

# WEST VIRGINIA CODE: §33-49-4

## §33-49-4. Content of flood insurance.

(a) At a minimum, coverage for the peril of flood must cover a flood as defined in this article. Coverage for the peril of flood may also include water intrusion, as defined by the policy, which originates from outside the structure and is not otherwise covered under the definition of flood.

(b) An insurer may offer a flood coverage policy, contract or endorsement:

(1) That has a flood deductible based on a stated dollar amount or a percentage of the coverage amount. At a minimum, an insurer must offer deductible amounts applicable to flood losses that equal the standard deductibles offered under the National Flood Insurance Program;

(2) That provides that any flood loss will be adjusted on the basis of:

(A) The actual cash value of the property; or

(B) Replacement costs up to the policy limits in the same manner as provided under section nine, article seventeen of this chapter;

(3) That restricts flood coverage to the principal building, as defined in the applicable policy;

(4) In an agreed-upon amount, including coverage limited to the amount of all outstanding mortgages applicable to the covered property. However, if a policy, contract or endorsement does not limit flood coverage to the replacement cost of the covered property, the contract or endorsement may not include a provision penalizing the policyholder for not insuring the covered property up to replacement cost; or

(5) That, as to the peril of flood, does not cover:

(A) Additional living expenses;

(B) Personal property or contents; or

(C) Law and ordinance coverage. However, an insurer must offer law and ordinance coverage that is comparable to the law and ordinance coverage offered in the standard National Flood Insurance Program policy. A policy, endorsement, or contract that includes the law and ordinance coverage that must be offered under this paragraph must include the following disclosure in uppercase bold lettering of at least 12-point type:

"LAW AND ORDINANCE COVERAGE UNDER THIS POLICY MIGHT HAVE LIMITATIONS ON WHAT IS COVERED IN THE EVENT OF A LOSS. YOU SHOULD CONSULT WITH YOUR

AGENT IF YOU HAVE QUESTIONS ABOUT THE COVERAGE OFFERED UNDER THIS POLICY."

WV Legislature