

[Date]

Addressee  
Street Address  
Detroit, MI Zip Code

Re: Date of Incident:  
Location of Loss:  
Claim Number:

Dear \_\_\_\_\_,

Please be advised that this office has been contracted by the Detroit Water and Sewerage Department (“DWSD”) to administer claims for damages sustained from sewer backups occurring on June 25-26, 2021, and/or July 16, 2021. Having received and reviewed your claim, we respectfully deny it on the City’s behalf.

In the State of Michigan, sewer backups are covered under Public Act 222, MCL 691.1416 through 19, which states that a municipality is only liable if the following conditions are met:

- a) The governmental agency was an appropriate governmental agency.
- b) The sewage disposal system had a defect.
- c) The governmental agency knew, or in the exercise of reasonable diligence should have known, about the defect.
- d) The governmental agency, having the legal authority to do so, failed to take reasonable steps in a reasonable amount of time to repair, correct, or remedy the defect.
- e) The defect was a substantial proximate cause of the event and the property damage or physical injury.

Your home is not within the City of Detroit and is not serviced by the DWSD local sewage disposal system. Moreover, DWSD is unaware of any local sewage disposal system defect that could have damaged your property and that it had the legal authority to repair. As such, DWSD is not liable for your claimed backup.

The above noted grounds for denial of this claim do not in any way amount to a waiver of any additional grounds for denial which may exist. If you have any questions, you may contact Mackinaw Administrators between the hours of 8:30 a.m. and 4:00 p.m. Monday through Friday at (877) 311-3664.

Sincerely,

Tracy Mattiello  
Claims Manager