FREQUENTLY ASKED QUESTIONS (FAQ's) for the 2012/2013 CONTRACT YEAR

Internet Version - Updated 8/30/12

Covered Policies

Antennas and Satellite Dishes

Q: Should an antenna or satellite dish written as an endorsement to a covered policy be reported?

A Yes, if the antenna or satellite dish includes coverage for wind/hurricane peril.

Assisted Living Facilities

Q: Are assisted living facilities covered?

A: Yes

Bailee's Coverage

Q: Is bailee's coverage provided to a condominium association covered by the FHCF?

A: No

Barns with Apartments

Q: Are barns with apartments covered by the FHCF?

A: No, neither barns nor barns with apartments are covered by the FHCF.

Q: Is coverage for contents of a barn or a barn/apartment covered by the FHCF?

A: No. Since a barn or a barn/apartment is excluded in Article VI of the FHCF Reimbursement Contract and definition (27) in Article V states that structures listed in Article VI are not included in the definition of a residential structure, the contents or any other coverages of a barn or a barn/apartment would not be covered by the FHCF.

Bed & Breakfast

Q: Is a bed & breakfast covered?

A: Yes, as long as it is not used solely for commercial purposes. Also, the risk would be reported using the FHCF type of business Residential (code "2"). However, if it is covered under a commercial policy covering a variety of risks, a company has the option to report based on the predominate FHCF type of business under that policy. See Commercial-Habitational Clarification #3 in the 2012 Data Call.

Boarding, Lodging, and Rooming Houses

Q: Are boarding, lodging, and rooming houses covered by the FHCF?

A: No, if it is used solely for commercial purposes.

Business Personal Property

Q: Commercial-Habitational Clarification #8 in the 2012 Data Call clarifies that for policies with a mix of commercial habitational and non-habitational structures, if the non-habitational structure is "used in relation to" the habitational structure (non-habitational structure is used solely by the occupants of the habitational structure or their guests), then the non-habitational structure exposure is reportable to the FHCF. Does the "used in relation to" rule also apply to business personal property?

A: Yes.

Q: Is business personal property insured on a commercial policy and housed in a dwelling (i.e., inventory or business property stored in a personal residence) covered by the FHCF?

A: No.

Collateral Protection

Q: Are commercial-residential buildings insured under a collateral protection policy covered?

A: No. The only collateral protection policies covered by the FHCF are those issued to cover personal residences insured under a homeowners policy which protect both the lender and the borrower's financial interest.

Q: Does the FHCF consider policies issued to cover mobile homes or individual condominium unit owners to fit the definition of policies issued to cover personal residences insured under a homeowners policy?

A: Yes.

Q: If our company cannot provide the supporting documentation that shows the policy was written in an amount at least equal to the coverage for the dwelling in place under the lapsed homeowners policy, is the policy covered by the FHCF?

A: No.

Commercial-Residential Policies

Q: If a commercial policy covers the appurtenant structures or miscellaneous structures related to a habitational structure, but the habitational structure is not covered under the policy, should the exposure be reported?

A: No.

Q: A commercial policy is written with $20M coverage for a residential condominium complex and on a separate commercial policy is $11M coverage for a garage and $1.5M coverage for townhomes. The garage is used solely by the occupants or the guests of the residential condominium complex and the townhomes. Is the garage covered by the FHCF? [ADDED 7-2-12]

A: No. Since the garage is not used solely by the occupants or the guests of the townhomes (the residential exposure insured under the policy with coverage for the garage), then it is not covered. However, the townhomes are covered by the FHCF since they are used as residential structures.

Computers/Radios/Signs/Valuable Papers

Q: Are computers, radios, signs, and valuable papers covered?

A: Yes, if written under a covered policy. However, only report additional exposure if written as an attachment, endorsement or rider that modifies or increases the wind/hurricane limits and/or provides additional coverage for personal property or other structures.

Q: Are computers written on a stand alone inland marine policy covered?

A: Yes, if coverage is provided for the peril of wind and the policy is issued to an individual and not a business.

Condominiums

Q: If the owner of an individual condominium unit uses the condominium as a home or residence, but has the option to occasionally rent out or lease the property, is the exposure reportable to the FHCF?

A: Yes.

Q: If the owner of an individual condominium unit uses the condominium as a home or residence, but rents the condominium out for eight weeks during the year to eight different parties for vacation purposes (weekly rentals), would the condominium be covered by the FHCF?

A: Yes because the unit is primarily used as the owner's home or residence.

Q: If the owner of an individual condominium unit uses the condominium two weeks out of the year and then opts to lease the unit as vacation property based on daily, weekly, or monthly rates, is the condominium covered by the FHCF?

A: No because the unit is primarily used for commercial purposes.

Q: If the owner of an individual condominium unit does not use the condominium as a home or residence and rents or leases the unit out to another party that does use the unit as a home or residence, is the exposure reportable to the FHCF?

A: Yes.

Q: If an individual condominium unit owner does not use the condominium as a home or residence and rents or leases the unit out to an individual(s) that also does not use the unit as a home or residence, is the exposure covered by the FHCF?

A: No.

Q: The FHCF Reimbursement Contract states that coverage is excluded for hotels, motels, timeshares, shelters, camps, retreats and any other rental property used solely for commercial purposes. Does this include condominium structures?

A: Yes.

Q: Does exclusion (10) in Article VI of the FHCF 2012 Reimbursement Contract apply to owner-occupied condominiums?

A: No.

Dormitories

Q: Are dormitories covered by the FHCF?

A: Yes.

Fraternity/Sorority Houses

Q: Are fraternity and sorority houses covered by the FHCF?

A: Yes.

Grave Markers

Q: Is an endorsement for increased coverage for grave markers covered by the FHCF?

A: Yes, if the endorsement provides coverage for hurricane losses.

