

# Certification criteria

The ICC process requires that you spend what the Insurance Commissioner has determined to be a minimum amount on appropriate insurance coverage based on the **type of entity you are**.

GOHSEP has worked closely with the Insurance Commissioner to **develop a process** allowing Subrecipients (Applicants) to pursue an ICC when full O + M requirements **cannot reasonably be met**.

The Subrecipient (Applicant) must **demonstrate compliance** with the criteria set by the Insurance Commissioner and follow the Commissioner's **certification process** to be considered for an ICC.

## MINIMUM INSURANCE BUDGET

- A Subrecipient (Applicant) must allocate a **reasonable portion of its current annual operating budget** to the purchase of **property insurance**, including **wind and flood coverage**, for each of its properties that are the subject of FEMA PA grants.
  - The required yearly minimum insurance budget is expressed as a **percentage of annual operating budget**.
  - The percentage is defined specifically for **different entities**.
  - The schedule** established by the Insurance Commissioner for Subrecipient (Applicant) to use

in determining a minimum insurance budget is shown in the table below.

- When calculating a minimum insurance budget . . .
  - DO base it on your **prior year's audited financial statement**.
  - Do NOT include **capital outlays**.

## INSURANCE PROCUREMENT GUIDELINES

- A Subrecipient (Applicant) must also follow **guidelines** defined by the Insurance Commissioner for the **type of insurance** procured:
  - Obtain and maintain **maximum amount** of insurance **available** through the **National Flood Insurance Program (NFIP)** for:
    - Building and contents** for **every facility** that sustained flood damage as a result of the disaster.
  - Procure **property** coverage (including wind and other perils, exclusive of flood) up to **replacement costs**.
  - With **remaining funds**, procure excess flood coverage.

**NOTE:** Cost of business interruption insurance is separate and cannot be used to meet your percentage of budget requirement.

**TABLE: Minimum budget for insurance expressed as a percentage of annual operating budget**

Organization Type	Percentage of Operating Budget
Local Government	0.33%
Elementary and Secondary Education	0.29%
Post-Secondary Education	0.17%
Health Care	0.26%
Nonprofit Association	2.91%
Nonprofit Trust	1.41%
Nonprofit Religious	2.61%

Please note that this is a minimum percentage schedule for the purpose of determining a reasonable insurance budget. It cannot be used as rationale to reduce insurance if the current expenditure exceeds the listed percentage amounts.

Contact your risk manager or insurance professional if you think an ICC might be right for you.

If you have questions regarding an ICC, please contact:



Governor's Office of Homeland Security and Emergency Preparedness (GOHSEP) Insurance Team

225-376-5330  
lapainsurance@la.gov

Louisiana Department of Insurance (LDI)



