

## **The Jewish Ledger**

### **Q&A with ... Barbara Schellenberg**

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*A Connecticut lawyer talks about what you need to know to survive the effects of Hurricane Sandy*

**By Judie Jacobson**



Barbara Schellenberg

With so many homes and businesses left damaged or destroyed in the aftermath of Hurricane Sandy, we wondered what Connecticut residents affected by the storm need to know to get back on their feet today – as well as prepare for tomorrow.

So we asked an expert.

Barbara M. Schellenberg is an attorney with the Bridgeport- and Westport-based law firm, Cohen and Wolf P.C, where she handles a broad range of land use and zoning issues and chairs the firm's appellate practice group.

Active in the community, Schellenberg currently serves on the Executive and Strategy Teams of Congregations Organized for a New Connecticut, a diverse interfaith community organization comprised of trained leaders from religious institutions in Fairfield and New Haven counties who have joined forces to address a variety of local community concerns. She was a member of the Board of Directors of the Jewish Family Service of Greater Bridgeport for seven years and is currently on the Board of Directors of Congregation Beth El in Fairfield, where she served as co-chair of the 2011-2012 Rabbi Search Committee. She also served as co-chair of Beth El's Social Action Committee for six years.

A Cornell University graduate, Barbara received her J.D. from the University of Pennsylvania Law School. She lives in Trumbull with her husband, Dan Wolf, and their three children.

**Q. Even for families that were fortunate enough to come through the storm unscathed, the possibility of future weather-related catastrophes looms ahead. What are some of the most important considerations for property owners?**

**A.** First and foremost is the question of insurance coverage. So although picking up the pieces after this massive storm will be challenging, you need to know how to maximize your insurance recovery. There are simple first steps to take, including finding your insurance policy – the entire policy. Then, contact your insurance company or agent immediately. Take photos of the damage, and make a detailed list of damaged and lost items. For the future, it is important to ensure you have replacement coverage for your home and contents or you could face significant out-of-pocket costs. As well, consider adding flood insurance to your policy, particularly if you live in an area prone to this type of damage.

**Q. Can you go ahead and begin repairs to any damage to your property?**

**A.** You shouldn't make any permanent repairs until your insurance company has inspected the property. Simple, temporary repairs, such as boarding up a broken window, can be done right away if clearly documented. If you can still live in your home, talk with your agent about critical repairs that you need to make immediately, and stress the timeliness involved. Consider retaining an independent insurance adjustor as you may get a more comprehensive and realistic estimate of the costs involved.

You should keep a detailed diary of any and all contacts and conversations with your insurance company, in writing, and store safely just in case you need it for future reference if there is a conflict.

When you get to the stage of making the actual repairs, or when you hire someone to do so, save all receipts for your claim, even if they may seem inconsequential. Make sure to keep receipts for everything, including for hotels, meals, and gas for generators.

**Q. As they say in real estate, is the first offer always the best offer?**

**A.** Not when it comes to an insurance settlement. Many companies will want to settle quickly, but you should consider very carefully whether or not their offer actually covers your costs. With many losses, there are likely to be many issues not immediately obvious and possibly not discovered until after the rebuilding starts. Once you have settled your claim, the insurance company will not pay extra. Don't feel like you have to agree on a settlement. If you cannot reach an agreement with your insurance company, consider hiring a public adjustor or an attorney. If you believe you are being treated unfairly, consider calling the Connecticut Insurance Department Consumer Helpline (1-800-203-3447) or contacting an attorney.

**Q. Are there any "hidden" factors that may make your claim larger than you think?**

**A.** Absolutely. Before you resolve claims with an insurance company, it is important to know the full impact of the storm on your home or business and to know your rights. Local zoning, wetland or costal management regulations can have a significant impact on your ability to rebuild your home or business. Current zoning regulations in some towns might prevent you

from rebuilding the property as it was originally configured. In such an event, your claim may be significantly larger than you think. In some cases it is best to talk to an attorney about the impact of federal, state, and local regulations on rebuilding.

**Q. Are federal or state permits required for repair and reconstruction? Are local permits always necessary?**

**A.** The answers to these questions depend on a number of factors. While there are federal and state regulations to be followed, local zoning, wetland and building officials also have jurisdiction. The applicable rules can be complex and they are specific to particular towns and locations. Despite the urge to start immediately, it is important to analyze all the regulatory requirements, before you act. Issues concerning insurance, disaster assistance and financing should be addressed. The severity of the damage may require new construction to conform to current regulatory standards or may restrict or prevent rebuilding altogether.

Rebuilding to more stringent standards may be a good investment for homeowners and may make properties less vulnerable in the future.

The insurance commissioner has ruled that, in Connecticut, Sandy was technically not a hurricane but a severe tropical storm. That is a considerable benefit to those filing claims with their insurance companies because most homeowners' policies demand increased deductibles for hurricane-related claims.

**Q. Are government funds available to help with recovery?**

**A.** The Federal Emergency Management Agency (FEMA) and the Small Business Administration may have low-interest loans available to assist. There are FEMA offices now open throughout Connecticut to help with victims of Hurricane Sandy. Personnel are available at those offices to help fill out the paperwork.

**Q. Are there other issues of which consumers should beware?**

**A.** Yes. Many automobile dealers sustained damage to the vehicles on their lots. The car you are considering buying may be one of those, even though it appears to be in great shape. It is critical to determine if the car sustained any water damage before purchase, especially when the price is very low. As well, consumers should beware of contractors knocking on your door, unsolicited, offering to repair your damage. Is the contractor licensed? Are there complaints with this person filed with the Better Business Bureau? Be sure to pay only after successful completion of repairs. The quality contractors will be particularly busy, but they are probably worth the wait.