Homes Rented out for Temporary Purposes

Q: If my company insures a home that is rented out for temporary purposes, how do I determine whether this policy is excluded from coverage from the FHCF (re: exclusion (8) in

Article VI of the FHCF 2012 Reimbursement Contract which excludes any rental property used solely for commercial purposes)?

A: If the home is non-owner occupied and rented out for six or more time periods by different parties during the course of a twelve month period, then it would be excluded from the FHCF.

Monasteries

Q: Are monasteries covered by the FHCF?

A: Yes, if used as a residential structure.

Refrigerated Contents

Q: Are refrigerated contents coverage provided by endorsement reportable when the endorsement is on a covered policy?

A: Yes, if the endorsement provides additional limits for the peril of wind.

Q: Are refrigerated contents coverage provided by endorsement reportable when the endorsement is on an ex-wind policy?

A: No.

Residences/Buildings Under Construction

Q: Our company has several policies where the residence is being remodeled or added on to, but is still occupied by the insured. Would the FHCF exclusion (16), "Any exposure for builders risk coverage or new residential structures still under construction", apply to these, or would they still be covered?

A: If the addition is covered under a builder's risk policy or endorsement, then it would not be considered a covered policy and should not be reported to the FHCF. The part of the home that is already constructed would be covered by the FHCF under a homeowners policy.

Scheduled Personal Property in a Vault Off Premises

Q: Our company insures an individual's scheduled personal property, such as jewelry or artwork, and the items are located in a vault off premises. Is the exposure reportable to the FHCF?

A: No, since the property is located in an off premises vault.

Exposure/Data Call Reporting

Additional Living Expense (ALE)

Q: How should our company report ALE if written as a time element coverage without a stated dollar limit?

A: Report exposure in an amount not to exceed 40% of the Residential Structure or 40% of the contents exposure based on the type of policy (e.g., a homeowners policy is usually based on structure versus a renters policy based on contents). Note that reported losses for time element ALE may not exceed the amount of exposure reported under the Data Call unless the policy limits for ALE have changed after June 30th.

Q: On certain dwelling fire policies, fair rental value is provided as Coverage D and ALE is provided as Coverage E. We understand that the fair rental value coverage is not covered by the FHCF, but would the Coverage E coverage be reportable?

A: Yes. Any ALE coverage under the policy is reportable up to the statutory limit of 40% of the insured value of a residential structure or its contents.

Q: Some of our company's programs provide ALE and loss of rents/fair rental value/loss of rental income coverages combined as Coverage D. How should we report this exposure?

A: If the full Coverage D limit can be paid as ALE reimbursement, then report the full limit, but not to exceed the statutory limit of 40% of the insured value of a residential structure or its contents. If only a portion of the limit could be paid for ALE, report only that portion of limit applicable to ALE coverage. Also note that when requesting reimbursement from the FHCF, the FHCF will only reimburse the ALE loss.

Q: If our company writes a policy with ALE coverage that is 4% each month for up to three months, how would the ALE be reported?

A: Report exposure based on 12%.

Q: If the ALE expense coverage on a Dwelling Form 2 or 3 is listed under the Other Coverages section of the policy form, is the exposure for this coverage reportable?

A: Yes.

Q: Our company allows a policyholder to select increased coverage on certain personal property (e.g., guns). However, these coverages are not scheduled personal property. The company considers the coverage as an increase in the Coverage C limit. The company also writes ALE coverage for a time period rather than a specific dollar limit. Should the company include the increased coverages in the Coverage C limit when calculating the amount of ALE to report?

A: Yes.

Q: Our company writes a condominium unit owners policy with an endorsement for coverage for rental to others. Should ALE be reported for the policy?

A: It depends. If the unit is entirely rented to others, then the coverage on the policy would be for fair rental value and would not be reported to the FHCF. If the owner seasonally occupies the unit as a home or residence, then the ALE could be paid out to the owner and the exposure would be reportable to the FHCF.

Q: Our company writes a condominium unit owners policy that provides betterment and improvements coverage or "four-walls" coverage (considered by our company to be structural coverage) and ALE coverage, but no coverage for Contents. Is the ALE coverage reportable to the FHCF?

A: Yes. However, the exposure should not exceed 40% of the structural coverage.

Q: Our company provides ALE coverage on Residential Homeowners policies at an unlimited amount. How should the ALE coverage be reported to the FHCF?

A: Since an unlimited dollar amount of coverage is provided, your company should report ALE at the maximum percent (40%) allowed.

Assumption Agreements with Citizens Property Insurance Corporation

Q: My company is planning an assumption on May 25th from Citizens Property Insurance Corporation. If an assumed policy has not renewed onto my company's books at June 30th and it is subsequently "untagged" after June 30th because the policyholder wants to remain with Citizens, will I be required to resubmit my company's data to exclude that policy?

A: No. A resubmission would not be required for this reason alone because the FHCF considers June 30th as the cut-off date for whether an assumed policy is required to be reported by a company. The status of the policy at June 30th determines whether the policy is reportable by your company. Refer to page 22 of the 2012 Data Call instructions for additional clarification.

Q: Once my company completes an assumption of covered policies from Citizens Property Insurance Corporation and several of the policies are untagged after June 30th, should my company report the policies to the FHCF as assumed policies?
A: Yes. If the policies were assumed on June 30th and the untagging occurred after that date, the policies are reportable by your company.

Q: If my company selected policies for a July 19th assumption of covered policies from Citizens Property Insurance Corporation before June 30th, meaning the actual assumption date is July 19th, can my company report the policies selected as our exposure on June 30th?
A: No. The FHCF does not recognize the selected policies as exposure of your company until after the assumption date.

