

**BEFORE THE STATE OF SOUTH CAROLINA
DEPARTMENT OF INSURANCE**

IN THE MATTER OF:)
)
) **ORDER No. 2013-01**
RENEWAL OF THE JANUARY 12, 2011)
EXPANSION OF THE SOUTH CAROLINA)
WIND AND HAIL UNDERWRITING)
ASSOCIATION TERRITORY ENABLING)
THE ASSOCIATION TO PROVIDE)
ESSENTIAL PROPERTY INSURANCE)
COVERAGE TO AREAS WITHIN THE)
SEACOAST AREA.)
_____)

On March 21, 2007, the Director of Insurance (Director) temporarily expanded the area in which the South Carolina Wind and Hail Underwriting Association (SCWHUA) provides essential property insurance.¹ The March 21, 2007 order (March 2007 Order) set forth the initial expansion of the territory by the SCWHUA and provided that additional expansion of the territory covered by the SCWHUA would continue to be analyzed while the initial expansion was implemented. The Director further expanded the SCWHUA territory on May 23, 2007 to include additional areas within Charleston, Georgetown and Horry Counties.² Subsequently, the Omnibus Coastal Property Insurance Reform Act of 2007, which was signed into law on June 11, 2007,³ codified the March 2007 Order’s initial expansion territory and ratified the further expansion of the SCWHUA territory set forth in the May 23, 2007 order (May 2007 Order).⁴ The Director renewed the May 2007 Order on March 13, 2009 in accordance with the requirements set forth in § 38-75-460.⁵

¹ See Order No. 2007-001.

² See Order No. 2007-003.

³ 2007 S.C. Act No. 78 (R. 142, H. 3820)

⁴ The Omnibus Act codified the coastal area plus the expanded territory as defined in Order 2007-001 in the definition of “coastal area” set forth in § 38-75-310(5) but did not include in the definition the creation of Zone 1 and Zone 2 as included in the March 2007 Order. See S.C. Code Ann. § 38-75-310 (Supp. 2012). Further, the Omnibus Act specified that the General Assembly, on the Act’s effective date, “ratifies the director’s May 23, 2007 coastal area expansion order and the multiple-tier structure described in the order for the time period stated in the order and authorized under this section.” See S.C. Code Ann. § 38-75-460(D) (Supp. 2012).

⁵ See Order No. 2009-001 and S.C. Code Ann. § 38-75-460 (Supp. 2012).

The March 13, 2009 order (March 2009 Order) set forth the continued expansion of the territory covered by the SCWHUA as originally set forth in the March 2007 Order and the additional expansion as provided for in the May 2007 Order based on the Department of Insurance's continued evaluation of coastal property insurance market conditions, review of input from consumers about the availability of essential property insurance, and the review and analysis of other pertinent information. The March 2009 Order was set to expire on March 29, 2011 unless renewed in accordance with the provisions set forth in § 38-75-460, which provides in pertinent part:

“(A) In order to maintain stability in the property insurance market and to assure the continued, consistent availability of essential property insurance coverage in the coastal area, the Director of the Department of Insurance... or his designee, by written order complying with the requirements of Section 1-23-140, may expand the coastal area in which the association shall provide essential property insurance for periods up to twenty-four months. The order is subject to renewal by the director but no renewal shall exceed twenty-four months...”

The Director renewed the March 2009 Order on January 12, 2011 in accordance with the requirements set forth in § 38-75-460. The January 12, 2011 order (January 2011 Order) is set to expire on March 29, 2013 unless renewed in accordance with the provisions set forth in § 38-75-460. This order renews the SCWHUA territory expansion set forth in the January 2011 Order.

FINDINGS

After considering current market conditions, consumer complaints and requests for assistance, and the Department's analysis and review of pertinent information, I find and conclude as follows:

1. The SCWHUA writes wind and hail property insurance coverage in the coastal area as defined by § 38-75-310(5). Section 38-75-460 gives the Director the ability to expand that territory upon a finding that conditions exist that threaten to destabilize the property insurance market and jeopardize the continued, consistent availability of essential property insurance in the seacoast area.

2. Since the 2007 expansion of the SCWHUA, the coastal property insurance marketplace has stabilized. Expansion has improved the availability of coverage to South Carolina coastal property owners and reduced the number of consumers who were unable to find coverage. Allowing the order to expire could result in significant market disruptions.

3. The rate of growth in SCWHUA written premiums has been steadily declining. The rate of growth has slowed from 28% in 2007 to 12% in 2008 and less than 1% each year in 2009, 2010, 2011. In 2012, written premiums were down \$1,613,452 or 1.7%. The policy count is down to 2,809. The Association expects this trend to continue during the first quarter of 2013. The decrease in the rate of growth can be attributed to the following factors:

- a. Improvements in the availability of reinsurance coverage;
- b. Increased availability in the voluntary market, especially the commercial property insurance market;
- c. The 2007 expansions of the territory covered by the SCWHUA; and
- d. The consistency of the SCWHUA territory since its initial expansions in 2007.

4. Although the South Carolina property market appears to be stable, there are indications that segments of the property market may be tightening. As a result, it is possible some consumers may have difficulty finding affordable essential property insurance coverage in some areas. The expansion of the territory covered by the SCHWUA has been a safety net for those consumers. If the expansion is not renewed, there could be significant disruptions in the coastal property insurance market.


5. The renewal of the 2007 expansion of the territory covered by the SCWHUA is necessary to address those areas of the seacoast territory where essential property insurance coverage is still not readily available and to provide access to consumers who continue to have problems finding essential property insurance coverage in the admitted market. It should also help prevent market disruptions in the areas with the most significant exposure to hurricane and other wind events.

CONCLUSION

Based upon the foregoing, it is ordered that:

1. Order 2011-01 renewing the expansion of the territory covered by the SCWHUA shall be renewed and remain in full force and effect. Orders 2011-01, 2009-001, 2007-003, and 2007-001 are attached and their terms incorporated into this order by reference.
2. This order shall take effect upon the expiration of the January 2011 Order and shall continue in effect until March 29, 2015 unless otherwise vacated or superseded by a subsequent order issued by the Director or revised, vacated or superseded by action of the South Carolina General Assembly as set forth in § 38-75-460(C)(4).

IT IS SO ORDERED.


Raymond G. Farmer
Director of Insurance

February 22, 2013