

McGuireWoods

**Insurance Recovery Checklist for
California Homeowners Who Have
Suffered Wildfire Losses**

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www.mcguirewoods.com

A standard homeowners (or renters) policy generally will provide insurance for damage from wildfires to your home and personal belongings, as well as for various living expenses you incur if you had to leave your home, even temporarily. For areas such as Los Angeles that have been declared to be subject to a state of emergency, an insurer is obligated to offer a payment under the contents (personal property) coverage in an amount no less than 30% of the applicable policy limit (subject to a maximum of \$250,000) without requiring the insured to file an itemized claim and, upon request by an insured, render an advance payment of no less than four months of living expenses. Thus, if you have suffered losses from the recent wildfires, your homeowners policy is a likely source of insurance recovery.

The California Department of Insurance issued a Notice on Jan. 9, 2025, that addresses many of the issues and outlines an insured's rights. It may be viewed here: [2025Notice-SigCALaw-ResIns-DecISOE.pdf](https://www.insurance.ca.gov/0250-insurers/0300-insurers/0200-bulletins/bulletin-notices-commiss-opinion/upload/2025Notice-SigCALaw-ResIns-DecISOE.pdf), available at <https://www.insurance.ca.gov/0250-insurers/0300-insurers/0200-bulletins/bulletin-notices-commiss-opinion/upload/2025Notice-SigCALaw-ResIns-DecISOE.pdf>.

However, dealing with insurance companies and submitting a claim may be a daunting, frustrating, lengthy and time-consuming experience. To aid you in that process, below is a checklist of steps you can take in navigating the claim process.¹

1. Locate a Complete Copy of Your Homeowners Insurance Policy.

- Given the destructive nature of wildfires, some insureds may find that copies of their policies have been lost or destroyed. Fortunately, many insureds and their agents or brokers now maintain digital copies of insurance policies, and insurance companies are generally required to maintain copies of current and recent policies.
- If you do not have a complete copy, you should request a copy of your policy from your broker, agent or insurer. Under California law, an insurer must provide your policy to you within 30 days of your request, although insurers typically provide copies upon request much faster than that.

¹ Please note that this is a general guide and does not provide legal advice. Appropriate steps and rights will depend on the specific policy terms and dealings with insurers, insurance agents and insurance brokers, as well as directives, orders, and notices from government agencies. You should consult with your own attorney, insurance broker, or insurance agent for specific advice and guidance.

2. Read Your Homeowners Policy.

- It is important to review what your policy covers and how much in coverage it provides. In particular, you should consider how much coverage your policy provides (1) to rebuild or repair your home, (2) for personal belongings and other personal property, and (3) for additional living expenses, such as hotels, rent for replacement housing, replacement clothing, and other essentials. Consider calling the insurer directly and asking for an overview of coverage. Every policy is different, and it is important to understand what your specific policy covers and any limitations.

3. Document All Potential Losses.

- After you incur a loss, an insurer will often request evidence of the loss or payments in the form of invoices and receipts. Prepare an inventory of all personal property, including receipts, photographs and video recordings. Because of the ease and ubiquity of digital photography, if an inventory of personal property was not completed before it was lost, insureds should review their photographs on phones and computers — and ask family and friends to do the same — to see what documentation of the property might be available to help support a claim.
- If your home was not completely destroyed (and, indeed, even if your structure was undamaged in the fires), you could still have suffered insured damage to your personal property — including clothing, furniture, and other personal belongings. Document all potential damage, including damage from water, smoke, ash and mold.
- Track all additional expenses that arise from living away from your home. Depending on the policy, the coverage for additional living expenses can pay for a variety of costs such as temporary rent, hotel bills, additional mileage, furniture rental, laundry service, replacement clothing, meals, and storage. The insured amount often is set at 20% of the dwelling coverage, and you can request cash advances.

4. Stay Organized.

- Now that you have suffered a loss, there is a lot of information to gather and there will be a flurry of documents and requests for information coming in. Having a system to keep track of that information and incoming requests will aid efficiency and your ability to timely provide the correct information.

- Keep detailed notes of all conversations, including who you talked to, when and what was discussed. Consider sending follow-up e-mails documenting what was discussed on the phone call to the extent necessary. Keep copies of all relevant texts, emails, and voicemail messages, and record messages you leave. Also, if you provide information through an online portal, take a screenshot or photograph of the information as provided.

