance policy or add it as an endorsement to your homeowners policy.

On top of that, standard homeowners insurance doesn't cover flooding, which is a major risk during hurricanes. You need a separate flood insurance policy to cover damage caused by rising water, including storm surges. You can purchase flood insurance through some private insurers but most often through the NFIP. Premiums vary depending on your property's location and flood risk, and NFIP policies have maximum coverage limits for building and contents damage.

Flood insurance policies also usually have a 30-day waiting period before coverage takes effect, so it's important to make sure you're insured before hurricane season begins on June 1.



## Windstorm and Hurricane Deductibles

Hurricane and windstorm deductibles in homeowners insurance policies are usually listed as a certain percentage of the home value (often 1 to 5 percent) as opposed to a fixed-dollar amount. That means you may be responsible for paying anywhere from \$4,500 to \$22,500 on a \$450,000 house before your policy covers any additional damages from a hurricane, depending on your deductible.

To make matters more complicated, some insurers distinguish between windstorm deductibles and hurricane deductibles. Policies may include a triggering event for when hurricane coverage is applicable: Sometimes these triggers specify hurricane coverage only kicks in for “named storms” or for storms that are officially designated “hurricanes” (rather than “tropical storms”) when they make landfall.

## Coverage for Other Structures on Your Property

Hurricanes don't just threaten your home; they can cause extensive damage to other structures on your property that fall under what's called Coverage B in your homeowners insurance policy. Coverage B applies to non-dwelling structures, such as fences, sheds, pools, detached garages, guest houses, gazebos, etc. Amounts can vary depending on your policy, but typically the limit for Coverage B is 10% of the limit for Coverage A (i.e., your main dwelling). So, for instance, if the limit for your Coverage A policy is \$480,000, the limit for Coverage B will be \$48,000.

## Personal Property and Additional Living Expenses Coverage

Hurricanes and the flooding that goes with them can utterly wreck a home, both inside and out. That's why, to stay protected, it's crucial to have **Personal Property coverage** (for the items within your home) and **Additional Living Expenses (ALE) coverage** (for costs that arise if a storm renders your home uninhabitable and you're forced to live somewhere else while it's

being repaired or rebuilt). Coverage for ALE or business interruption are generally subject both to a deductible and a specified time frame: In other words, the coverage only begins after a designated number of days or weeks. During this time, the losses and extra expenses are borne by the policyholder.

## Actual Cash Value Versus Replacement Cost Value

There's another key source of dispute when homeowners look to their insurance company to make them whole again after a storm, and that's the difference between **Actual Cash Value (ACV)** and **Replacement Cost Value (RCV)**. Let's review the difference:

- RCV coverage permits the policyholder to replace lost or damaged property with new property regardless of the “depreciation.” In other words, if a six-year-old roof is destroyed in a hurricane, a replacement value policy covers the cost of a new roof.
- ACV coverage provides the cash value of the roof at the time of the loss e.g., minus seven years of depreciation). ACV policies are typically more affordable than replacement cost because they cover less. Make sure you understand this when you're purchasing coverage.

## Recoverable Depreciation

Be on the lookout for recoverable depreciation. Sometimes insurers only issue a check for the actual cash value and won't pay out the remainder of the replacement cost until the policyholder has made the replacement purchase. Insurers sometimes play down this feature of the policy so that policyholders won't realize they're entitled to further repayment.

If you're uncertain what your current policy covers, talk to your insurance agent and ask thorough questions about real-life situations as mentioned above. If you feel like you aren't getting straight answers, or you're concerned by difficult-to-understand legal language that isn't being adequately explained by your agent, you can always speak with a lawyer.





## What To Do When You File a Claim

The task of rebuilding and recovering after a hurricane can feel monumental. There are a thousand problems to solve, and the last thing any homeowner wants in that situation is a fight with their insurance company. This section of the eBook walks you through what you should do when you're surveying and documenting the damage after a storm, how to communicate with your insurance company, and how to keep thorough records in case of a dispute.

### A Safety Checklist for Returning Home After Evacuation

- When you first return home, be on the lookout for:
  - Downed power lines
  - Broken or otherwise dangerous tree limbs
  - Damaged roof tiles, stripped away siding, and any damages to the structure that could leak and lead to further water damage
  - Flood waters that haven't yet receded
- Always avoid walking through flood waters if possible because they can contain debris or unknown contamination. Keep curious kids out of the water.
- Avoid drinking tap water at your home until local authorities indicate that it's safe.
- Be careful opening closets and cabinets in case their contents have shifted.
- Wear personal protective equipment (PPE) during cleanup, such as work gloves, heavy boots, safety glasses, and face masks or respirators.
- Keep an eye out for less visible forms of structural damage. Look for nail pops, cracks in lumber or in the foundation, and beams that have been twisted or torqued. These could be indicators that hurricane winds caused structural damage to your home that could have significant consequences down the road.

- Check for mold growth, especially as time passes. Mold can be particularly insidious and hard to detect. Be on alert for water stains, peeling paint, musty odors, or new or heightened allergic reactions, all of which could indicate the presence of mold somewhere in the house.

### Document the Damage

Contact your insurance company to begin the claims process as soon as possible after the storm. Life gets in the way after a disaster — there are a thousand other things to attend to, and if you're still living on your property, you probably want to start the clean-up and repairs as quickly as you can. But you also need the damage to be as fresh and evident as possible for when the insurance adjusters come to document your claim for the company. Remember, it's in their best interest to not be thorough, and they're likely to be busy, especially after a major storm. The sooner you can get them out to your property, the better.

That's why, if you can do so safely, **you should take photos before you begin clean-up or basic repairs.** Take detailed photographs or even videos of the damage with a camera or smartphone. Be as thorough as possible. Don't just take a single photo from far away. Get as close as you safely can to every part of your damaged home to document everything. That means close-up photos of everything that's been affected by the storm.