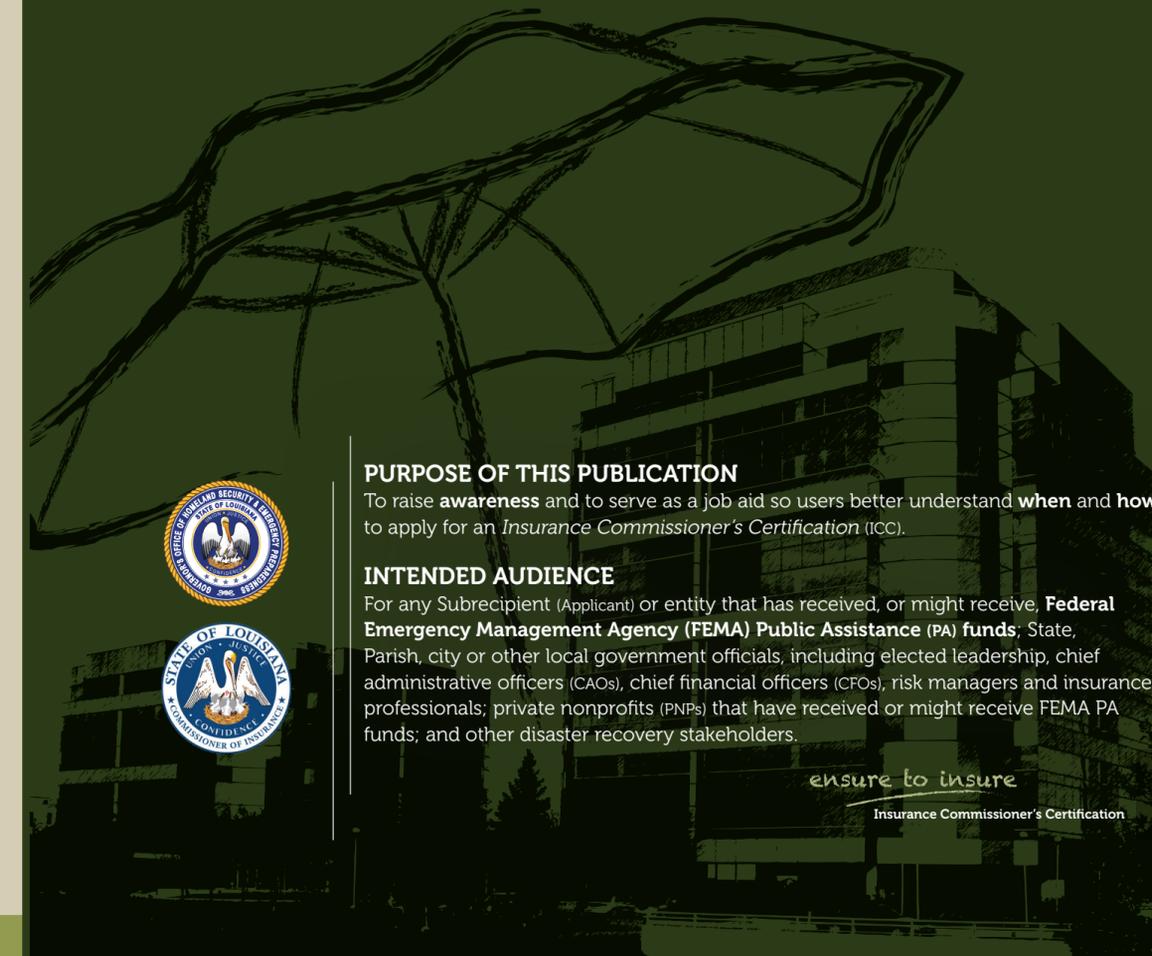
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Visit LouisianaPA.com for an ICC application.



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# STAFFORD ACT Insurance Commissioner's Certification PROCESS ICC



## PURPOSE OF THIS PUBLICATION

To raise **awareness** and to serve as a job aid so users better understand **when and how** to apply for an *Insurance Commissioner's Certification (ICC)*.

## INTENDED AUDIENCE

For any Subrecipient (Applicant) or entity that has received, or might receive, **Federal Emergency Management Agency (FEMA) Public Assistance (PA) funds**; State, Parish, city or other local government officials, including elected leadership, chief administrative officers (CAOs), chief financial officers (CFOs), risk managers and insurance professionals; private nonprofits (PNPs) that have received or might receive FEMA PA funds; and other disaster recovery stakeholders.

ensure to insure

Insurance Commissioner's Certification

# What YOU need to know NOW!

## Dear Louisiana Disaster Recovery Stakeholder,

As a **condition** of receiving FEMA Public Assistance (PA) funding, Subrecipients (Applicants) must **obtain** and **maintain** insurance coverage, often called the O + M requirement, **at least equal to the amount of the eligible damage** to the facility receiving Federal assistance.

The purpose of the O + M requirement is to **protect against future loss** from the same type of peril.

### INSURANCE COMMISSIONER'S CERTIFICATION (ICC)

Sometimes insurance market conditions prevent your ability to **reasonably** meet the O + M requirement. As a result, the *Robert T. Stafford Disaster Relief and Emergency Assistance Act* (Stafford Act) then allows you to apply for an *Insurance Commissioner's Certification* (ICC). **The ICC acts as a declaration that some portion of the O + M requirement is not reasonably available** to a FEMA PA Subrecipient (Applicant). It may be the best way to ensure your *continued* eligibility for FEMA PA funding if you incur damage to insurable assets in a **subsequent** disaster.

The **Louisiana Commissioner of Insurance**, working with the **Governor's Office of Homeland Security and Emergency Preparedness** (GOHSEP), has established **criteria** you must meet to be eligible for an ICC. **This brochure is designed to help you understand the criteria and the process when applying for an ICC.**

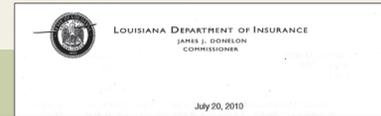
**Check with your risk manager and/or insurance professionals to see if an ICC is right for you.** If you believe you qualify for an ICC, you must submit your application and **required** documentation to GOHSEP.



