SLS 22RS-188

ORIGINAL

2022 Regular Session

SENATE BILL NO. 231

BY SENATOR HENRY

PROPERTY INSURANCE. Provides a definition of uninhabitable for property insurance policies. (1/1/23)

1	AN ACT
2	To enact R.S. 22:1331.1, relative to a definition of uninhabitable for property insurance
3	policies; to provide terms and conditions; and to provide for related matters.
4	Be it enacted by the Legislature of Louisiana:
5	Section 1. R.S. 22:1331.1 is hereby enacted to read as follows:
6	§1331.1. Property insurance policies; definition of uninhabitable
7	A. If the governor declares a state of emergency pursuant to R.S. 29:724,
8	and an insurer writing property insurance coverage for property located in this
9	state, and a policyholder files an insurance claim for property that is
10	uninhabitable that is located in the geographic area of the named storm or
11	windstorm that is subject to the declared state of emergency, the term
12	uninhabitable shall be as defined in this Section.
13	B. Property is deemed to be uninhabitable under the following
14	conditions:
15	(1) The structure is unstable and is at risk of collapse in whole or in part.
16	(2) The structure has exterior damage or structural damage that allows
17	elemental intrusion, including but not limited to rain, wind, hail, or mold.

Page 1 of 2 Coding: Words which are struck through are deletions from existing law; words in **boldface type and underscored** are additions.

1	(3) The property is located near an immediate safety hazard like debris
2	or downed electrical lines that have not been cleared.
3	(4) The property is without electricity, natural gas, sewer service, or
4	water for a period of seventy-two hours, or if the destination is inaccessible, the
5	property shall be considered not fit to live in, or not fit for the property's
6	normal use until that time as the water, electricity, sewage service, or natural
7	gas service has been restored, or the destination is accessible.
8	C. This Section shall not apply to commercial insurance policies.
9	Section 2. This Act shall become effective on January 1, 2023.

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Beth O'Quin.

DIGEST

SB 231 Original

2022 Regular Session

Henry

<u>Proposed law</u> requires that if the governor declares a state of emergency, insurers writing property insurance coverage for property located in this state, and the insured files an insurance claim for property that is uninhabitable and that is located in the geographic area of the named storm or windstorm that is subject of the declared state of emergency, the term uninhabitable shall be defined as follows:

- (1) The structure is unstable and is at risk of collapse in whole or in part.
- (2) The structure has exterior damages or structural damages that allow elemental intrusions, including but not limited to rain, wind, hail, or mold.
- (3) The property is located near an immediate safety hazard like debris or downed electrical lines that have not been cleared.
- (4) The property is without electricity, natural gas services, sewer services, or water for a period of seventy-two hours, or the destination is inaccessible, the property is considered not fit to live in, or not fit for its normal use until that time the water, electricity, sewage services, or natural gas services have been restored, or the destination is accessible.

Proposed law does not apply to commercial insurance policies.

Effective January 1, 2023.

(Adds R.S. 22:1331.1)