Attachments, Endorsements or Riders

Q: My company writes a Residential Homeowners policy with two endorsements (1) for scheduled personal property and (2) for golf cart coverage that is a separate, additional limit. The endorsements have different deductibles. Using General Clarification #3 in the 2012 Data Call, can the two endorsements be combined and reported as a single record under FHCF type of business Residential (code “2”) and line of business Inland Marine (code “6”)?
A: No. General Clarification #3 is written for the purpose of allowing primary policy coverages (building, contents, appurtenant structures or additional living expense) to be combined under one record when the rating factors for those coverages on the primary policy vary. It also allows a company to report the scheduled personal property endorsement combined in one record with the primary policy when the scheduled personal property endorsement has different rating factors from the primary policy. The company can report the endorsement for golf cart coverage under the same record with the primary policy it is associated with or as a separate record using the same type and line of business as the primary policy as long as the reporting method is consistent within the type of business.

Q: My company writes an endorsement that enhances the policy coverages provided on the basic Residential Homeowners policy form. One of the enhancements listed in the endorsement is an additional limit provided for home computer coverage which is listed as a modification to the additional coverages section of the policy. Is the additional limit required to be reported?
A: Yes, since the coverage is written by endorsement. The Data Call instructions describe reportable exposure in part as any attachments, endorsements, or riders that provide additional wind/hurricane limit for personal property or structures. The section of the Data Call instructions that states “exposure from any additional coverages/coverage extensions written within the policy form and not listed above, regardless of whether the coverage is within the policy limits or in addition to the policy limits, are not reportable to the FHCF under the Data Call” is not applicable since the coverage is provided by endorsement.

Blanket Deductible

Q: Is a per occurrence deductible considered a blanket deductible?
A: Yes, as long as it is a per occurrence deductible that applies once to all locations.

Q: If we have a blanket deductible greater than $50,000 and a blanket limit, how do we convert the blanket deductible to a percentage deductible?
A: Per the Data Call, you are required to report the full blanket deductible for each risk/building/exposure and the lesser of the full blanket limit or the full wind exposure value for each risk/building/exposure. Therefore, the percentage deductible should be calculated from these numbers.

Blanket Limit

Q: When reporting policies with multiple risks/locations and a per occurrence blanket limit, are we required to report each risk separately at the maximum limit per occurrence?

A: If the risks are located in different ZIP Codes or have different rating factors, then each risk must be reported separately at the lesser of the full blanket limit or the exposure value for the risk. If the risks are located in the same ZIP Code and share the same rating factors, they should be reported together as one record with the lesser of the full blanket limit or the exposure value for the combined risks. For example, if two risks have an exposure value of $2M each and a blanket limit of $5M, the exposure amount to be reported for record would be $4M.

Building Additions and Alterations

Q: Our company issues a renters policy with Coverage C limit of $50,000. The policy includes additional coverage written within the policy form for building additions and alterations of 10% of the Coverage C limit. A policyholder has purchased an endorsement to increase the building additions and alterations coverage to 25% of the Coverage C limit. How much exposure should be reported to the FHCF for this policy?

A: The amount of building additions and alterations coverage in excess of that provided within the policy form, prior to the purchase of the endorsement, would be reportable. In this case, the additional 15% ($7,500) of the Coverage C limit for building additions and alterations coverage is reportable, for a total of $57,500 of exposure to be reported.

Churches

Q: If a church and the adjacent parsonage are covered on a commercial policy, should the parsonage be reported as a "Commercial" or "Residential" type of business?

A: If it is a two, three, or four-family dwelling, it should be reported with a FHCF type of business based on how your company rates the dwelling (either Residential or Commercial FHCF type of business). Dwellings housing more than four families should be reported as FHCF type of business Commercial (code "1").

Commercial Class Codes

Q: If our company insures a single structure with a mix of commercial habitational and commercial non-habitational exposure and multiple class codes are applied to the structure, how would our company determine the predominant class for the structure?

A: Your company may have to use another factor, such as square footage or number of floors, to determine the predominant use of the structure.

Commercial Policy: Single Structure with a Combination of Habitational and Non-habitational Exposure

Q: If a single structure is used for both habitational and non-habitational purposes and the policy provides blanket or non-divisible coverage for that structure, how should our company report exposure to the FHCF?

A: If the structure has a commercial-residential class code (based on a classification plan submitted to, and reviewed by, the FHCF Administrator), report the entire exposure for the structure to the FHCF. If the structure has a commercial non-residential class code, please review Commercial-Habitational reporting clarification #7 in the 2012 Data Call for instructions.

Q: If our company insures a single structure with a combination of habitational and non-habitational exposure and the policy is classed using a commercial-residential class code, can our company carve out and not report the commercial non-habitational portion of the structure?

A: No. Your company is required to report the entire structure because the non-habitational portion of the policy should be minimal to the total policy coverage.

Commercial Policy: Commercial Habitational Clarifications

Q: If our company has a commercial-residential policy with several primary dwellings located in different ZIP Codes, and each dwelling has its own miscellaneous commercial structures, with which primary dwelling should the miscellaneous structures be reported?

A: They should be reported with the primary dwelling to which they are related.

Q: If our company has a commercial-habitational policy with several primary dwellings located in the same ZIP Code with common miscellaneous commercial structures, but each primary dwelling has a different construction code, with which primary dwelling should the miscellaneous commercial structures be reported?

A: The miscellaneous structures can be reported with the primary dwelling structure(s) your company deems most appropriate.

Q: Our company has a commercial-residential policy with a variety of risks that would normally fall under multiple FHCF types of business. These risks have different ZIP Codes so separate records would be required to be reported. Can these records be reported using the FHCF type of business "Commercial" Code 1?

A: Yes, if the predominate FHCF type of business is commercial (note that commercial policies covering farms are required to be reported under a FHCF type of business Residential [code "2"]). See Commercial-Habitational Reporting Clarification #3 in the 2012 Data Call.

Q: Our company has a commercial-residential policy with three primary dwellings located in the same ZIP Code and each dwelling has the same rating factors. Also, a percent deductible applies to each risk individually. Can our company combine the risks into one record with three risk counts for reporting purposes?

A: Yes.

Q: As a follow up to the previous question, if our company wrote the same type of policy insuring three risks but each risk had a separate dollar deductible amount or different constructions, are separate records required to be reported?