5. Take Your Time and Consider Your Situation and Your Options.

- Evaluate your situation and do not rush into any decisions. In the wake of the wildfires, there will be a surge of public adjustors, lawyers, and contractors telling you they can help with insurance (often for a fee or a percentage of insurance recoveries). Consider the reputation of those offering help, as well as your financial and living situation, before entering into any agreements with consultants or attorneys. Depending on your circumstances, you might consider deferring the engagement of any adjusters, consultants, or attorneys (and their associated fees) until they are truly needed. But given the pressures involved, do not hesitate to seek advice when you feel you need guidance — just be careful that you fully understand any obligations that you might be incurring with the professional providing assistance.

6. Review All Notice Conditions and Provide Notice.

- Most homeowners policies have conditions calling for an insured to notify the insurer “as soon as possible” or “as soon as practicable” after a loss or other insured event. As part of this notice (which should be in writing or in whatever other manner the insurer requests), the insured usually must identify themselves and explain the time, place and circumstances of the loss.
- If an insured fails to provide timely notice, the insurer might be excused from its obligations. Therefore, an insured should do just what the policy calls for it to do — give notice as soon as possible. Still, there may be many legitimate reasons why notice cannot be given immediately after a loss, including the lack of power and telephone services, the lack of insurance information (because, for example, the information was destroyed or kept in an inaccessible location) and the need to concentrate on efforts to protect life or property. These delays generally are not a legitimate reason for an insurer to deny coverage. Furthermore, a delay in notice is usually only a viable defense for an insurer against coverage only if it can prove that it was actually and substantially prejudiced by the delay.

7. Submit All Necessary Information to Make and Support Your Claim.

- Every homeowners policy will have specific provisions that detail how to file an insurance claim and with whom the claim should be filed. These instructions should be closely followed, to the extent possible. Today, most policies offer a host of ways to make a claim including online, with a mobile app, or over the phone.
- Homeowners policies will typically require the insured to submit a proof of loss. This is an integral part of the claims process. Proofs of loss are signed and sworn statements that include the time and value of the loss. Proofs of loss usually must be submitted within a relatively short time — often within 30 to 60 days after the loss incepts or within 60 days after the insurer requests a proof of loss. An insured should ask for a written extension of time to submit a proof of loss if the claim is complicated or if the particular circumstances necessitate an extension. Most insurance companies will cooperate with such a request.

8. Cooperate With Your Insurer and Follow Up on Claim Correspondence.

- Reasonably cooperate with your insurer by responding to requests for information, providing access to your property, and providing relevant support for claimed damages such as invoices and records. However, you do not have a duty to respond to unreasonable demands.
- Follow up on all correspondence with insurers if you have not received a prompt response. Insurers are obligated to respond promptly — a typical requirement is that they respond to notice “immediately,” but no later than 15 days after notice. However, if you need a quicker response, reach out again (and ask your broker or agent to help) to get a response as soon as you need one.

9. Remember: There May Be a Need for an Appraisal of the Loss.

- If you disagree with your insurer about the amount of loss, most insurance policies call for the disagreement to be resolved by an appraisal. Generally, once a party has requested an appraisal, each party appoints an appraiser. These two appraisers then select a third impartial umpire. If the appraisers can agree on an amount, that amount is established as the amount of loss. If the appraisers cannot agree within a reasonable time, each submits an appraisal to the umpire, and a written agreement signed by any two of the three establishes the amount of loss.

- Your policy may have additional details regarding the parameters of a loss appraisal proceeding. You should familiarize yourself with those details prior to, and during, any appraisal proceeding.

10. Consider the Time You Have to File a Lawsuit.

- Most homeowners policies have a “contractual” limitations period. This is a condition that states a deadline by which an insured must sue its insurer if there is a disagreement over coverage. A common deadline is two years after the loss — but it can be shorter. These provisions typically are enforceable.
- However, under California law, the limitations period stops running when the insured gives notice and does not start running against until the insurer gives its final coverage position. Thus, practically speaking, the period within which to sue is not as short as stated in the policy — but the time should be carefully checked to make sure it does not lapse. In the event of doubt, the insurer should be asked to agree to a specific date.

Firm Overview

McGuireWoods is a leading international law firm with 1,100 lawyers in 21 offices worldwide. Its insurance recovery lawyers have represented insureds for decades in pursuing their insurance rights.

Insurance Recovery Group Contacts

As impacted homeowners begin to engage with their insurers, attorneys in McGuireWoods' Insurance Recovery Group are prepared to provide pro bono advice on the claims process. If you would like to schedule a call with one of the firm's attorneys, please contact:

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