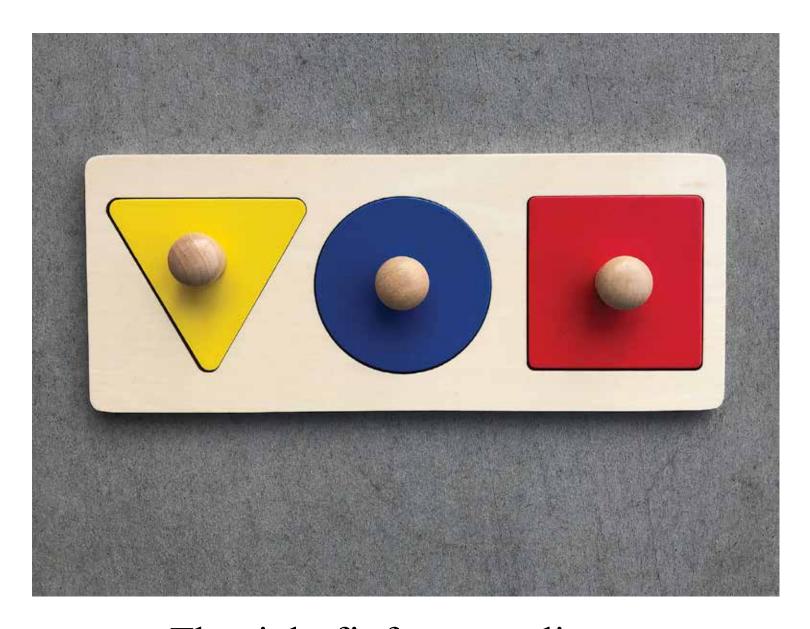
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Winter 2023

The Minnesota News

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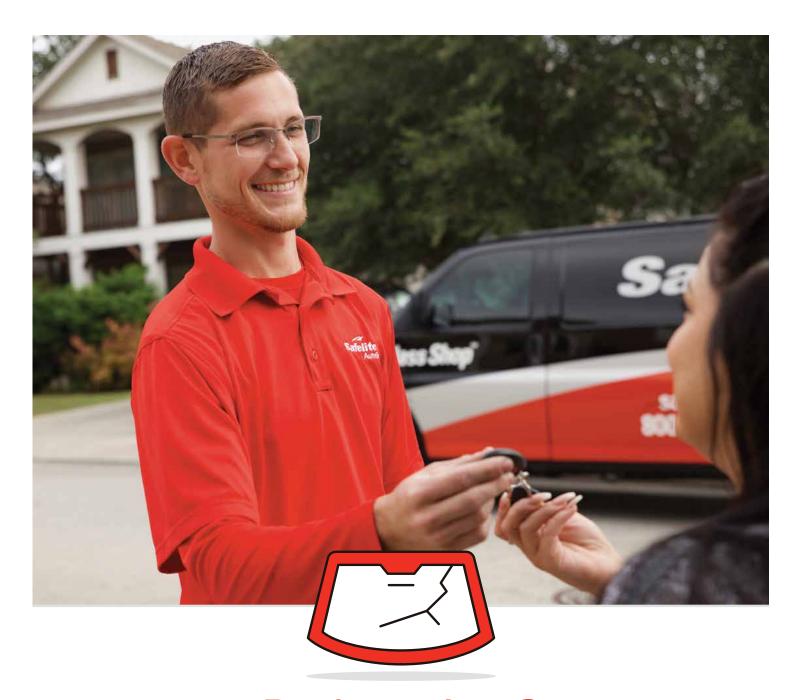
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President's Message

The hard market continues to be a reality and the insurance market seems to be changing on a weekly basis, if not daily. Insurance carriers and agents are working as hard as ever to find good solutions for clients despite a difficult environment in the industry. Most carriers have been forced to make difficult decisions in order to ensure they will remain a reliable resource for insureds now and in the future. Communication with clients is more important than ever to help them understand the reasons behind the significant increases in their premiums and adjustments to coverages and deductibles on the policies for most lines of business.

Big I MN board members and I had the opportunity to meet with several of our carrier partners over the past few weeks and through those meetings I have been able to really see the value and importance of the relationships built between the Big I MN and the insurance carriers doing business with independent agents in Minnesota. These collaborative discussions allow the carriers to gain more insight into the issues facing independent agents in Minnesota and it allows the Big I MN to gain more insight into the issues facing the carriers in this tough market. It also helps the Big I MN better understand where we need to focus our efforts to support not only insurance agents but the insurance industry as a whole. We all realize that we are in a difficult time, but we also can see better days ahead when the difficult adjustments and decisions being made today begin to pay dividends in the future.

Outside of the hard market, another big topic of discussion is how the insurance industry is going to respond to legalized adult use cannabis in Minnesota. In addition, there is the increased complexity in Minnesota since establishments may serve both THC seltzers and alcoholic beverages on premises. There is still some time until licenses for legal retail sales will be issued to businesses, but insurance options will certainly be limited nonetheless since there are no plans at the moment for cannabis to be legalized on a national level. The Big I MN Emerging Leaders recently sponsored a continuing education class on this topic that was very informative and timely. Access to training and networking events like this offered by the Big I MN is a great benefit to independent agents.

Another key takeaway from our carrier meetings was the importance of supporting <u>InsurPac</u> and <u>MIIAPac</u> so we can better advocate for the insurance industry. If all members can make even a small

contribution, collectively it can make a big difference. Without support from agents, it is difficult for our association and Robyn Rowen as our lobbyist to have the impact necessary to move important legislation forward and help prevent poor legislation from being enacted.

