



FOR CLAIM INFORMATION CONTACT
City Clerk – City of Flint
1101 S. Saginaw St., 3rd Floor
Flint, MI 48502
CITYOFFLINT.COM
PLEASE RETURN FORMS TO THE CITY CLERK

DAMAGE CLAIM FORM

NAME: _____
ADDRESS: _____ WARD _____
CITY & STATE: _____ ZIP CODE _____
PHONE: (WORK): _____ (HOME): _____
DATE OF INCIDENT: _____ AMOUNT CLAIMED: _____
LOCATION OF INCIDENT: _____
NEAREST CROSS STREET: _____
DIRECTION OF TRAVEL: _____

DESCRIPTION OF CLAIM
(Attach additional sheets if necessary)

If this is a claim for damages to your home and/or its contents, you must state the name and phone number (include area code) of your local insurance agent and your policy number before we will process our claim. IF THE INSURANCE INFORMATION IS NOT PROVIDED THE CLAIM WILL BE AUTOMATICALLY DENIED AND THE FILE CLOSED.

NAME & PHONE NUMBER (include area code) OF LOCAL INSURANCE AGENT:

TYPE OF POLICY : _____

POLICY NUMBER: _____

PROPERTY DAMAGE CLAIMS PROCEDURE

Please read the information below carefully before you fill out the Damage Claim form

If Claimant believes that the City of Flint is liable for damage to his or her property. Claimant is not entitled to compensation unless he or she notifies the City of Flint of the claim of damage or physical injury, in writing, within 45 days after the date of damage was discovered or should have been discovered. Further, the City of Flint retains the right to inspect the damaged property. The City of Flint does not admit any liability for any damage that may have occurred. This form in no way establishes a right of recovery.

If you wish to file a claim for damage to your property because you believe the damage was caused by the City of Flint or its employees, you may fill out this Damage Claim form.

The information you provide on this Damage Claim form will be used in making a decision whether there is merit to your claim and whether the City may be legally liable for any of your damages.

If it appears to the Legal Department that your claim has merit and that the City may be legally liable, an amount will be recommended and a settlement offer may be made to you regarding your claim.

A recommendation of a settlement is not an admission that the City is responsible for any damage to your property. It only represents an attempt to settle, in good faith, a claim for which the City may be liable. The City has determined that personal injury and certain other claims will not be settled under the Damage Claim procedure and that injured citizens may want to contact the City of Flint Legal Department directly.

After your Damage Claim has been investigated by the City of Flint, you may receive notice that your claim has been denied because:

- 1) The City has no legal liability (i.e. it has an absolute defense such as Governmental Immunity.)
- 2) There does not appear to be any act or failure to act by the City or its employees which caused the damage to your property.

IF YOUR CLAIM IS DENIED BY THE LEGAL DEPARTMENT, THERE IS NO INTERNAL FORMAL REVIEW OR APPEAL FROM THE DECISION.

Below is a list of the categories of property Damage Claims which are processed by the City of Flint Legal Department under the Damage Claim procedure:

- Defective city street
- Dead or diseased trees on a city right-of-way
- Sewer back-up due to city mainline sewer stoppage. The Public Act 222 and Michigan Supreme Court case Pohutski v City of Allen Park 456 Mich. 675, 641 NW2d219 effectively limit governmental sewer liability claims to those resulting from sewer defects (i.e. collapsed line) and maintenance failures of its line. The City only liable if it had notice of the sewer defect in its line.

- MCL 500.3135 (3) (e) states mini-tort liability in Michigan is \$1000.00. If the vehicle is not insured under 500.3135 (4) (e) then the owner/registrator is not able to recover the mini-tort damages from the at fault driver, and if the claimant is more than 50% at fault they cannot recover the mini-tort damages.
- Under the State Governmental Immunity statues MCL 691.1402 and MCL 691.1403 you must show that the City of Flint failed to maintain reasonable repair of the actual road to prove a road defect claim. You must show that the City of Flint knew of the condition and has the opportunity to repair it, or that the condition existed for more than 30 days.

Please include any document(s) that might help in evaluating the claim such as copies of itemized receipts, accident reports, pictures, etc. Please note that it is the claimant's responsibility to provide any items that might help substantiate the claim and that the Legal Department will not obtain these items on your behalf. **Furthermore, all items submitted with the Damage Claim become the property of the City of Flint and will not be returned to the claimant.** The Legal Department may, after investigation, recommend a different or lowered amount in settlement of your claim.

By signing this form I verify I have read the damage claim requirements, and the information is true and accurate. I understand that the claim will be denied if I do not provide the information requested on the damage claim form.

Date: _____

Claimant Signature