



Lowenstein Sandler's In the Know Series Video 23 – Weathering the Storm: Best Practices for Insurance During Hurricane Season

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Eric Jesse:

Hi, I'm Eric Jesse, partner in Lowenstein Sandler's [Insurance Recovery Group](#). Welcome to "[In the Know](#)."

As many throughout the country know all too well, hurricane season is upon us, and many companies may need to look to their property and business interruption insurance policies to try to weather the storm. Today, we're going to share a few key practical tips to ensure access to insurance coverage.

First—this goes without saying—but because we usually have advance warning of hurricanes and storms, it's in everyone's interest to take preventative measures to protect property. Everyone's situation will be different, but some policies may cover expenses associated with this loss prevention, so check your policy to make sure that you don't leave that coverage on the table.

Second, you're going to need to be aware of key policy deadlines. Providing prompt notice of a loss to the insurer is critical, not only to comply with any policy requirements, but so that the loss adjustment process can begin as soon as possible. When providing the notice, we often recommend just describing the damages sustained and keeping any statements about the nature and cause of the loss general, while you're conducting your investigation, because the last thing you want to do is describe the loss in a way that walks right into an exclusion.

Property policies often have other deadlines besides notice of loss. The policy may require providing a proof of loss submission within months of the event and missing that deadline or not obtaining an extension could be fatal. Property policies often shorten the statute of limitations to bring a lawsuit to just one or two years, so be aware of those provisions so a coverage action, if needed, can be timely commenced or a tolling agreement can be obtained.

Third, documenting the property and preventative measures before the storm and the damage right after the storm with pictures or video—if safe to do so—is also important. This will aid the loss adjustment process to help insurers—or a judge or jury, if necessary—to visualize the damage as it existed at the time. This is particularly important if the insurance adjuster cannot arrive on site to do an inspection in the short term. To the

extent possible, we also recommend not discarding any damaged property until the adjuster can see it with his or her own eyes. There may be policy requirements to that effect as well, but if the damaged property must be discarded in the short term, proper documentation will help to substantiate the claim.

We hope everyone stays safe this season. Thank you for joining us on "[In the Know](#)."