Despite all these struggles, I am thankful to be part of this great industry and having the opportunity to work with so many dedicated and hardworking individuals helping insurance professionals and insureds navigate through the current hard market. It is encouraging that so many companies and agents remain optimistic about the future as we realize that sometimes it takes a hard market to force some difficult, yet necessary, changes to be made that will make the industry stronger and agents more successful in the future.





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Executive V.P. Message

Here at the Big I MN, we want our members to know that we are listening and taking action in response to your current struggles with the hard market and the frustration that comes along with it. The Big I MN and its members are taking the position of educating regulators and public policy makers about the impact of the current market crisis on consumers.

- Creating a one-pager for legislators that explains the cost drivers and how consumers can protect themselves.
- We met with and interviewed the head of the DOC Insurance Division to communicate concerns from carriers about the rate filing approval times and DOC staffing issues in the P&C area.
- We met with and interviewed the IFM President & CEO, Aaron Cocking, to discuss the carriers view of the crisis and how we can work together in MN on solutions.
- Invited Deputy Commissioner Julia Dreier to speak with the Big I Board of Directors in December to discuss our concerns with the impact of the crisis on consumers as well as potential solutions.
- We've met with over 20 insurance carriers to hear their concerns and discuss solutions.

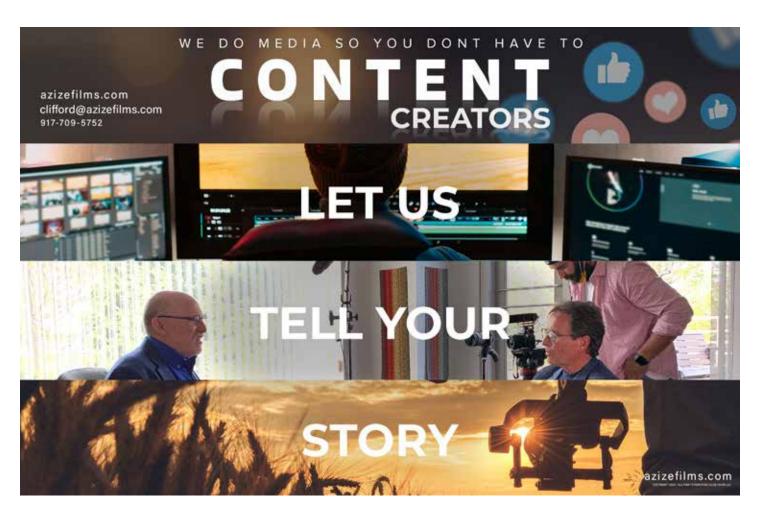
Moving Toward Solutions

- The recent change in statute <u>325E.80</u> adding contractors to the price gouging law has proven to be a step in the right direction! The Attorney Generals office is actively enforcing this new law and getting contractors to change their billing practices. This success has spurred interest from the Chair of the House & Senate Commerce Committees to further prevent storm chasers from taking advantage of consumers and driving up the cost of property insurance in MN.
- We are looking into reasonable and tailored measures that can keep plaintiff's attorneys from adding unnecessary costs to MN consumers premiums in response to lawsuit abuse.
- Big I MN supported the DOC's Strengthen MN Homes program to install roofs meeting the IBHS Fortified standards and the National Big I (IIABA) supports federal efforts to use financial incentives to mitigate climate risk.

Regulatory Solutions

- Big I MN has repeatedly heard from carriers that they cannot get timely approval of needed and risk-based increases from the DOC. We are partnering with the carriers to identify areas where legislation may help carriers respond to market conditions more quickly, keeping coverage available to consumers.
- In 2024, we will also partner with carriers and legislators to make sure consumers have access to any and all actuarily justified discounts such as affinity programs.
- At the federal level, the National Big I (IIABA) is exploring the idea of a narrow reinsurance backstop to supplement the unregulated reinsurance market. The idea would have to have a clear, well-structured mechanism







that encourages the private sector to handle as much of the risk as possible and only triggers federal involvement as a last resort upon private market failure. We strongly prefer market-driven solutions, but this may be necessary to encourage participation in high-risk markets where carriers are scaling back or even refusing to write.

If you are interested in becoming more involved in these initiatives, please reach out to join our legislative committee and contribute to our PAC's!









January 10th & 11th, 2024 Life & Health

(Webinar)

February 7th & 8th, 2024

Ruble Graduate Seminar (Webinar)

March 12th & 13th, 2024

Commercial Multiline Institute (Webinar)

April 17th & 18th, 2024

Commercial Property (Classroom) - Minnetonka

May 22nd & 23th, 2024

Commercial Casualty (Classroom) - Minnetonka June 12th & 13th, 2024

Ruble Graduate Seminar (Classroom) - Eagan

August 14th & 15th, 2024

Personal Lines Institute (Webinar)

September 18th & 19th, 2024

Personal Lines Institute (Classroom) - Minnetonka

October 7th & 8th, 2024

Ruble Graduate Seminar (Classroom) - Edina

November 13th & 14th, 2024

Insurance Company Operations (Webinar)



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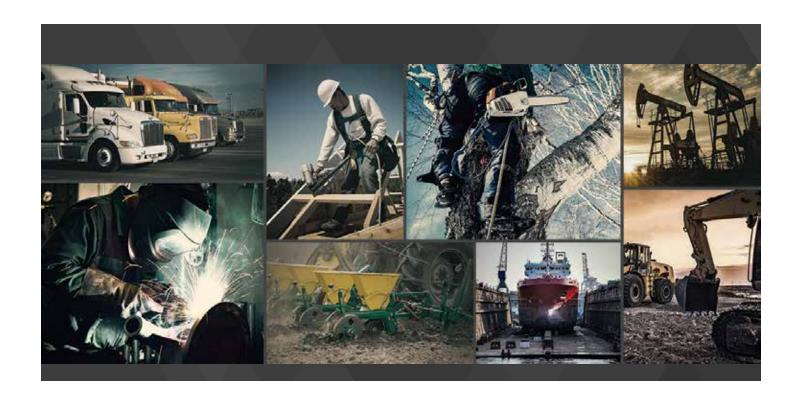


