

against the insurance company. In other words, if the policy can reasonably be interpreted two different ways, the policy holder will usually be given the benefit of the doubt. Keep these rules in mind when you discuss your policy with any insurance company representative.

If the insurance adjuster takes the position that part of your claim is not covered, ask them to show you the specific portion of the insurance policy which clearly and unambiguously excludes coverage for that part of the claim. If you and your insurance adjuster cannot satisfactorily agree on the interpretation of your policy, promptly consult a lawyer.

Q: How do I contact my insurance company?

Enclosed is a list of the phone numbers of most major insurance companies. Call the listed number. If you can't get through or if your insurance company is not listed, call the agent from whom you purchased the policy.

| | |
|------------------------------|----------------------------------|
| Allstate | 1-800-386-6126 |
| Atlas Insurance | (808) 533-3222 |
| Farmers Insurance | (808) 544-3999 |
| Fireman's Fund Insurance Co. | 1-800-227-1700 |
| First Insurance Company | 1-800-272-5202 |
| GEICO | (808)-593-1010 or 1-800-841-3000 |
| Hawaiian Insurance | (808) 536-2777 |
| Island Insurance | (808) 531-1311 |
| Liberty Mutual | (808) 589-8920 or 1-800-526-1547 |
| Progressive Insurance | 1-800-776-4737 |
| Royal Insurance | (808) 539-1700 |
| State Farm | 1-800-782-8332 |
| Tokio Marine | 1-877-567-7486 (1-877-LOSS4TM) |
| USAA | 1-800-531-USAA (8722) |

For more information please visit:

**Hawaii Department of Commerce
& Consumer Affairs,
Insurance Division**

The DCCA will be open 7:45 AM – 4:30 PM
Monday to Friday, except state holidays.

**Insurance Division
P.O. Box 3614
Honolulu, Hawaii 96811
Telephone:
(808) 586-2790 or (808) 586-2799**

Residents of Hawaii Island may call
984-2400 followed by 6-2790 or 6-2799
and the # sign or 1-800-468-4644 (toll free)

Email Address:
insurance@dcca.hawaii.gov

[www.http://cca.hawaii.gov/ins/](http://cca.hawaii.gov/ins/)



Phone: 1-800-499-4302
www.legalaidhawaii.org
www.lawhelp.org/hi

DISASTER LEGAL ASSISTANCE

Homeowner's Insurance Lava Flow



Provided as a community service by the Hawaii State Bar Association, the Hawaii County Bar Association, the HSBA Young Lawyers Division, and the Legal Aid Society of Hawaii with support from the Hawaii Community Foundation.



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Phone: 1-800-499-4302
www.legalaidhawaii.org
www.lawhelp.org/hi

Q: Will my homeowner's insurance policy cover damages from lava flow?

Each company's policy is different. Contact your insurer immediately to review your policy coverage. Generally, if your home is damaged as a result of the heat from a lava flow causing a fire, the damages may be covered under your policy as a fire peril.

Q: How does lava insurance work?

If the policy covers volcanic eruption (or the damages are covered under fire peril), then the homeowner would file a claim as in any other situation.

Q. Will home insurance for fire damage cover damages to my home if the lava hits or must I have separate lava coverage?

Most insurance companies cover volcanic eruptions in their basic homeowner policies. The following perils are generally not covered unless you have a specific endorsement covering that peril.

- Flood
- Earthquake
- War
- Nuclear accident
- Landslide
- Mudslide
- Sinkholes

Most homeowner's policies provide coverage for "property loss caused by volcanic eruption when it is the result of a volcanic blast, airborne shock waves, ash, dust, or lava flow.

Fire or explosion resulting from volcanic eruption is also covered."

In Hawaii, homeowners who could not get coverage because their home was located in a high risk lava zone may have been able to obtain coverage through the Hawaii Property Insurance Association for much higher premiums.

If the policy does not specifically include volcanic eruptions, the homeowner may recover under fire peril.

A determination may be made under:

1. Intense "heat" causing combustion and fire ahead of the lava flow and
2. "Ensuing loss" positions.

Q: Do I have a duty to mitigate the cost of damages because the disaster is slow moving?

Homeowners should review their policy for a "cooperation clause" that will outline their duties to mitigate damages. Mitigation is generally a legal duty to take action to avoid damages. Most policies only reference post disaster duties to mitigate.

The Hawaii Insurance Commissioner does recommend that Hawaii residents remove as many personal belongings as possible before the lava flow reaches them in order to mitigate damages.

Q: What should I do if I don't have insurance and the lava flow is threatening my home?

Remove as many belongings from your home as possible. Start making a plan for where you can stay and for where you can store your belongings.

Q: Can I get an insurance policy now or increase the coverage of my existing policy?

Probably not. Insurance companies generally declare a moratorium on new insurance policies and will not increase coverage for existing policies in areas endangered by active lava flow.

Q: Can my insurance company cancel my current policy?

No. Your insurance company will not cancel your current policy so long as you remain current with your payments.

Q: How does the claims process work?

You will promptly file a claim with your insurer reporting the damage done to your home. Your insurance company will assign a claims adjuster to assess the damages and determine applicable coverage. Once your claim is approved a settlement check will be sent.

Q: What if I don't agree with the amount the insurance company offered to pay me?

Review your policy and the claim with your insurance company and try to negotiate a settlement. If no agreement can be reached you may contact the Hawai'i Insurance Division at 808-974-4000. You may also want to contact a private attorney depending on the circumstances.

Q: How long will it take to get a settlement check?

It depends on the extent of the damage done to your home and on whether or not the insurance adjuster can visit your home immediately to complete an assessment.

Q: What happens if the language of my insurance policy is not clear?

Courts recognize that insurance policies are written by the insurance company and that the consumers have no choice in the language used. As a result, any vagueness, uncertainty or ambiguity in the insurance policy will be interpreted in favor of the policy holder and