

Handling your First Home Modifications Case

I handled my first home modification case shortly after I started practicing. My client was a six-year-old wheelchair dependent paraplegic. Before we started planning the modifications, I met my client and his family at their home. Watching him gingerly wheel around the cramped hallways, I was eager to get him the space he needed as soon as possible. Naively, I thought I submit a bill for the work, and the insurer would cut a check. The process, of course, was not that simple. Here are some tips I learned while handling this case. As you'll see, the following is not intended to be a comprehensive review of home modifications benefits, rather, these are just some tips for an attorney handling his or her first home mods case.

Hire a Good Occupational Therapist

A good Occupational Therapist will create a floor plan that not only accommodates your client's physical limitations, but enhances his or her quality of life. I was fortunate to work with Scott Robbins, an OT with Robbins & Associates out of Union Lake. After evaluating my client's home, he created an excellent floor plan, which was approved by the no-fault carrier. If your client is a child, your OT should create a floor plan that will accommodate your client in the future. In my case, Scott's plan included bedroom and bathroom additions to preserve my client's privacy and autonomy as he matured. It also included a room dedicated to his exercise equipment. As attorneys, most of us are not well versed in ADA specs or ramping options. As such, it is imperative to hire a knowledgeable OT.

Make Sure Your Client's Home is "Up to Code"

I started to feel out of my element as I was researching "hose bibs" and "Knob and Tube wiring." Most likely, your contractor will pull permits before starting construction. If your client's home is not up to code, he or she could be fined for the code violations, and your contractor will not receive a permit. As such, your contractor should inspect the home for any violations as soon as possible. In my case, my contractor hired plumbers and electricians to inspect my client's home for potential code violations. (Hence my googling "hose bibs.") Again, I was fortunate to have excellent people working for my client; Tom Holland with United Building Service out of Ferndale.¹ He explained all of the violations to my client's parents and I. They were able to make all of the necessary repairs to bring their home up to code, and a permit was issued.

Carefully Review the Contract for Home Modifications

One of the most time consuming parts of my case was finalizing the contract. We all know that insurance companies are primarily concerned with their exposure, and their priorities are no different in a home mods case. Here are some just a few common provisions you should be prepared to discuss with your client and the insurer.

¹ I have no financial affiliation with Scott Robbins, Tom Holland or their companies. They simply helped me produce a great result for my client.

- *Future Modifications, Maintenance and Repairs:* As with any no-fault claim, the insurer will want a release of future responsibility. Your contract must address future modifications, maintenance and repairs of your client's home. Consider adding a provision that the insurer remains responsible for any modifications or alterations necessitated by a change in your client's condition.
- *Taxes & Utilities:* The insurer may try to include a provision that your client remains fully responsible for all taxes and utilities. Our case law says otherwise (for now, anyway). Include a provision that the insurer remains responsible for all increases in utilities and taxes. Your client should be prepared to submit documentation of these increases to the insurer.
- *Homeowners Insurance:* The insurer will likely require your client to maintain homeowners insurance on the property. Your contract should state that the insurer will be responsible for an increase in the cost of insurance caused by the home modifications.

Hire an Excellent Contractor

As you can imagine, it is extremely important to work with a good contractor. You'll want a contractor that is certified in handicap-accessible building. Tom Holland and his crew worked quickly and kept me involved in the construction process. Ask your contractor to periodically email you pictures of the construction- it's exciting to see the progress.

Spend Time with Your Client at Home

This is a given: you can't fully understand your client's need for home modifications by reviewing a floor plan. You can't address every potential snag by signing a detailed contract. Spending time with your client at home helps you effectively advocate for him or her. Take the time to walk through your client's home with the OT and contractor. In my case, I learned a lot once I was there. The porch we planned on attaching a wheelchair lift to was clearly structurally unsound. My client's father had been carrying him over a patch of muddy grass to the bus stop every morning because his temporary ramp did not reach the sidewalk. I wouldn't have known about these issues by sitting at my desk and reviewing a floor plan. Also, I would have missed out on the most rewarding part of this case: my six-year-old client proudly giving me a tour of his newly modified home.