

Windstorm Claim through TWIA

After Sept. 28, 2011

- **Length of time to file a windstorm claim**

One year

- **Was it wind or storm surge?**

The Texas Department of Insurance (TDI) commissioner will appoint a panel of experts to advise TWIA on whether hurricane losses were due to wind or storm surge.

- **Appraisal Process**

If you disagree with your insurance adjuster on the amount of damage to be reimbursed, you must request an appraiser to help determine the amount of damages. TWIA will also obtain its own appraiser and the two sides can pick an appraisal umpire or TDI can choose one. The appraisal process determines the amount of loss and is binding. The decision can be challenged in court if the appraiser or appraising umpire and/or decision was fraudulent or corrupt.

- **Mediation Process**

If TWIA denies coverage on your windstorm claim, you can give notice of intent to sue but before proceeding to court, and if requested by TWIA, you must turn to a mediation process (TDI provides list of mediators) in an attempt to resolve the dispute without proceeding to costly and often lengthy litigation. If no agreement through mediation, the case can go to court to decide coverage and amount of damage. Claimant can recover actual damages, pre-judgment interest, costs and reasonable attorney fees.

- **Arbitration Process**

Arbitration takes place if the policyholder has purchased an arbitration endorsement on a TWIA policy (10% discount). If the windstorm claim is in dispute, an arbitrator (neutral party picked by TDI) will hear both sides and make a binding decision. No lawsuit after arbitration.

- **Helping to Pay for next Major Hurricane**

For a storm with more than \$1 billion in damages in TWIA claims, coastal homeowners and vehicle owners would be subject to surcharges to repay any additional bond debt. The amount of the surcharge would be determined by TDI.

Insurance Council of Texas