

# Flood, Mudflow, Mudslide, Landslide, or Sinkhole Losses After a Wildfire Fact Sheet

## Homeowner Policies

In general, homeowner's policies (HO) issued in California, while worded slightly differently by various insurers, provide coverage for accidental physical loss to property as described in the policy subject to exclusions and limitations. Standard exclusions include: flood, earth movement, earthquake, landslide or mudflow, settling, cracking, shrinking, subsidence or sinkhole, erosion, sinking, rising, shifting, expanding or contracting of earth. However, most homeowner's policies will cover an ensuing fire or explosion resulting from earth movement.

## Frequently Asked Questions

### **Q. Does my HO policy cover damages from mudflow, mudslide, landslide, or sinkhole?**

HO policies generally exclude damages caused by mudflow, mudslide, landslide, or sinkhole. However, it is important to read your particular policy to understand what is covered and what is excluded. (Note: See below, regarding "efficient proximate cause". There may be possible coverage depending on the facts and cause of the loss.)

### **Q. My home suffered a mudflow/mudslide/landslide/sinkhole loss in the areas near the recent wildfires. Is this covered under my HO policy?**

There exists the concept of "efficient proximate cause". It is possible that if the facts show that the wildfire (a covered peril) was the efficient proximate cause of the subsequent (mudflow/mudslide/landslide/sinkhole) events, then there may be coverage under the HO policy. You should first file a claim with your HO carrier. Should the claim be denied, the insurer must explain the reason for the denial and provide specific language on which the decision was based. If you wish to have the claim decision reviewed, you should file a Request for Assistance with this Department.

### **Q. I don't have a copy of my HO policy. What should I do?**

Ask your insurance company or agent for a copy of the policy and all endorsements. The law requires your insurance company to provide this to you free of charge within 30 days of your request.

### **Q. I have my HO policy but I don't understand it. What should I do?**

CDI can help you to understand your policy and coverages, if you have those documents available (in an in-person meeting). Otherwise, you should first contact your insurance company, agent or broker to get assistance understanding your coverages. If you are still unsure about your coverages or disagree with how the insurer is describing your coverages, you should file a Request for Assistance with CDI and one of our officers will assist you in understanding your coverages.

**Q. If I suffered damages from a mudflow/mudslide/landslide/sinkhole and my HO policy does not cover these damages, what should I do?**

If the Local Assistance Center (LAC) is open in the area for your event, you should speak with local and state government officials to find out if there are any special financial assistance programs you may be eligible for. If the President declares a state of emergency, there may be financial help available from the Federal Emergency Management Agency (FEMA) or low interest loans from the Small Business Administration (SBA). Also, you may check with your lender or other financial lending institutions to explore the possibility of special programs that may be available.

**Q. I don't think the mudflow/mudslide/landslide/sinkhole was a result of natural causes. I believe my house should not have been built at this location as the earth is not stable. What can I do?**

If you believe that the mudflow/mudslide/landslide/sinkhole was caused as result of actions or negligence on the part of others, you should contact an attorney and discuss the possibility of legal recourse.

**National Flood Insurance Program**

The California Department of Insurance does not have jurisdiction over claim disputes under the National Flood Insurance Program. Flood insurance is a Federal program administered by the Federal Emergency Management Agency (FEMA). Consumers who have purchased an NFIP policy and have a loss, should report the loss immediately to the insurance agent or the insurance company administering the NFIP flood insurance to report the claim. Consumers requiring assistance can reach [NFIP](#) at 1-800-621-3362. Under the National Flood Insurance Program (NFIP), coverage is provided for direct physical loss by or from a flood which is defined as "A general and temporary condition of **partial or complete inundation of two or more acres (one of which is your property)** of normally dry land area or of two or more properties from overflow of inland or tidal waters; unusual and rapid accumulation of runoff of surface waters from any source; mudflow, collapse or subsidence of land along the shore of a lake or similar body of water as a result of erosion or undermining caused by waves or currents of waters that result in a flood."

Pertinent NFIP policy exclusions are:

- Earth movement - even if the earth movement is caused by flood.
- Earthquakes
- Landslide
- Land subsidence
- Sinkholes
- Destabilization or movement of land that results from accumulation of water in subsurface area, or gradual erosion. However, the policy will cover losses from mudflow and subsidence resulting from erosion caused by flood unless the cause of loss is caused by a flood, as defined in the policy, damages resulting from landslides and sinkholes are not covered under the NFIP.

Consumers whose claims have been denied by NFIP can contact FEMA to explore the appeal process.