A: Yes.

Commercial Policy: Multiple Structures with a Combination of Habitational and Non-Habitational Exposure

Q: If a commercial policy covers multiple structures, where the primary structures are a combination of individual habitational and individual non-habitational structures, and each structure has an individual deductible, which structures should our company report to the FHCF?

A: Your company must report only the habitational structure(s) and any other structure used in relation to the habitational structure(s). "Used in relation to" is defined as any structure that is used solely by the occupants (or their guests) of the habitational structure. If your company is unable to determine whether or not a non-habitational structure meets this requirement, do not include any of the exposure for that structure.

Q: What if, in the preceding case, the policy has an indivisible aggregate deductible. How should our company report deductibles?

A: Report each covered risk/building/exposure with the full blanket deductible amount.

Q: Our company writes a commercial policy covering a retirement community with a beauty salon and recreation center. Should the beauty salon and recreation center be reported?

A: It depends. If the beauty salon and recreation center are used in relation to the habitational structures, yes. "Used in relation to" is defined as any structure that is used solely by the occupants (or their guests) of the habitational structure. If a structure is not used in relation to the habitational structures or you are unable to make this determination, do not report the exposure for the structure. Also, refer to the 2012 Data Call Reporting Clarifications if a blanket deductible or blanket limit applies.

Commercial Policy: Multiple Location Policy with Non-Florida Risk (Non-Excess)

Q: Our company writes a commercial package policy covering habitational exposures located in several states. The policy is written with a blanket limit. How should the Florida risks be reported?

A: Report the lesser of the full policy limit or the full wind exposure value for each Florida habitational risk/building/exposure. A copy of the Statement of Values to support the policy exposure reported must be retained for the SBA to confirm reporting during examination.

Commercial Policy: Variety of Risks

Q: How do you determine the predominant type of business on the policy?

A: The predominant type of business is the FHCF type of business under which the most FHCF exposure falls.

Condominium Unit Owners

Q: If a commercial policy covers a condominium complex, should our company report exposure for that policy as FHCF type of business Condominium Unit Owners (code "6")?

A: The FHCF type of business Condominium Unit Owners refers to an individual condominium unit owner. If a commercial policy covers a 10-story, 100 unit condominium complex, for example, such exposure should be reported as FHCF type of business Commercial (code "1").

Construction

Q: If mobile homes are tracked by the year built instead of the day built, how should the constructions be coded for fully tied down mobile homes?

A: Fully tied down mobile homes built in 1994 or earlier should be coded "21." Fully tied down mobile homes built after 1994 or those documented to be in compliance with ANSI/ASCE 7-88 should be coded "22."

Q: Could there be mobile homes built before 7/13/94 coded as construction "22?"

A: Yes. If mobile homes built prior to 7/13/94 are documented to be in compliance with ANSI/ASCE 7-88, they can be coded "22."

Q: Can our company use the default construction code for policies in which the construction is unknown?

A: No. Your company can only use the default construction code if you capture the construction code and the aggregate exposure of your entire book of business is less than $50 million.

Q: If our company uses the default construction code "26" for its mobile home policies, are we required to use a default construction code "12" for our residential homeowners policies?

A: Yes, unless the construction code for the residential homeowners policies is unknown then an "Unknown" FHCF construction code (code "11") would be reported.

Q: What if our company meets the requirements for reporting the default construction code for its covered residential homeowners policies and mobile homeowners policies. Can our company report the default construction code for the residential homeowners policies and the actual construction code for mobile homeowners policies?

A: No. All policies must be reported using either the default construction code or the actual construction codes.

Contents-Only Policies

Q: If our company only insures the contents of a home that is owner occupied and coverage is provided for ALE, under which type of business should the policy be reported?

A: If the exposure is related to another policy (i.e. the policy for the dwelling), it should be reported as the FHCF type of business it is associated with. If the exposure is not associated with another policy, it should be reported as FHCF type of business Tenants (code "4").

Deductibles

Q: What if a policy covering multiple commercial habitational risks has an indivisible aggregate deductible (blanket deductible); how should our company report deductibles?

A: Report each risk/building/exposure with the full blanket deductible amount.

Q: How should our company report the deductible for a policy written with a percentage deductible and a minimum dollar deductible?

A: Report the percentage deductible.

Q: How should our company report the deductible for a stand-alone inland marine policy when multiple risks are covered under the policy with different deductibles applicable to each risk?

A: Your company can report each risk separately with its own deductible code or General Clarification #3 in the 2012 Data Call allows the option of reporting the risks under one record using the deductible applicable to the most exposure. Whichever option your company chooses, it must be applied consistently across the non-commercial book of business.

Q: Our company writes a Condominium Unit Owners policy with a dwelling limit of $65,000. The policy has a $2,500 hurricane deductible and an endorsement is attached to the policy that describes the hurricane deductible as the lesser of the hurricane deductible or an amount equal to 2% of the limit of liability that applies to Coverage A when that limit is less than $100,000. How should the deductible be reported to the FHCF?

A: In this case, the deductible would be $1,300 (2% X $65,000) and should be reported to the FHCF using an RB deductible code. However, if your company is unable to program your company's data to report the correct deductible, we will allow the hurricane deductible stated in the policy to be reported, which in this example would be an RC deductible.

Q: Our company writes a commercial residential policy that covers multiple risks in multiple states. There is one residential risk on the policy that is located in Florida. The insured value for this risk is $100,000 and the deductible for Florida is 2% subject to a $300,000 minimum. What FHCF deductible code should be reported? [ADDED 8-30-12]

A: While the Data Call instructs that in the case of a percentage deductible with a minimum dollar deductible, the percentage deductible is to be reported to the FHCF, in this case, a percentage deductible would never apply since the minimum dollar deductible is greater than the reportable exposure. Since the minimum dollar deductible is greater than $50,000, the data call instructions require the deductible be converted to a percent. In this case, it would be a C0 deductible since $300,000 divided by $100,000 equals 300%.