**If the insurance required by the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act) is not reasonably available, the Subrecipient (Applicant) must demonstrate compliance with the Insurance Commissioner's established criteria and follow the Insurance Commissioner's Certification process.**

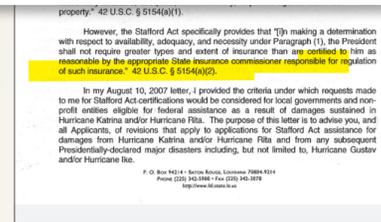
## Why an ICC may be needed

- A Subrecipient (Applicant) who has not **obtained** and **maintained** required insurance (for the full amount of FEMA PA eligible damages) in a **current disaster** is at risk for **de-obligation of that funding**.
- Eligibility for future FEMA PA funding** requires Subrecipients (Applicants) to **obtain** and **maintain** insurance for **each damaged facility** (in at least the amount of *previously* eligible damages) that has received FEMA PA funding in a *prior* disaster of the same type.
- A Subrecipient (Applicant) that cannot **reasonably obtain** and **maintain** the required level of insurance coverage can apply for an ICC. For future PA eligibility, FEMA does not require greater amounts of insurance than certified as reasonable by the State Insurance Commissioner.
- Facilities that sustained **eligible damages less than \$5,000** do not have an O + M requirement.



"... the President shall not require greater types and extent of insurance than are certified to him as reasonable by the appropriate State insurance commissioner..."

"... I hereby certify that commercial insurance coverage for the perils of flood and wind is not reasonably available to Applicants in order to procure property insurance coverage for the full amount of their eligible disaster assistance..."



## How it works

An ICC **applies only** to the O + M requirements applicable to the **storm or hazard specified** in the application.

Once a Subrecipient (Applicant) **provides evidence** that the **type and extent** of insurance required by the **FEMA PA Program** are **not reasonably available**, the Insurance Commissioner can issue an ICC. It's important to know:

- If granted an ICC, a Subrecipient (Applicant) must maintain **insurance coverage consistent with that in place at the time of the initial certification**.
- Should another major disaster strike, resulting in the Subrecipient's (Applicant's) need for additional Stafford Act assistance, a **new application** for a certification applicable to that disaster is required.

## Roles + responsibilities

### SUBRECIPIENT (APPLICANT)

**You** are responsible for **risk management**.

It is important to know that **private insurance** is the first source of help after a disaster. FEMA PA (and other Federal support) is supplemental in nature and available when communities are overwhelmed by a disaster and after insurance benefits and other local or State resources have been exhausted.

### INSURANCE COMMISSIONER

The Louisiana Commissioner of Insurance is charged with determining whether required O + M insurance is **reasonably available**. Stafford Act Section 311 states, "... the President shall not require greater types and extent of insurance than are certified ... as **reasonable** by the appropriate State Insurance Commissioner." The Louisiana Commissioner of Insurance issued a *Letter to the President* dated July 20, 2010 certifying that certain types and amounts of insurance were **not reasonably available** to Louisiana FEMA PA Subrecipients (Applicants).

## Blanket policies

Subrecipients (Applicants) utilizing **blanket** or **scheduled policies**, **pooling arrangements** and **layered programs** should also consider an ICC.

## Increased deductibles

In a post-disaster insurance market, insurance carriers attempt to protect themselves from future losses of the same type. One of the methods they use is to **increase deductibles**. This results in a significant increase in out-of-pocket cost to the Subrecipient (Applicant) in the event of future damage. The Insurance Commissioner stipulates that the **deductible cannot exceed 15% of property insurance coverage** and **cannot be combined with business interruption insurance coverage**.

## Not a guarantee . . .

Demonstrating you have met the criteria set by the Insurance Commissioner and followed the process is not a guarantee that an ICC will be granted. If granted, **an ICC does not exempt a Subrecipient (Applicant) from procuring insurance coverage. You still must carry insurance to the extent that it is reasonably available to you.**

## REMEMBER:

- FEMA PA is **supplemental**. It does not replace other assistance (including insurance).
- FEMA PA grants are only provided for **Presidentially declared disasters**.

ESTABLISH  
MINIMUM  
BUDGET



PROCUREMENT

ICC REQUEST



DOCUMENTATION  
REVIEW



INSURANCE COMMISSIONER'S  
DECISION