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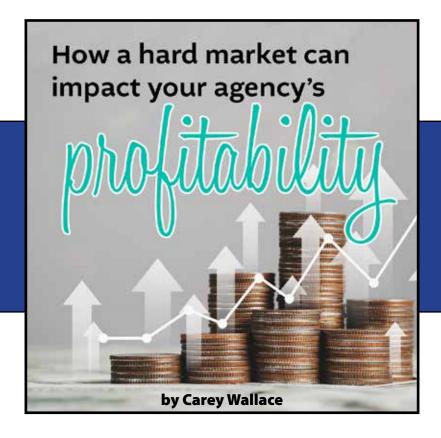
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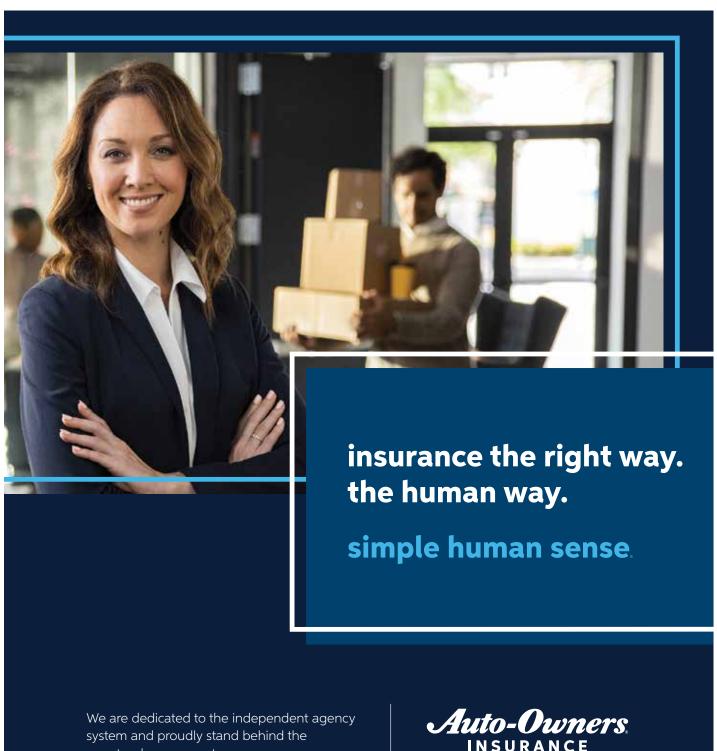


A hard market is a term used in the insurance industry to describe a period of time when insurance premiums are generally increasing, and underwriting standards are becoming more stringent. A hard market may be the result of a variety of factors, including increased claims and losses, rising costs for insurance companies, and increased regulation. In this environment, an independent insurance agency's profitability may be impacted in several ways. That impact can be positive for some agencies and negative for others based on how well an agency responds to their customer's needs.

During a hard market, insurance companies may experience increased commission and fee revenue provided that their customers can withstand the rate increases. This can also occur due to their customers incurring higher claims and losses, which can lead to higher premiums for policyholders. As a result of these increased premiums, independent insurance agencies may find it more difficult to sell policies to potential customers and retain their current customers as the higher premiums may be less affordable for some consumers. This can lead to lower sales and retention revenue for the agency.

Additionally, during a hard market, insurance companies may also be more selective about the risks they are willing to cover, which can result in a decrease in the number of policies that are available to sell. This can also lead to lower sales and revenue for the agency. Independent insurance agencies may also face increased competition from other agencies as they try to win business in a challenging market. This can lead to lower profit margins for the agency. There are several things that independent insurance agencies can do to minimize the impact of a hard market on their agency:

1. Focus on providing excellent customer service: Providing outstanding customer service can help to retain existing clients and attract new ones, even in a challenging market.



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- 2. Build and execute a strong retention strategy: Communicate clearly to your current customers about the market conditions and be proactive in your approach. This is a time when your advice and guidance are key to building a strong relationship with your customers.
- 3. Diversify the types of insurance products offered: Offering a variety of insurance products can help to mitigate the impact of a hard market in any one specific area. For example, if one type of insurance is experiencing higher premiums due to increased claims, the agency may be able to offset this impact by selling more policies in a different area where premiums are stable or even decreasing.
- 4. Develop a strong digital presence: In today's world, having a strong presence online is essential for businesses of all types, including insurance agencies. By improving your website, maintaining an active social media presence, and using digital marketing techniques, agencies can reach new customers and expand their reach.
- 5. Look for opportunities to save money: In a hard market, it may be necessary to look for ways to reduce expenses in order to maintain profitability. This could include negotiating lower rates with suppliers, finding more cost-effective ways to advertise, or streamlining operations to reduce inefficiencies. Investments in your agency's efficiency are key, and those agencies that have made these investments will be well-positioned to perform well in a hard market situation.
- 6. Consider joining a network: By joining a network an agency can expand the range of products and services offered and increase the number of customers they can serve.

By implementing these strategies, independent insurance agencies can minimize the potential negative impacts of a hard market and continue to operate successfully. Agencies that anticipate and prepare for the changing insurance environment are able to be better equipped to meet the needs of their customers.