Q: Using the preceding example, what if the risk was insured for $25,000 and the deductible was $30,000, what FHCF deductible code should be reported? [ADDED 8-30-12]

A: A FHCF deductible code CD.

Farmowners

Q: A farmowners policy may have several coverages that relate to residential structures covered under the policy. What coverages are required to be reported for the residential structure?

A: Only coverages for the dwelling, other private structures appurtenant to dwellings, household personal property, additional living expense, and any increases to those coverages, should be reported.

Q: If a farmowners policy covers both residential and mobile home structures under the same policy, can both risks be reported under the "Residential" type of business?

A: No. The mobile home risk is required to be reported as FHCF type of business Mobile Home (code "3").

Q: Are residential structures on a commercial farm covered under a commercial package policy required to be reported as a "Residential" type of business?

A: Yes. Typically, the covered risks have a residential construction rather than a commercial construction. If the company can justify that the construction is commercial, then the FHCF may allow the company to report as FHCF type of business Commercial (code "1"). As noted above, any mobile home exposure must be reported as FHCF type of business Mobile Home (code "3").

Q: If our company writes farmowners policies or commercial policies covering farmowners risk, can we report exposure covering a variety of risks using the predominant type of business?

A: No. The Commercial-Habitational Clarification regarding commercial policies that cover a variety of risks does not apply to farm coverage.

Guaranteed Replacement Cost Endorsement

Q: If our company offers an endorsement that increases the replacement cost coverage provided within the policy form, should the increase in exposure be reported?

A: Additional exposure should be reported only if the endorsement increases the specified dollar limit independent of the actual cost of damage at the time of loss. For example, if the endorsement increases the stated policy limit from $200,000 to $220,000, the additional $20,000 would be reportable. If, on the other hand, the change in coverage/limit under the endorsement is dependent on the actual cost of damage at the time of loss, additional exposure would not be reportable.

Law & Ordinance

Q: How should our company report exposure for Law and Ordinance coverage?

A: Under no circumstances should exposure for Law and Ordinance coverage be reported. Note, however, that the FHCF would still reimburse for losses under this coverage.

Risk Counts

Q: If our company writes a Residential Homeowners policy with a scheduled personal property endorsement with no deductible and we opt to report the endorsement as a separate record, should we report a risk count of 1 for the endorsement?

A: No. If the endorsement is reported as a separate record and there is no deductible, then a risk count of 0 would be reported to avoid duplicating risks counts.

Q: If our company reports a scheduled personal property endorsement to an ex-wind policy, should a risk count of 1 be reported for the endorsement?
A: Yes because the primary policy is not reported.

Roof Shape

Q: How should our company report this mitigation field for mobile homes?
A: Generally, the FHCF would expect the Unknown code applicable to this field to be reported for mobile home exposure. However, if the company does track any of this information, please report it as appropriate.

Q: How should we report roof shape if one building has a combination of shapes?
A: Roof shape should be determined by using the type of structure that exceeds 50% of the roof surface. For example, any individual exterior wall with a gable end exceeding 50% of the width of the exterior wall shall be classified as "Gable or Other" roof shape.

Scheduled Personal Property Endorsements

Q: A Residential Homeowners policy is written with an endorsement to cover scheduled personal property, which has a different deductible from the homeowners policy. Our company has opted to report the endorsement as a separate record from the primary policy. When reporting the endorsement, are we required to report the deductible applicable to the endorsement?
A: No. Your company can report the deductible applicable to the endorsement or the primary policy, just as if you were including the homeowners and scheduled personal property under one record. However, whichever option your company chooses must be applied consistently within each FHCF type of business.

Q: Our company writes a scheduled personal property endorsement to a Residential Homeowners policy that is written ex-wind yet the endorsement is not ex-wind, can the endorsement be reported using FHCF type of business Residential (code "2")?
A: Yes. The Data Call instructions require the endorsement be reported using the type of business for the policy the endorsement is associated with.

Q: As a follow up to the question above, can our company report the rating factors of the primary ex-wind policy when reporting the endorsement?
A: Yes.

Q: Our company writes scheduled personal property endorsements to ex-wind policies and policies that provide wind coverage. The endorsements to ex-wind policies are reported with an FHCF construction code 11 "Unknown", which is not the construction code for the primary policy. However, the endorsements to the policies that provide wind coverage are reported with the construction code for the primary policy. Would this be considered an inconsistent application of the rating factors?
A: Yes, <u>if it occurs within an FHCF type of business</u>. Your company should make a decision to either report the construction code of the primary policy or the construction code of the endorsement and apply this consistently <u>within an FHCF type of business.</u>

Q: An endorsement was reported with the construction code for the primary policy and a deductible code "RM", the deductible applicable to the endorsement. Is this considered an inconsistent application of the rating factors when the inconsistency occurs within a single endorsement?
A: No.

Screened Enclosures

Q: Our company writes an endorsement that provides no additional limit under Coverage A (building) when a screened enclosure is attached to the home but if the enclosure is not attached to the home, an additional limit is provided and the coverage is under Coverage B (appurtenant structures). We understand that exposure would only be required to be reported to the FHCF when an additional limit is provided. However, our company does not capture the information needed to know whether the enclosure is attached to the home or not. How should our company report the coverage provided by this endorsement?

A: Since your company is unable to determine whether the enclosure is attached to the home and the coverage provided by the endorsement could be additional exposure, you must report the limit provided by the endorsement. However, your company should take the steps needed to report this endorsement correctly in the future.

Stand Alone Inland Marine

Q: Our company writes a stand alone inland marine policy that can be associated with a Residential Homeowners policy. Can the inland marine policy be reported using FHCF type of business Residential (code "2")?

A: Yes.

Q: As a follow up to the question above, can our company report the rating factors of the primary policy?

