

No. 12-0725

**Official Order
of the
Texas Commissioner of Insurance**

Date: August 30, 2012

Subject Considered:

**APPROVAL OF TEXAS WINDSTORM INSURANCE ASSOCIATION
DWELLING AND COMMERCIAL POLICY FORMS
PURSUANT TO 28 TAC §5.4911**


Dwelling Policy, Link #121485, TDI #9212541452, Reference No. P-0612-03
Commercial Policy, Link #121484, TDI #9212541451, Reference No. P-0612-04

The commissioner of insurance considers the Texas Windstorm Insurance Association's submission for approval of its dwelling and commercial insurance policy forms. The commissioner makes the following findings of fact and conclusions of law:

1. On June 15, 2012, TWIA submitted revisions to its dwelling and commercial insurance policy forms for approval, as required by 28 TAC §5.4911(a).
2. TWIA revised both policy forms to show TWIA's new address in Building A, in TWIA's current office complex at 5700 South MoPac Expressway, Austin, Texas 78749.
3. TWIA revised both policy forms to update the edition date at the bottom of the first page of the policy jacket. The new edition will be effective October 1, 2012.
4. To correct an error in the commercial policy form, TWIA deleted the second sentence of Condition 4.a.(5) on page 5. That sentence required the policyholder to submit records to receive payment for replacement cost under Condition 6.c.(4). The commercial policy, however, does not provide replacement cost coverage, except by endorsement. Also, the commercial policy does not contain a Condition 6.c.(4).

5. Notice of the policy form submission was published in the June 29, 2012, edition of the *Texas Register* at 37 TexReg 4998. The department did not receive any written comments. A public hearing was not requested or held.
6. TWIA proposes to begin using the revised policy forms between October 1, 2012, and November 1, 2012. The revised dwelling policy form is attached as Exhibit A. The revised commercial policy form is attached as Exhibit B.
7. The revised policy forms are consistent with TWIA's obligation to provide windstorm and hail insurance in the catastrophe area, under Insurance Code Chapter 2210.
8. The revised policy forms should be approved for use by TWIA. TWIA should be permitted to begin using the revised policy forms for policies issued or renewed on or after October 1, 2012, and must use the forms on policies issued or renewed on or after November 1, 2012. TWIA should notify the department when TWIA begins using the new policy forms.
9. Under 28 TAC §5.4911, the commissioner may, after an opportunity for comment and public hearing, approve policy forms submitted by TWIA to implement Insurance Code Chapter 2210.

The commissioner approves TWIA's revised dwelling and commercial insurance policy forms in Exhibits A and B. TWIA may begin using the revised policy forms on policies issued or renewed on or after October 1, 2012, and must use them on policies issued on or after November 1, 2012. TWIA must notify the department when TWIA begins using the revised policy forms.


ELEANOR KITZMAN
COMMISSIONER OF INSURANCE