Make a note to take photos at different times of day: Some forms of damage that may be apparent in person may not be readily visible in a wide-angle photo at midday, but when the sun is lower in the sky and the light hits the shingles just right, suddenly a photograph may show dents and cracks all over a roof not captured the first time. Plus, returning to take additional photos allows you the chance to notice more damage than on your first inspection.

Thorough documentation can help expedite your claim once you submit it. Even if it doesn't, photographs are useful for reference if you need to appeal a decision, and they demonstrate due diligence on your part.



## Stay Safe While Checking Your Roof

Checking your roof for damage is innately more difficult than checking other parts of your home because of the risk involved. Here are some recommendations for staying safe.

- Look first for signs of damage from inside your home. Check the attic and ceilings for water stains, leaks, or other signs of damage. This can give an indication of where to focus your inspection from the ground up.
- As best you can, use binoculars or a camera with a zoom lens to inspect the roof from the ground level. Look for missing, cracked, or dented shingles, debris in your gutters, and/or damage to flashing around chimneys, vents, and/or skylights.
- If you suspect significant damage but you're unsure of what to look for, hiring a professional roof inspector is the safest and most reliable way to assess your roof's condition.
- Avoid going up on the roof yourself unless you have experience. When in doubt, it's best to leave roof inspections to trained professionals who are equipped to do them safely. If you must go on the roof, take these precautions:
  - Never go up on your roof immediately after a storm while it's still wet. Wait until the weather has fully cleared and the roof is dry.
  - Ensure a sturdy ladder is properly secured and positioned on level ground. It should extend at least 3 feet beyond the roof edge. Have someone hold the ladder for stability.
  - Always have someone with you who can call for assistance if necessary and who can spot you while you're on the ladder.
  - Wear rubber-soled shoes for better traction.

- Work slowly and deliberately, avoiding sudden movements. Stay on the sturdiest parts of the roof, typically near the eaves and over rafters.
- Be aware of power lines and other hazards.

## How To Work With Adjusters

When the adjusters arrive at your home, make sure to follow them around as they document the damage to your property. Point out everything you can, and if they're unable or unwilling to document parts of the property, follow up with an email to them afterwards, making note of what they did and didn't do.

For instance, if the adjuster surveys the damage to your roof from the ground floor but doesn't get up on a ladder to check it out in detail, make note of that, and send them an email that notes that fact. Make a note of any promises they make or estimates they give you, then communicate that back to the company in an email. You might also want to check with your adjuster to find out what company they work for. Often larger insurance companies farm out adjuster work to contractors – sometimes even equipping them with the insurance company's logo or branded paraphernalia even though they're independently contracted. This can create confusion in the process for policyholders and lead to competing claims later on about which entity was responsible for which decision or assessment of your property.

It's essential for you, as the policyholder, to stay involved with the claim. If the repair work is being done by a contractor that's filing for repayment on your behalf, don't leave all the work to the contractor. Get your contractors to take before-and-after photos of work, or take those photos yourself. You don't want your understandable haste to perform repairs to eliminate evidence of the damage that was done.



## Thoroughly Vet Your Contractors

It's important to carefully research and vet the contractors you hire. Be sure to research their online ratings, credentials, and verify that they're licensed (if required) and insured. A properly licensed and registered contractor, especially those that are locally owned and operated or have experience in your market, are the most capable to inform you of local building code requirements, city ordinances, permit requirements, warranty information on the roofing products, etc.

You may encounter roofing contractors or others offering to waive your deductible as part of a sales pitch. We cannot stress this enough: Stay away from these contractors, as they are setting themselves and you up for potentially fraudulent activity. This is why we recommend only working with licensed and insured professionals. **Never agree to do business with someone who offers to waive your deductible or promises a rebate because it may result in insurance fraud and invalidate your claim.**



## What To Do if Your Claim Is Denied

Here are some other common reasons insurance companies deny claims:

- **Not enough coverage.** The insurer claims your policy limits might not have been adequate to cover the total damage caused by the hurricane or they lowball the estimate so that it doesn't exceed your deductible.
- **Excluded perils and disputes over damage caused.** Insurers may claim damage was caused by something excluded from your policy (i.e., wear-and-tear or flooding), rather than the storm itself, and argue that you needed a separate policy or endorsement to cover your losses.
- **Neglect and poor maintenance.** If your insurer determines that damage resulted from pre-existing issues or poor maintenance on your part, the claim could be denied.
- **Late reporting or missed deadlines.** Insurance policies have strict deadlines for filing claims. Failing to file a claim promptly can be grounds for denial, which is why it's important to begin the process immediately, and keep it going until you receive payment.
- **Lack of documentation.** If you can't provide photos, videos, receipts, or a detailed home inventory, your claim could be denied or reduced on the grounds that there isn't sufficient evidence.

If your claim is denied, it's crucial to be persistent. Obtain an explanation for the denial in writing, consult your policy, gather your evidence, and submit an appeal. Insurers often initially deny a claim simply as an opening tactic. Don't be disheartened. Appeal the decision immediately. Make it clear you're going to push back.



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## Call Merlin

If you think an insurer has undervalued your property, is delaying paying what it owes, or is refusing to pay outright, reach out. You deserve advice from an attorney with substantial experience in first-party property insurance claims.

Since 1985, **Merlin Law Group** has represented policyholders in states all across the country from Florida to California. Our attorneys have represented homeowners, small business owners, HOAs, school

districts, municipalities, government entities, and even industrial farms – clients that have suffered almost every catastrophe imaginable – only to find that their insurer refused to pay what they owed. If you need assistance with any part of the insurance claims process, call us. As The Policyholder's Advocate™, we have your back.

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