A: Yes. Your company has the option of reporting the rating factors of the primary policy or the inland marine policy as long as the option is applied consistently within a type of business.

Tenant Policies

Q: Our company covers the owner's property for a tenant occupied structure. Should the exposure be reported under the "Tenants" type of business?

A: No. The FHCF type of business Tenants (code "4") is intended for non-owner occupied types of coverage. The exposure should be reported as applicable under the Commercial, Residential, Mobile Home, or Condominium Unit Owners type of business. Only the tenant's contents coverage is reported under the Tenants type of business.

Q: Our company writes a policy covering a tenant that rents a mobile home. How should the policy be reported?

A: The Tenants type of business is not applicable to any covered mobile home exposure. The policy should be reported using FHCF type of business Mobile Home (code "3").

Transaction Dates

Q: My company compiled a "snapshot" of its exposure for its direct written business in effect at June 30th on July 15th. A cancellation effective June 15th was not processed until after July 15th, so the cancelled policy was reported to the FHCF. Would this be considered an error when my company is examined by the FHCF?

A: Technically the policy was not in effect at June 30th and should not have been reported. However, the FHCF recognizes that there may be some timing differences between when transactions are processed and the data is captured. The FHCF examination process will consider the date exposure data was captured versus the date a transaction was processed and not consider those transactions as errors that were not processed until after the date the data was captured. However, if your company is required to resubmit at a later date, the FHCF would expect the cancelled policy and any other transactions processed after June 30th but effective on or before June 30th to be reported correctly. Refer to page 4 of the 2012 Data Call instructions.

Q: My company is required to resubmit is exposure data to correct errors noted in the exposure exam. If there were transactions that affected the exposure data at June 30th that our company was not able to process before the data was captured in an effort to meet the September 1st statutory deadline, should our resubmission include an update that takes into account subsequent transactions?

A: Yes, if the subsequent transactions changed the exposure in effect at June 30th and it is a resubmission of your company's direct written business. If your company is reporting exposure data assumed from Citizens which has not renewed onto your company's books, then the "freeze" date for the assumed polices is June 30th (regardless of subsequent processing of transactions with changes effective prior to June 30th) per the Informational Memorandum posted on the FHCF website at www.sbafla.com/fhcf/ under "*What's New?"*

Type of Business

Q: If our company insures a boarding or rooming house, which type of business should it be reported under assuming it is a home or residence?

A: Your company should report the risk under the type of business it considers the risk written, commercial or residential.

Q: If our company insures a townhouse used as a home or residence, which type of business should it be reported under?

A: Your company should report the risk under the type of business it considers the risk written, commercial or residential.

Q: Under what FHCF type of business code should a policy that provides insurance to the renter of a condominium unit be reported?

A: FHCF type of business 4 (Tenants) should be used. FHCF type of business 6 (Condominium Unit Owners) is used when the policy is insuring the owner of an individual condominium unit and not the tenant of that unit.

Q: Our company insures individual condominium units on a commercial policy with only contents coverage. We are not able to distinguish between whether the coverage provided is for the condominium unit owner or the tenant of a condominium unit so which type of business should the exposure be reported under? [ADDED 8-16-12]

A: The company needs to be able to make this distinction but until such time, the exposure should be reported using FHCF type of business 6 for Condominium Unit Owners.

Year Built

Q: Our company has existing covered policies where the year built was not captured, however, the policies have an effective date that is before 1994. Should our company report an FHCF code "1" (1994 or earlier) for year built for these policies?

A: No. The code for year built must be based on the actual year built and not the effective date of the policy. In this example, FHCF code "0" (Unknown or Mobile Home) would be reported for the polices since your company did not capture the actual year built.

ZIP Code to County Code Matches

Q: The preliminary validation software indicates that our company's data has an invalid ZIP Code to county code match. The United States Postal Service website indicates that the county code associated with the ZIP Code is correct. What should our company do?

A: The FHCF realizes there are some ZIP Codes that cross over more than one county and has programmed the software to accept any county that immediately borders the county in which the FHCF considers a ZIP Code to reside in. However, in rare cases the Postal Service has indicated a ZIP Code to be applicable not only to the bordering county, but to the next county over as well. If such records cause the company to fail the software, and as long as there are no other errors in your data causing it to fail, submit the data to the FHCF Administrator with documentation from the United States Postal Service that indicates your ZIP Code and county code match. Also retain the documentation for the SBA exam.

SBA Examination – Exposure Reporting

SBA Examination File

Q: What is the SBA Examination File?
A: This is an electronic file your company should generate at the same time the Data Call File is created. The file is intended to be a detailed policy file that supports the aggregate data listed in the Data Call File.

Q: Is our company required to report the insured's name on the SBA Exam File?
A: No. Refer to page 5 of the 2012 Data Call instructions for a required layout of the SBA Exam File.

Q: Does my company need to send the SBA's Exam File to Paragon?
A: No. Retain this file for your records until your company is noticed for an exam. Do not send the exam file to Paragon.

Q: Can my company get an extension to submit the advance records required to be submitted for an exam?
A: No, except for circumstances beyond the reasonable control of the company.

Q: How long is our company required to retain the SBA Exam File?
A: The exam file must be retained until the SBA has completed its examination of your company's exposure submission and claims reports, and commutation for the Contract Year has been concluded.

Exit Conference

Q: Can our company request an exit conference with the SBA to discuss the exam findings?
A: Yes. This request should be sent to the SBA and a mutual time will be scheduled.

Resubmissions

Q: Will our company incur any penalties if it is discovered through an exposure examination that we have reported data incorrectly?
A: If your company is required to resubmit its Data Call file, there will be a $2,000 resubmission fee for each resubmission. There may also be additional premium due to the FHCF. Also, if your company received loss reimbursements for the same Contract Year, the Data Call resubmission may result in an excess reimbursement(s) having to be repaid to the FHCF.

Q: Can my company get an extension on filing a resubmission?
A: No, except for circumstances beyond the reasonable control of the company.