By simply having the infrastructure, procedures, and foresight to be proactive they will be able to outperform agencies that continue to operate the way they always have. The ability to be nimble and adjust as the market conditions change will be appreciated by their customers and will serve agencies well in a hard market.



ABOUT THE AUTHOR:

Carey started her career in a technology startup and found her way into the insurance industry like many others have – by chance. She fell in love with the people, the entrepreneurial spirt, and the insurance industry. While working for the Ohio Insurance Agents Association, Carey created valuation and consulting services as well as built and led the first data-analytics company solely focused on independent insurance agencies. She is incredibly passionate about helping agency owners leverage data to grow and thrive in the changing insurance marketplace. Over the past 14 years, Carey has worked with hundreds of agencies helping them understand their agency's value and turn that knowledge into an actionable plan for their agency's future. Carey has a Finance degree from West Virginal University and provides a variety of consulting services through the company she founded, Agency Focus, LLC.



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Commercial Casualty I (Webinar)

01/25/2024

Insuring Personal Auto Exposures (Webinar)

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02/27/2024

Life & Health Essentials (Webinar)

03/06/2024

Commercial Casualty II (Classroom) - Minnetonka

03/21/2024

Agency Operations (Webinar)

04/23/2024

Insuring Personal Residential Property (Classroom) - Edina

05/08/2024

Elements of Risk Management (Webinar)

06/05/2024

Agency Operations (Classroom) - Eagan

06/18/2024

Other Personal Lines Solutions (Classroom) - St. Cloud

07/18/2024

Insuring Personal Residential Property (Webinar)

07/24/2024

Commercial Casualty I (Classroom) - Minnetonka

08/08/2024

Insuring Commercial Property (Classroom) - Minnetonka

09/12/2024

Life & Health Essentials (Webinar)

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Insuring Personal Auto Exposures (Classroom) - Duluth

10/16/2024

Commercial Casualty II (Classroom) - St. Cloud

10/30/2024

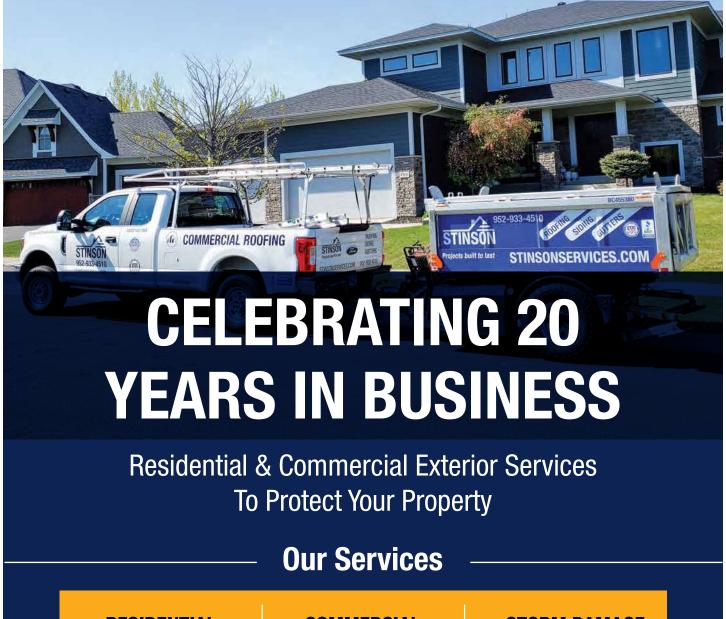
Elements of Risk Management (Classroom) - Duluth

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By Kate Zabris

"I don't understand. This hotel has no restaurant, no concierge, and no valet. It's not at all what I expected. The place had no standards." - Guest at a Roadside Motel

"I showed her the picture of Jennifer Aniston and asked for the same haircut. She cut my hair, but I still don't look a think like Jennifer Aniston. I'm not going back there." -Client at a Salon

"We went to the National Park and didn't see a single buffalo. They really need to do a better job scheduling the animals. I'm very disappointed." - Guest at a National Park

Most of us know motels aren't hotels, a haircut isn't cosmetic surgery, and wild animals don't follow a viewing schedule. So, how does the minority conclude otherwise? The answers are endless: lack of information, misinformation, wishful thinking, etc. Regardless of the source of the confusion, service providers must address the misalignment. The easiest way to handle such issues is to avoid them. When that can't happen, we must address them with calm, empathy, and willingness to educate.

Step One: Be Clear About What You Have

First-rate service providers are clear about what they have and don't. For instance, you have opulence if you work in a well-maintained historic hotel with old-world charm and a beautiful lobby. What you likely don't have, however, is large bathrooms, soundproof walls, and other modern amenities. Pretending you're something you're not is the first step toward disaster.



Questions to Consider

- Does this product or service last forever, or does it need to be replaced at some point?
- Do we provide a premium, mid-grade, or budget offering?
- Are our prices aligned with the experience?

Step Two: Provide Clear Product and Service Descriptions

Accuracy and transparency are the cornerstones of trustworthiness. As a service provider, strive to give clear, concise, and accurate descriptions to ensure customers' expectations align with what you offer.

Detailed Listings: Provide specific details about the product or service. For a hotel, this might include room sizes, available amenities, the age of the building, and any unique features.

Use High-Quality Visuals: Images and videos can provide a genuine sense of the product or service. Ensure that visuals accurately represent what customers will receive.

Highlight Unique Features: Emphasize what sets your offering apart. If it's that old-world charm in a historic hotel, showcase it. Make it clear why it's a selling point.

