

By: Middleton
(Paul)

S.B. No. 1393

A BILL TO BE ENTITLED

AN ACT

relating to eligibility for coverage by the Fair Access to
Insurance Requirements Plan in certain areas.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section [2211.151](#), Insurance Code, is amended to
read as follows:

Sec. 2211.151. MANDATORY COVERAGE PROVIDED TO CERTAIN
INSUREDS. (a) The association shall make residential property
insurance available to each applicant in an underserved area whose
property is insurable in accordance with reasonable underwriting
standards but who, after diligent efforts, is unable to obtain
residential property insurance through the voluntary market, as
evidenced by two declinations from insurers authorized to engage in
the business of, and writing, residential property insurance in
this state.

(b) For residential properties in the area surrounding, but
not located more than four miles beyond, the Texas Windstorm
Insurance Association catastrophe area designated under Section
[2210.005](#), an offer of coverage for the property through the
voluntary market at a cost that exceeds 110 percent of the cost for
an association policy providing substantially equivalent coverage
of residential property with similar rating characteristics,
including size, elevation, age, and construction standards, is
considered a declination for purposes of establishing eligibility

1 for coverage under Subsection (a).

2 SECTION 2. This Act takes effect immediately if it receives
3 a vote of two-thirds of all the members elected to each house, as
4 provided by Section 39, Article III, Texas Constitution. If this
5 Act does not receive the vote necessary for immediate effect, this
6 Act takes effect September 1, 2023.