Loss Reporting

FHCF Interim Loss Report

Q: What is the purpose of the Interim Loss Report?

A: The Interim Loss Report provides the FHCF with information to determine its potential liability, and if necessary, the likely timing requirements for asset liquidation and revenue bond issuance.

FHCF Proof of Loss Report (POL)

Q: When is our company required to submit a POL to the FHCF?

A: If the FHCF notifies its member companies that they are required to submit POL reports to the FHCF, the first mandatory filing is due by December 31 of the FHCF Contract Year (20XX) in which the hurricane occurred. Quarterly thereafter:

- A POL is due on **3/31/XX** from any company whose losses exceed or are expected to exceed 50% of its FHCF retention.
- A POL is due on **6/30/XX** from any company whose losses exceed or are expected to exceed 75% of its FHCF retention.
- A POL is due on **9/30/XX** from any company which anticipates that its losses will exceed 100% of its FHCF retention.
- A POL is due from a company which anticipates that its losses will exceed 100% of its FHCF retention by **each subsequent quarter-end** until the company has paid its policyholders in full.
- **ALL** companies must submit a yearly 12/31/XX POL until FHCF losses have been commuted or the company has paid its policyholders in full. (See Article X of the Reimbursement Contract.)

A company may, at any time, voluntarily submit a POL for reimbursement.

Q: Why is SECTION II of the POL optional?

A: The information provided under SECTIONS I and III is all that is necessary for the FHCF to process a company's reimbursement request. The FHCF has kept SECTION II as an optional portion of the POL, as this information may be helpful to your company in understanding the reimbursement process and the calculations performed by the FHCF.

Q: When completing the POL, should losses reported be cumulative or just for the period reported?

A: The losses reported should be cumulative but net of the policy deductibles, loss adjustment expenses, salvage and other recoveries.

Q: Is there a different loss report to submit when requesting reimbursement under Addendum No. 1 (Temporary Increase in Coverage Limit Options)?

A: No. All reimbursements are under the standard POL report.

Additional Living Expenses (ALE)

Q: A company paid for damages to appurtenant structures, however there was no loss to the dwelling. There was also a payment to the policyholder for ALE with no supporting documents for the ALE payment. Will the FHCF reimburse the company for the ALE?

A: The FHCF does reimburse for ALE. However, in this instance, the FHCF would not reimburse the company since there is no documentation to support the payment.

Q: A company paid advances for ALE of $1,000 and a letter was sent to each policyholder requiring receipts if any additional ALE was requested. This is allowed under the company's policy because it requires the policyholder to submit receipts when requested by the company to do so. Would the FHCF reimburse the company for the initial advance if no additional ALE was requested by the policyholder?

A: Yes.

Q: My company writes a residential homeowners policy with a time limit for ALE coverage rather than a dollar amount. When the insured reported the ALE loss to my company, the amount of the ALE loss was 50% of the Coverage A limit. How should my company report the loss to the FHCF?

A: Your company is required to cap the ALE loss at the percentage of Coverage A limit that was used to report the exposure to the FHCF for this policy or other similar policies, but not to exceed 40% of the Coverage A limit.

Buildings Under Construction

Q: A company insures "buildings under construction". If the buildings are planned to be residential, would the FHCF reimburse a company for losses to the buildings?

A: No, because the FHCF does not cover buildings under construction.

Commutation Clause

Q: When does the FHCF commutation clause take effect?

A: Not less than 36 months or more than 60 months after the end of the FHCF Contract Year in which the hurricane took place, but shall not begin before the completion of the FHCF loss examination for the company and the resolution of all outstanding examination issues.

Q: Can our company initiate the commutation process, or will the FHCF notify us when the process should begin?

A: Once the SBA has closed your exposure and loss examination files for the applicable Contract Year, the FHCF will initiate the discussion of commuting losses. While a company may request that the SBA consider beginning the commutation process earlier, doing so is at the discretion of the SBA.

Deductibles

Q: A company has two claims adjusted for two separate events. Should each claim be reported to the FHCF net of the policy deductible?

A: Yes.

Q: If a company opted to waive a policyholder's deductible for subsequent events causing damage, can the loss reported to the FHCF include the deductible that has been waived?

A: No. All losses reported to the FHCF must be net of the policy deductible even if the company opted to waive that deductible.

Q: If a policyholder has damage from two events but the adjuster did not come until after the second event occurred, is the company required to apply one or two deductibles when reporting the loss to the FHCF?

A: It depends. If two deductibles were charged to the insured then both deductibles should be deducted from the reported loss. However, if the policyholder was charged one deductible and the company cannot determine which event caused the damage, then one deductible would be applied to the reported loss.

Q: If a loss occurs on a policy that covers multiple types of risks (e.g., both covered and not covered by the FHCF) and my company applied the deductible to the insured risk that is not covered by the FHCF, are we required to report the portion of the loss covered by the FHCF net of the policy deductible?

A: Yes, because the FHCF Reimbursement Contract requires that a company's loss be reported net of the policy deductible.

Detailed Claims Listing – File Layout

Q: What are the file layout requirements for the Detailed Claims Listing?

A: The file layout for the Detailed Claims Listing is provided in the Loss Reimbursement Examination Advance Preparation Instructions (Form FHCF-LAP1) for the applicable FHCF Contract Year available online at www.sbafla.com/fhcf under "FHCF Rules".

Effective Dates

Q: My company writes a new policy covered by the FHCF effective July 15th of the contract year so the policy exposure is not required to be reported to the FHCF at June 30th. If a covered event occurs after July 15th, does my company have coverage for the loss on this policy?

A: Yes as long as the policy is in effect on the date of loss.

Lightning

Q: Is a claim caused by lightning covered by the FHCF?

A: It depends. A claim is covered if the company can show that the peril was a direct result of the hurricane for which the claim is reported.