Address Potential Shortcomings: Be upfront about any limitations. For instance, if the hotel rooms have smaller bathrooms due to the building's historic nature, mention it. Transparency can prevent future dissatisfaction.

Customer Reviews: Allow space for customers to leave reviews. Prospective customers often find real-world experiences valuable, and it adds an additional layer of transparency.

Frequently Asked Questions (FAQs): Include an FAQ section addressing common queries and concerns. The extra information can help clarify any ambiguities about the product or service.

Questions to Consider:

- Have we described the product or service using straightforward and jargon-free language?
- Do the visuals we've used align with the actual experience or product?
- · Are there any features or limitations we've overlooked in our description?

If any of those suggestions scare you, go back to step one and get real about what you have.

Step Three: Leverage Calm and Empathy

When a customer, client, or guest reaches an inaccurate conclusion, responding with



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Listen Actively: Before jumping to solutions or defenses, take a moment to listen to the concerns. "You haven't seen a single buffalo in three days? That is a surprise." This simple act can often diffuse heightened emotions.

Empathize with Their Perspective: Put yourself in the other person's shoes. Even if expectations seem misplaced, understand that the feelings are valid from that person's viewpoint. "It's never fun to think something is going to happen, and then it doesn't."

Clarify Without Condescension: Offer clear explanations without talking down to the individual. "I wish every guest would have the opportunity to see these beautiful creatures. If they weren't wild animals, they might be more accommodating."

Offer Solutions When Possible: If there's a way to address the concern, even if it's not exactly what the customer hoped for, it can still go a long way. "Our museum does have an extensive exhibit about buffalo. You can visit today or see it online. Also, they have an IMAX film that features buffalo. Although not the same as seeing them live, some angels in the film are magnificent.

Revisit Your Written Promises As a Last Resort: If there is no solution or a limited solution, refer customers to the written statements you crafted in step two. We know the walls are thin, and that's the nature of a historic property. That's why we asked you to acknowledge possible noise when booking your room. What I do have is earplugs. Most guests have told me they greatly reduce the noise. Would you like to have a pair or two?

Questions to Consider:

- Are there common themes in customer misunderstandings that we can address proactively?
- What resources can we provide our team to equip them with the right information and approach?

Navigating customer expectations is a nuanced dance. While you can't control every perception, you can influence it through clarity, empathy, and education. Embrace every positive and negative interaction as a learning experience and a chance to enhance your service. The journey of aligning expectations and reality is ongoing, but with dedication and understanding, it benefits service providers and their clientele.



ABOUT THE AUTHOR:

Kate Zabriskie is the president of Business Training Works, Inc., a Maryland-based talent development firm. She and her team help businesses establish customer service strategies and train their people to live up to what's promised. For more information, visit www.businesstrainingworks.com.

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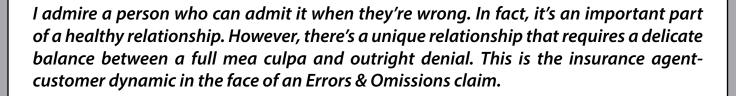
SELL ACUITY!





"Sorry" Seems to Be the Hardest Word

By Shirley Zelenski, Senior Underwriter & Vice President at Swiss Re Corporate Soltuions



Unlike a spouse or best friend, customers don't pledge their loyalty to you and they also hold the power of being able to walk away when things get rough. We understand that for these reasons, and others, it's tempting to quickly admit to an error in the face of an uncovered loss. You may think, "That's what my E&O insurance is for, right? To come to my defense when I have made an error or been accused of one." Yes of course it is; however, read on and learn from our veteran Claims attorneys the many ways not admitting liability can help in defending you against an E&O claim:

First, let's get the big question out of the way. What should I say when I may have made an error? We suggest the following responses:

"Out of an abundance of caution, I reported this matter to my Errors and Omissions carrier. I don't want to appear to be evasive, but I've been warned by my carrier that I could put my coverage in jeopardy if I get involved beyond this point. I'm happy to refer you to the claims professional at Westport Insurance Corporation."

If you can't remember the details about the coverage in question, simply say, "I don't believe I made an error but if you think I have, I do carry Errors & Omissions insurance and will submit your thoughts on the matter for them to investigate."

These sentiments can come off as formal and stiff when answering to a long-time client or someone



you know well. It's best to keep it simple and with all the empathy you can muster, say, "I'm sorry this happened to you. I'll do everything I can to work with my E&O carrier to get this resolved." At the same time, you may acknowledge the facts with



your customer simply because they will be revealed in the discovery process and/or a court of law. No sense in pretending you don't know what the coverages are and what's been alleged in the claim.

NOT ADMITTING LIABILITY: LESSON ONE

Your error may not be the true cause of an uncovered loss. Maybe your client's policy canceled for non-pay before the loss, which led to the carrier's coverage denial (not your error). Sometimes our defense for you might be that the carrier's own underwriting guidelines conflict with the coverage position they're taking during mediation. Clients with entangled contractual relationships such as contractors/sub-contractors and lessors/lessees present difficult cases with cloudy waters of liability. Don't make it easy for their attorneys to make you the focus of fault. An unfortunate example of Lesson One: Customer John Doe calls your office and asks you to add a car to his auto policy. You take down the information he gives you and tell him to consider his new auto covered. When you get off the phone, urgent emails catch your attention and you find a walk-in customer waiting for you. At 5 o'clock you see John's file again and realize you never sent the new car information to the auto carrier. You leave John's file on your chair so that you remember to handle his request first thing in the morning.

