

**SUBCHAPTER E. TEXAS WINDSTORM INSURANCE ASSOCIATION
DIVISION 7. INSPECTIONS FOR WINDSTORM AND HAIL INSURANCE
28 TAC §5.4605**

INTRODUCTION. The Texas Department of Insurance adopts amendments to 28 TAC §5.4605, concerning Items Not Requiring an Inspection for the Purposes of Windstorm and Hail Insurance Coverage through the Texas Windstorm Insurance Association (TWIA). The amendments are adopted with non-substantive changes to the proposal published in the May 6, 2016, issue of the *Texas Register* (41 *TexReg* 3240).

REASONED JUSTIFICATION. The amendments update the list of items not requiring a compliance inspection as a condition of windstorm and hail coverage under a TWIA policy. Insurance Code §2210.251 requires that structures constructed, altered, remodeled, enlarged, or repaired, or to which additions are made on or after January 1, 1988, must comply with TWIA's plan of operation. The commissioner has adopted several windstorm building codes for TWIA's plan of operation. TDI has developed the uniform list of items, found at §5.4605, that do not require the certification inspection required by §2210.251 for purposes of windstorm and hail insurance coverage through TWIA, provided that any repairs, replacements, or procedures are made with like kind and quality materials, fasteners, and craftsmanship of like kind and quality as compared to the structure before the repairs, replacements, or procedures are made. The uniform list of items not requiring an inspection allows for cost-effective repairs or replacement to various items on a structure.

The amendments to §5.4605 add three new items to the current list: new item 11 is "leveling of an existing pier-and-beam foundation or piling foundation, if no repairs are made"; new item 15 is "repairs or replacement of preformed flanges with a collar or sleeve used for mechanical, plumbing, or electrical roof penetrations"; and new item 21 is "repairs or replacement of storm doors or screen doors (a supplemental door installed on the outside of an exterior door)." The amendments modify four items currently listed: item 1, concerning "repairs to roof coverings with a cumulative area of less than 100 square feet, not involving roof decking or framing members;" item 6, concerning "repairs to porch and balcony handrails and guardrails;" former item 17, renumbered as new item 19, concerning the

"replacement of glass in windows or glass doors or replacement of exterior side-hinged doors not involving the frames, provided that the area is less than 10 percent of the surface area of the affected side (elevation) of the structure"; and former item 18, renumbered as new item 20, concerning "repairs or replacement of exterior wall coverings, provided that the area is less than 10 percent of the surface area of the affected side (elevation) of the structure." The amendments also renumber the list because the three new items were added.

SUMMARY OF COMMENTS AND AGENCY RESPONSE. The comment period for the proposed amendments was May 6, 2016, through June 6, 2016. During the comment period, TDI did not receive any comments or requests for a hearing.

STATUTORY AUTHORITY. TDI adopts the amendments under Insurance Code §§2210.251, 2210.008, and 36.001. Section 2210.251 states property inspection requirements for windstorm and hail insurance coverage through TWIA. Section 2210.008(b) authorizes the commissioner to adopt reasonable and necessary rules in the manner prescribed by Insurance Code Chapter 36, Subchapter A. Section 36.001 provides that the commissioner may adopt any rules necessary and appropriate to implement the powers and duties of TDI under the Insurance Code and other laws of the state.

CROSS-REFERENCE TO STATUTE. The amendments affect Insurance Code §2210.251.

TEXT.

§5.4605. Items Not Requiring an Inspection for the Purposes of Windstorm and Hail Insurance

Coverage through the Texas Windstorm Insurance Association. The items listed in this section do not require an inspection for compliance with the windstorm and hail insurance coverage through the Texas Windstorm Insurance Association provided that any repairs, replacements, or procedures are made with like kind and quality materials, fasteners, and craftsmanship as compared to the structure before the repairs, replacements, or procedures are made, and as compared to the parts of the building that are not repaired. In addition, if no structural change is made, the initial installation or replacement of the listed items may be made without requiring an inspection. The items are as follows:

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- (1) repairs to roof coverings with a cumulative area of less than 100 square feet (one square), not involving roof decking or framing members;
- (2) repairs or replacement of gutters;
- (3) replacement of decorative shutters;
- (4) repairs to breakaway walls;
- (5) fascia repairs;
- (6) repairs to porch and balcony handrails and guardrails;
- (7) repairs to stairways or steps, and wheelchair ramps;
- (8) protective measures before a storm;
- (9) temporary repairs after a storm;
- (10) leveling and repairs to an existing slab on grade foundation, unless wall and/or foundation anchorage is altered or repaired;
- (11) leveling of an existing pier and beam foundation or piling foundation, if no repairs are made;
- (12) fence repair;
- (13) painting, carpeting, and refinishing;
- (14) plumbing and electrical repairs;
- (15) repairs or replacement of preformed flanges with a collar or sleeve used for mechanical, plumbing, or electrical roof penetrations;
- (16) repairs to slabs poured on the ground for patios (including slabs under homes on pilings);
- (17) repairs or replacement of soffits less than 24 inches in width;
- (18) repairs or replacement of nonstructural interior fixtures, cabinets, partitions (nonloadbearing), surfaces, trims, or equipment;
- (19) replacement of glass in windows or glass doors or replacement of exterior side-hinged doors not involving the frames provided that the area is less than 10 percent of the surface area of the affected side (elevation) of the structure;
- (20) repairs or replacement of exterior wall coverings provided that the area is less than 10 percent of the surface area of the affected side (elevation) of the structure; and

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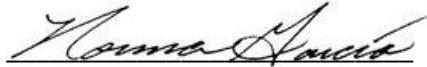
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(21) repairs or replacement of storm doors or screen doors (a supplemental door installed on the outside of an exterior door).

CERTIFICATION. This agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

Issued at Austin, Texas, on June 23, 2016.



Norma Garcia
General Counsel
Texas Department of Insurance

The commissioner adopts §5.4605.



David C. Mattax
Commissioner of Insurance

COMMISSIONER'S ORDER NO. **4541**