Loss of Rents

Q: If an insured's home sustains damage from a hurricane that renders it uninhabitable and the insured decides to move into a rental house he owns that is currently not occupied by tenants, can our company receive reimbursement from the FHCF for the loss of rental income from the rental house?

A: No, loss of rental income is not covered by the FHCF.

Mortgage Payments

Q: If a company writes an endorsement to a covered policy that allows a policyholder to receive reimbursement for mortgage payments when a house is uninhabitable because of a hurricane, would the FHCF reimburse the company for the payments?

A: No.

Multiple Events

Q: If there are multiple hurricanes during an FHCF Contract Year, should losses from each event be reported on separate POLs?

A: Yes.

Reimbursements

Q: Under what conditions would our company have to return reimbursements to the FHCF?

A: The FHCF Reimbursement Contract addresses the right of the SBA to seek the return of "excess loss reimbursements or advances". Such excess amounts could result from a variety of issues, such as:

- An incorrect exposure submission or resubmission (resubmitted data results in a change to a company's premium, retention, and maximum reimbursement);
- An incorrect POL (over-reported losses);
- Incorrect calculation of reinsurance recoveries (over-reported losses);
- Subsequent readjustment of policyholder claims, including subrogation and salvage (subsequent POL indicates a company is eligible for reimbursements at a level less than what has already been reimbursed);
- Incorrect calculations of reimbursement premiums or retentions (on the part of the FHCF); or
- Payments in excess of the project payout (on the part of the FHCF).

Q: In the event of an excess loss reimbursement or advance, will our company be penalized?

A: Interest will be charged on excess loss reimbursements based on the average rate earned by the SBA for the FHCF for the first four months of the applicable FHCF contract year. If the excess loss reimbursement is due to incorrect information provided by a company, interest will accrue at this rate plus 5%. Interest on advances, including excess advances, will be charged the prime rate as published in the Wall Street Journal on the first business day of the Contract Year (adjusted annually).

Q: We understand that the FHCF performs some "reasonableness" checks on POL filings prior to issuing reimbursements. What kind of errors have been detected in the past during this review?

A: On occasion, the checks have identified errors with a company's exposure submission under the Data Call. However, more often, errors are related to incorrectly reported losses such as:

- Florida hurricane losses under policies not covered by the FHCF (commercial non-residential, auto, ex-wind, etc.);
- Florida hurricane losses under covered policies that aren't covered by the FHCF (e.g. storm surge, but no wind damage; loss of rents on an apartment building);
- Residential losses in other states (e.g., Florida hurricane causes damage in Georgia as well);
- Non-hurricane losses occurring elsewhere in Florida within the same timeframe as a hurricane (e.g., hurricane damage in southern Florida, fire damage in Tallahassee); and
- Wind losses in another state (e.g., Texas wind loss) occurring within the same timeframe as Florida hurricane.

Q: Where are checks for loss reimbursements sent?

A: Per SBA policy, all advance and/or loss reimbursement checks are sent to the FHCF claims contact designated by the company on its notarized Company Contact Information form.

Retention

Q: How do I calculate our company's retention for the mandatory FHCF coverage?

A: Your company's retention is equal to its FHCF premium for the Contract Year in which the hurricane occurred times the applicable FHCF Retention Multiple (based on the coverage level elected by your company for the same Contract Year).

Your company's final FHCF premium, assuming that your company has submitted timely, complete, and accurate exposure data as outlined in the Data Call applicable to the Contract Year in which the hurricane occurred, is mailed to your company no later than November 15th of each Contract Year. A listing of finalized premiums and selected coverage levels is also posted on-line at www.sbafla.com/fhcf under "Insurer Information" typically in early December. If your company plans to submit a Proof of Loss Report prior to the November billing, and your company has already sent in its Data Call submission, contact the FHCF Administrator at 800-689-3863 for information regarding your company's FHCF premium calculation.

Ultimate Net Losses

Q: What is the definition of Ultimate Net Losses?

A: As defined in the FHCF Reimbursement Contract, this term means a company's losses under FHCF Covered Policies for a specific hurricane (1) prior to the application of the company's FHCF retention and reimbursement percentage; (2) excluding loss adjustment expenses; and (3) net of salvages and all other recoveries, excluding reinsurance recoveries.

Q: Are Ultimate Net Losses net of our company's policy deductibles?
A: Yes. As your company would net a policyholder's $500 wind deductible against any claims payment(s) made to that policyholder, that $500 is not a loss to your company and should not be reported to the FHCF as Ultimate Net Losses.

SBA Examination – Loss Reporting

Q: What type of records must my company retain for loss reimbursement examinations?
A: Refer to the POL Report available on-line at www.sbafla.com/fhcf under "FHCF Rules" – "Proposed Rules", or under "Insurer Information" – "Current Year" once the form is adopted, for a list of items required to be retained.

Q: On the Detailed Claims Listing, is our company required to break out the paid losses for an individual claim by building, appurtenant structures, contents, and additional living expenses?
A: Yes. However, your company is not required to break out the outstanding losses to this level of detail.

Q: How long is our company required to retain the Detailed Claims Listing to support the POL?
A: The Detailed Claims Listing must be retained until the SBA has completed its examination of your company's claims and commutation for the Contract Year has been concluded.

Q: Will my company incur any penalties if it is discovered through an exam that we have reported loss data incorrectly?
A: If loss data is reported incorrectly, your company may be required to submit a new POL depending on the significance of the errors If, as a result of the corrected loss data, your company owes previously reimbursed funds back to the FHCF, interest will be charged on the excess reimbursement.

Q: If the SBA conducts an exam of our company's losses and we agree with an error that was uncovered during the exam, should we go ahead and file an updated POL with the corrections or wait until we receive the exam report?
A: Your company can voluntarily submit a corrected POL since interest charges may accumulate on any excess reimbursements.

Q: Can our company request an exit conference with the SBA to discuss the loss reimbursement exam findings?
A: Yes. This request should be sent to the SBA and a mutual time will be scheduled.