

By: Middleton

S.B. No. 1393

A BILL TO BE ENTITLED

AN ACT

relating to eligibility for coverage under the FAIR Plan Association 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 located not more than two miles beyond the Texas Windstorm Insurance Association catastrophe area designated under Section [2210.005](#), an offer of coverage for a residential property through the voluntary market whose cost exceeds 10 percent of a Texas FAIR Plan Association policy offering equivalent coverage of a residential property with similar rating characteristics, including size, elevation, age, and construction standard shall constitute a declination for purposes of establishing eligibility for coverage under Subsection (a).

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