Upon your arrival to the office the following morning, you boot up your computer with the intention of adding John's new auto. However, due to the crush of business, you forget to take care of it. Three weeks later you have a voicemail from John saying that his daughter was involved in a fatality motor vehicle accident in the new car. You immediately send an email to John's auto carrier, admitting that John had asked you to add the vehicle three weeks earlier, but that you didn't submit his change request before learning of the accident. You ask for coverage to be backdated and add that "John made no mistake, the mistake was my own." You cc the underwriter and John to be sure everyone knows this is on you.

The underwriter replies with a refusal to backdate coverage and advises you to instead report your mistake to your E&O carrier. In the investigation of the claim, it is determined that the motor vehicle accident had occurred prior to John's request to add the vehicle. In fact, John had owned the car for a month prior to the accident. These new facts would have made good defenses to John's claims of negligence against your agency. But now, John's skilled attorney uses the only evidence he has against you; the email that you sent, admitting your mistake.



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NOT ADMITTING LIABILITY: LESSON TWO

When discussing a claim or potential claim, if the person you are speaking with is not YOUR attorney, they are not YOUR friend. You and your client may consider each other to be friends, or friendly, but, a plaintiff 's attorney will capitalize upon a candid comment between you and your customer as an admission of liability. Always speak with your customer as if they're recording you because in some states, it's legal and they are. You may innocently admit to your customer that you forgot that their California work comp policy doesn't cover full time employees in Nevada, but the plaintiff 's lawyer will pounce on this like a velociraptor. And it's a done deal when you've been recorded as saying as much. Additionally, offering to pay for or settle a claim from your agency's own dollars is red meat for a trial attorney. Admit you made an error or offer to pay and, Chomp! Gotcha.

Coverage is subject to the terms, conditions, and exclusions of the actual policy, which forms the contract between the insured and the insurance company. Available coverages, credits, and options may vary by state. Insurance products underwritten by Westport Insurance Corporation, Overland Park, Kansas, a member of Swiss Re Corporate Solutions.

NOT ADMITTING LIABILITY: LESSON THREE

An admission of liability puts the focus on the agency when perhaps the focus should be on the acts of the broker or policyholder. Your alleged or real actions may not rise to the level of legal liability. Let us work through the claim allegations and make the plaintiff 's lawyers prove that you breached your standard of care as set forth by the laws in your state. When the broker sent you the proposal, it included all the coverages you had requested, but when the broker sent you the policy, it may not have included all the coverages you requested, and they failed to tell you. You may not have caught the error when the policy went out to your client but in many states, the policy holder has a duty to read the policy. The broker will have to answer to his or her liability in the matter as well.

NOT ADMITTING LIABILITY: LESSON FOUR

Be cautious when communicating with your carriers about potential claims. Unlike days gone by, we have witnessed a trend in which carriers pursue the errors of their agents to absolve themselves of contributing to a settlement. An admission of wrongdoing to the carrier, or a confession to an ignorance of laws, underwriting standards, or binding agreements will be fodder for their defense, not yours. Written coverage interpretation discussions between you and the underwriter have also been used to highlight an agency's lack of insurance acumen, fanning the flames of the claim allegations. Be

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Shirley Zelenski is a Senior Underwriter and Vice President at Swiss Re Corporate Solutions and has over 20 years of experience with the US Agents Team. Contributors to this article were James Redeker, Claims Team Leader, and Brian Butcher, Swiss Re Claims Expert. Shirley's philosophy is one taken from Maya Angelou who said, "Do the best you can until you know better. Then when you know better, do better."

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The Errors & Omissions program through SwissRe is the gold standard across the country and has been written through the state associations throughout the country for over three decades. When you insure your agency with the Big I MN, you don't just get a policy, you get a team taking care of your largest asset, your agency.

Cyber Liability through the Big I MN with Beazley means you get access to the cyber protection policy written just for insurance agencies. The importance of this coverage has grown exponentially for the insurance industry in the past few years and if you have a breach, you could lose your agency.

CyberFin – Your agency can access protection from cyber breaches by enlisting the professionals at CyberFin. Utilizing their service will help steer the cyber attackers away from your agency.

TRAINING

Our professional designation programs are among the most respected in the country. By training your agency force, you protect your agency and your customers. Having the knowledge to be your customers trusted source for insurance protection is invaluable. The Big I MN is the provider of this training including highly respected speakers and relevant topics.

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ADVOCACY

One of the most valuable assets of Big I MN membership is having a dedicated lobbyist in the state and multiple lobbyists on the national level. The Big I MN advocates for your independent agency survival. Our contracted lobbyist, Robyn Rowen, has built relationships with legislators and the Department of Commerce over the past 15 years so that we have an inside track to prevent bad legislation and help modernize systems.

EVENTS & NETWORKING

Annual EXPO – The Big I MN's largest gathering of insurance industry professionals from agencies, carriers and vendors alike. Get together for education, awards, food, drink, and NETWORKING!

Regional Golf Outings – Several golf outings are held throughout the summer in the state. Enjoy the short MN summer with your industry partners and make those connections that are so important to your agency success.

Emerging Leaders – The gathering of young insurance professionals for networking, sharing their successes and challenges and growing in their professions throughout the year.

Specialty Programs: MyNetwork Groups focused on cohorts with like positions such as owners, producers, women in leadership roles, etc. Executive Retreat programs are in the works for 2023.

The Big I MN and our Power in Partner members support local colleges and universities in their Risk Management and Sales programs. By involving our agency and carrier members, we can communicate and build awareness of the independent agency system and the unlimited possibilities for future entrepreneurs and leaders. Get involved by volunteering your time to connect with these groups.

ADDITIONAL RESOURCES

Catalyit – A technology resource to answer all your biggest technology questions in one place, simplifying technology for insurance agencies.

