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TORNADO DAMAGES

KNOW YOUR RIGHTS

Tornadoes, like other natural disasters, often bring a surge in scams, insurance disputes, and violations of consumer or tenant rights. Community members affected by a tornado may need to take time off work to rebuild their lives, and in that stressful, vulnerable period, some service providers may try to take advantage. Knowing your rights during a disaster protects your family now and helps you rebuild your home, car, and life with confidence.

Homeowners: Hiring Contractors for Home Repairs

The Wisconsin Department of Agriculture, Trade and Consumer Protection (DATCP) warns homeowners to be cautious of door-to-door solicitors who may not be a reliable resource for home repairs. DATCP often receives reports of transient repair crews showing up in the aftermath of storm damage. These crews, sometimes called "storm chasers," go door-to-door in affected neighborhoods using high-pressure tactics to solicit business. A repair crew knocking on a consumer's door and promising a quick fix may be tempting, but storm chasers have been known to provide poor quality work or take payment and not complete any work at all.

Given storm chasers are often not from Wisconsin, if something goes wrong, it could be impossible for a consumer to get their money back. DATCP encourages consumers to hire established local contractors instead of risking their money and property on unknown, out-of-state crews.

Tips for consumers

- If you feel pressured to sign a contract quickly, take a step back and investigate.
- Contact municipal officials to confirm a repair crew holds the property permits to operate in your area, including door-to-door sales.
- Ask for contractor recommendations from trusted sources such as your friends, neighbors, and insurance agents.
- Ask contractors if they are subcontracting your job, and if so, who will actually be doing the work. They are required to disclose any subcontractors to you.
- Contact a local building inspector to check if permits are needed for the repair work and have them inspect the completed work to verify it was done correctly before making your final payment to the contractor.
- Keep copies of all receipts, contracts, correspondence, warranties, and written materials.
- Have someone around to watch the work being done. That way it is less likely that steps will be skipped and more likely the job will be done quickly and properly.
- Request a copy of the contractor's certificate of liability insurance.

Get a written contract

Get a written contract which is signed by both parties that specifies:

- the contractor's name and address
- a start and completion date
- full description of what work will be done
- detailed list of materials to be used
- total price for the job
- warranty details

Prior to signing the contract, get a copy of the "Notice of Consumer's Right to Receive Lien Waivers" from your contractor.

Lien waivers

Get lien waivers from anyone that you pay for home repairs. It is vital to do this, because if the person collecting the money does not pay their supplier or workers, a lien could be put on your property. This can happen unless you have a lien waiver.

Consumers can avoid some problems by paying for materials themselves, dealing directly with the supplier.

Homeowners: Homeowners Insurance

If your property has sustained tornado damage, notify your insurance agent or insurance company right away to begin the insurance claim process.

Document the damage

- Make a list of damaged items, including cracks in walls, damage to floors, and missing roof tiles.
- If structural damage is likely, discuss this with your adjuster. In some cases, the adjuster may recommend hiring a licensed engineer or architect to inspect the property.
- Get the electrical system checked. Most insurance companies pay for such inspections.
- Take photographs of the damages.
- Keep swatches of damaged material (ex: carpeting, curtains, and furniture)
- Don't throw out any damaged property without the claim adjuster's agreement.
    - If local official require you to dispose of damaged items for safety, photos and swatches will help.
- Keep all receipts that document the cost of the repairs or the replacement of damaged items.

Protect yourself from insurance fraud

Wisconsin's storm chaser law protects consumers and businesses against insurance fraud. In Wisconsin, contractors:

- Cannot promise to pay any portion of an owner's property insurance deductible.
- Cannot negotiate with an insurance company on behalf of a customer. Contractors can only discuss damages and costs with insurers with the customer's permission.
- Must ask if the work is related to an insurance claim before they enter into a contract.
- Must notify customers of their rights to cancel the contract within three business days if their insurer denies any portion of the claim for work.

Complaints & Resources

If you have a specific complaint about your insurance, refer it first to the insurance company or agent involved. If you have questions or complaints about insurance agents, adjusters, or companies, contact:

Office of the Commissioner of Insurance of Wisconsin
WEB: oci.wi.gov
PHONE: (800) 236-8517
EMAIL: ocicomplaints@wisconsin.gov

For consumer protection resources, to file a complaint against a business, or to look up other complaints filed against businesses, use the following resources:

Wisconsin Department of Agriculture, Trade and Consumer Protection
Bureau of Consumer Protection
Email: DATCPHotline@wisconsin.gov
Website: datcp.wi.gov
PHONE: (800) 422-7128

Better Business Bureau
PHONE: (800) 273-1002 or (414) 847-6000

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Renters: Landlord & Tenant Rights

If you are a renter and a tornado has damaged your rental unit, it’s important to know your rights and responsibilities.

Do not withhold 100% of your rent

Even if your property feels uninhabitable, it is very important to know that Wisconsin law does NOT allow tenants to stop paying all their rent, even in the event of a weather emergency or natural disaster.

If a tornado has damaged the property in a way that affects you or your family’s health or safety OR if you cannot use certain parts of your property, you may pay less than the full amount of your rent. You are able to pay this amount of rent until the property is considered safe and livable again. If this happens, contact your landlord immediately. If your landlord does not respond, contact your municipality and your county public health department.

If a tornado has made your property completely uninhabitable, you can vacate the unit unless your landlord promptly makes repairs, or if any necessary repairs make it hard for you to live there. You cannot stop paying rent until after you vacate the unit, remove your belongings, and return your keys.

Document the damage

Each case is different and needs individual analysis. There is no specific amount under the law that a tenant can withhold from their monthly rent, nor conditions that make a property uninhabitable.

It is crucial to document the damage to the property with pictures, videos, and a paper trail of emails, texts, and calls to your landlord about the damage to the property.

Know your rights

It is against the law for your landlord to raise your rent, shut off your utilities, or evict you because you complain about the damage to your landlord, municipality, or county. Keep your municipality and your county departments updated about the status of the property, because they can order your landlord to fix the property and refer you to temporary housing if the tornado has made it unsafe for you to continue living there.

Personal property

Your landlord is not responsible for damage to your personal property as a result of the tornado. Just as a landlord cannot blame you for damage to the property caused by the tornado, you cannot blame your landlord either.

If you have renters’ insurance, you can file a claim to recover the value of your personal property. It is crucial to document the damage to your personal property with pictures and videos.

Resources

Winnebago County Public Health
112 Otter Avenue
Oshkosh, WI 54901
Web: www.winnebagocountywi.gov/health

Outagamie County Public Health Division
320 S. Walnut Street, Third Floor
Appleton, WI 54911
Phone (920) 832-5100 | Fax (920) 832-4924
Email: PHQuestions@outagamie.org
www.outagamie.gov/County-Services/Public-Health

Automobile Owners

After a tornado strikes, many vehicle owners may be in need of an auto body shop for damage repairs.

Consumer tips

Consumers seeking repairs to their motor vehicle should:

- Work with their insurance company to select the repair shop if the work will be covered by insurance.
- Ask for recommendations from friends, family, and other people they trust.
- Search for online reviews of the company and contact DATCP's Bureau of Consumer Protection to check if a specific shop has a record of complaints.
- Document all communications, transactions, and experience, including dates, times, expenses, and the names of shop staff.

Unauthorized repairs

Unauthorized repairs or price increases after the consumer received an estimate or quote are not allowed. A shop may hold a vehicle until the consumer pays for repairs that were authorized, but cannot keep it if the consumer refuses to pay for unauthorized repairs. After work is complete, the shop must provide an invoice describing all repairs, replaced parts (and their cost), and labor charges.

Resources & Information

For consumer protection resources, to file a complaint against a business, or to look up complaints against contractors or auto body repair businesses, use the following resources:

Wisconsin Department of Agriculture, Trade and Consumer Protection
Bureau of Consumer Protection
Email: DATCPHotline@wisconsin.gov
Website: datcp.wi.gov
PHONE: (800) 422-7128

Better Business Bureau
PHONE: (800) 273-1002 or (414) 847-6000

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Contact Legal Action of Wisconsin at

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Resource Locations

Food, Water, Supplies

- Jefferson Early Learning Center: 105 Ice St, Menasha
- Elks Lodge/St. Patrick's Church: 328 Nicolet Blvd, Menasha
  - Open 10 AM to 7 PM (charging and wifi available)
- Mill City Church: 120 N. Lake St, Neenah
- Calvary Bible Church: 1450 Oakridge Rd, Neenah
- St. Joe's Food Pantry: 1465A Opportunity Way, Menasha
  - Monday/Wednesday: 9 AM to 12 PM
  - Monday evenings: 4:30 PM to 6:30 PM
  - Tuesday/Thursday: 11 AM to 1 PM

Places for Charging Devices and Cooling

- Appleton North High School: 5000 N Ballard Rd, Appleton
- Elisha D. Smith Library: 440 1st St, Menasha
- Neenah Library: 240 E. Wisconsin Ave, Neenah
- Neenah YMCA: 5 AM to 9 PM, 110 W. North Water St, Neenah