Company Contract Reviews – The National Big I has reviewed many company contracts and can analyze the specific benefits and or points to consider for your individual agency benefit. All members have access to this information.

ACORD License Fees - For agencies that use an agency management system to access ACORD, and discounted to agencies without an agency management system. This benefit is available to agencies with P&C revenue of less than \$50 million.

Trusted Choice – Access to customized advertisements for your agency, content to share on your website and/or social media sites, and branding reimbursement.

CareerPlug – List your employment opening with multiple recruiting sites including Indeed & Zip Recruiter. Utilize your agency dashboard to be able to track the progress of your applicants through the hiring process.

Big I Hires – Utilize these tools to create your job listing, access onboarding resources, and skills assessments.

Agency Valuation & Perpetuation Services and Consultation – Working with Agency Focus and Carey Wallace, we have tools to help you look at the value of your agency, not only for preparation to perpetuate or sell, but to improve your processes and increase efficiencies.

Lawyer Consultations – As a member of the Big I MN, you have access to 15 minutes of FREE consultation with our lawyers to help determine the need for legal advice involving you and your agency business.

ePayPolicy - Provides a simple, cost-effective way to process online payments, while you pass the transaction fees to your insureds.

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Practically Speaking

Cooperatives, Condos, Townhomes Insurance Considerations

I spoke to a property manager for a large condominium complex who told me that she thought unit-owners and prospective unit-owners should attend a full day class to learn about homeowner associations (HOA) and the responsibilities and liabilities associated with this otherwise worry-free living. At closing, new unit-owners are overwhelmed by a massive amount of paperwork. There are covenants, conditions, and restrictions, not to mention the bylaws and declarations included in the closing packet. It isn't that buyers are not given the required and necessary information, there is just too much to digest. When it comes to buying insurance for their unit, many do not know what property they own or must insure. Hopefully they are working with an experienced insurance agent.

It is important to understand the difference between various types of associations and characteristics of each. Generally speaking, although I won't say without exception, the following is true.

Association Type Interest in Real Property

Cooperative

- The cooperative owns the physical property and individuals are members;.
- They may be either equity or non-equity owners.

Condominium

- Commonly owned real estate, with individually owned units within.
- Unit-owners may own or be responsible for insuring interior walls, floors, cabinetry, plumbing, electrical fixtures or other affixed building components.

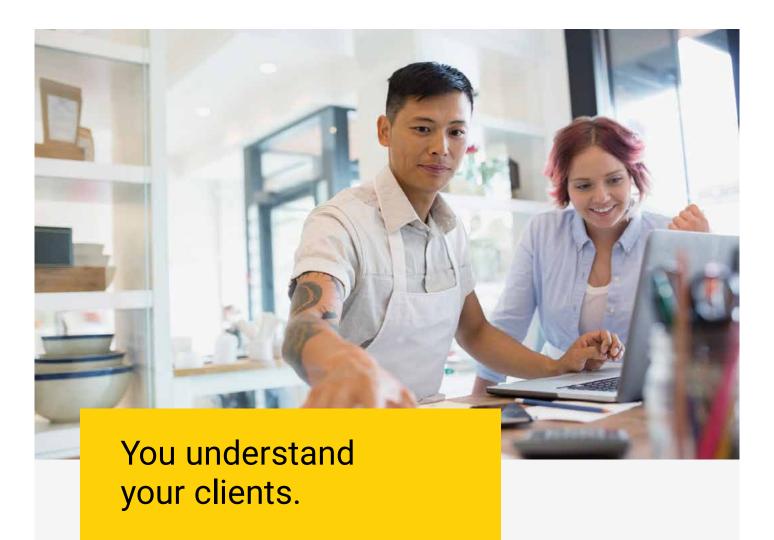
Townhouse

- An owner has ownership interest in the structure, which is usually thought of as a single-family dwelling unit, constructed in a group of two or more attached units, in which each unit extends from the foundation to the roof and having some space on at least two sides.
- Some properties may appear as townhomes, with the association organized as a condominium and unit-owners having limited real property ownership.

Single Family Home

- Single Family homes within an HOA with individuals owning the structure.
- Amenities such as swimming pool, pool house, playground, walking path or other amenities may be commonly owned property.





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Early in my career most condominiums were written with "all in" coverage meaning both the common and individually owned portions of the building were insured by the association regardless of ownership. The premiums were included as part of the monthly association fee. "All In" coverage in today's hard commercial insurance market is extremely rare, which means that unit-owners must specifically establish limits of insurance adequate to cover the real and personal property they own or are responsible for insuring. This could include structures separate from their unit, such as a private garage. Always request the real estate and HOA's legal documents to determine what part of the building the unit-owner owns and what building parts are commonly owned by all members of the association.

Ownership vs. Responsibility to Insure

Agents and unit-owners often confuse property ownership with the responsibility to insure. For example, a townhome owner may own the structure, however, the association is taking responsibility to insure the exterior components of the building. Minnesota statute 515B allows and encourages the board of directors to purchase building coverage when there are common rooflines and exterior walls. For the ease of repairing the property and aesthetic beauty after a loss, this seems to make sense. Unfortunately, associations have been forced to take very large property insurance deductibles. These large deductibles later present themselves as loss assessments. Not all loss assessments are covered by loss assessment coverage, and so it may be advisable for individuals to insure their own real property.

Assessments for Commonly Owned Property

Although an assessment can be levied for maintenance, repairs and other budget shortfalls, a loss assessment claim covered by a homeowner insurance policy must be for damages or liability occurrences that would otherwise be covered by the unit-owner's policy. The assessment must be for events that occur to or on commonly owned property. There are three types of loss assessment coverage that may be provided in a homeowner policy.

Loss Assessment Property

- Assessments for losses to commonly owned property not covered by the Master Policy
- Must be caused by a covered cause of loss under the individual's homeowner policy

Loss Assessment Property Deductible

- Assessment to Unit-owners for a deductible stemming from a loss under the Master Policy
- Must be to common property for a peril covered by the individual's homeowner policy

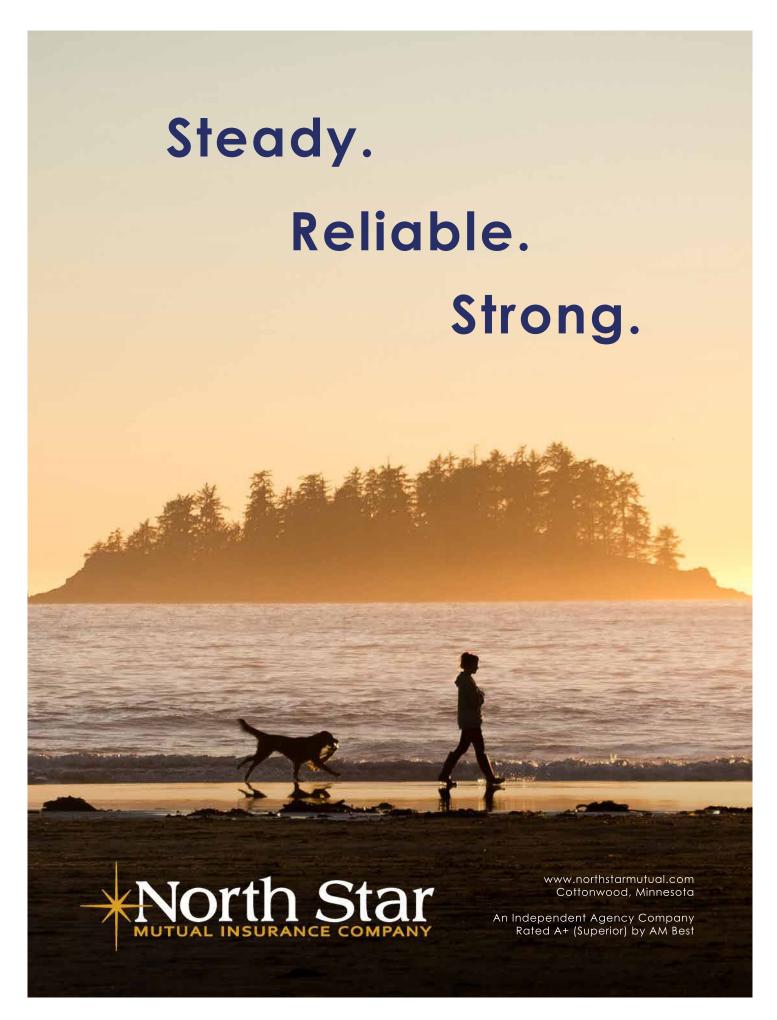
Loss Assessment Liability

- Assessment to Unit-owners for liability claims related to commonly owned property
- The loss must be a covered liability claim under the individual's homeowner policy

Unfortunately, insurance policies sold by retail agents to unit-owners may not fully cover the insured's exposure to financial loss stemming from an assessment. This includes insured assessments. Here are some common problems.

- The Loss Assessment Deductible Coverage is limited. As little as \$1,000 may be included. Large wind and hail deductibles on the master policy, some in the millions of dollars, can create very large assessments.
- Sometimes how the deductible will be distributed between unit-owners after a covered claim is uncertain. Minnesota statutes suggests the following:

continued on page 41



- The association may, in the case of a claim for damage to a unit or units, (i) pay the deductible amount as a common expense, (ii) assess the deductible amount against one or more of the units affected in any reasonable manner, or (iii) require the unit owners of one or more of the units affected to pay the deductible amount directly.
- There is often a belief that if the association has accepted the responsibility to insure a structure that is legally owned by the unit-owner, assessments stemming from loss to real property will be paid under the loss assessment. Not true. If the insured owns real property, it must be insured as real property.
- The date that triggers coverage for loss assessment can vary between policy forms. Some policies will use the date of assessment, other policies will use the date the event occurred. Some policies are changing from the date of assessment to the date of occurrence. Changing an insured from a loss assessment date to an occurrence date trigger could create a gap in coverage or vice versa depending on the situation.
- When a loss is assessed against a unit-owner payment is typically due within 30-60 days. An assessment is considered a lien and if it remains unpaid the association has the right to begin collection proceedings, charge late fees and even foreclose. Many associations have insufficient reserve funds to absorb the deductible purchased, which escalates the timeline loss assessments must be paid by unit-owners.

Agents and customers need to review association and real estate documents, choose the right policy, the right coverage, and the right limits. Know that some of these documents change from time to time and coverage reviews are necessary. Because loss assessment coverage applies only to commonly owned property, encourage customers to buy coverage for real property they own. First party coverage is best. Report all loss assessment claims immediately. There is an inherent amount of financial risk involved in association living, some of which can be covered by insurance. Once you understand the risk you realize that this type of worryfree living is not completely worry-free.

Reference Materials

MN Attorney General - Associations

Insurance Information Institute - Condos & Cooperatives

MN Common Interest Ownership Act



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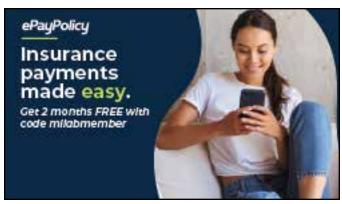
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