



LOUISIANA DEPARTMENT OF INSURANCE
TIMOTHY J. TEMPLE
COMMISSIONER

May 1, 2025

The Honorable Cameron Henry
President of the Senate
P.O. Box 94183
Baton Rouge, LA 70804

Via email
apa.senatepresident@legis.la.gov

The Honorable Phillip R. DeVillier
Speaker of the House
P.O. Box 94062
Baton Rouge, LA 70804

Via email
apa.housespeaker@legis.la.gov

The Honorable Kirk Talbot
Senate Committee on Insurance
P.O. Box 94183
Baton Rouge, LA 70804

Via email
apa.s-ins@legis.la.gov

The Honorable Michael "Gabe" Firment
House Committee on Insurance
P.O. Box 94062
Baton Rouge, LA 70804

Via email
apa.h-ins@legis.la.gov

RE: Summary Report for Regulation 131—Plan for Nonrenewal or Cancellation of Homeowners Policies in Effect and Renewed for More Than Three Years

Dear President Henry, Speaker DeVillier, Senator Talbot, and Representative Firment:

The Louisiana Department of Insurance (LDI) hereby submits the following Summary Report required by [La. R.S. 49:968\(D\)\(1\)\(b\)](#) and announces its intention to proceed with final rulemaking of Regulation 131— Plan for Nonrenewal or Cancellation of Homeowners Policies in Effect and Renewed for More Than Three Years, which was published as a Notice of Intent in the September 2024 edition of the *Louisiana Register*.

Interested persons were provided with an opportunity to submit Comments to the LDI regarding the proposed Regulation. The LDI received timely Comments from two interested parties on October 11, 2024, and responded accordingly. Pertinent details concerning these Comments, along with the LDI's responsive actions, are summarized in pertinent part herein and enclosed for your reference and review.

In response to the published Notice of Intent for Regulation 131, Hilary E. Segura, on behalf of American Property Casualty Insurance Association (APCIA), submitted Comments with requested changes to the LDI via correspondence dated October 11, 2024. The following are APCIA's Comments and proposed changes, followed by a brief description of the LDI's response to each.

- **APCIA—Comment 1:**

In Comment 1, APCIA contends that Section 20209(A) of Regulation 131, as proposed in the Notice of Intent, exceeds the LDI's statutory authority. Comment 1 states, in pertinent part, that:

The proposed regulation is in direct conflict with Act 9 which does not provide for any limitation on the “up to five percent.” Further, the proposed regulation in §20209 A places an additional limitation per parish that is beyond the scope of the language in Act 9. We would recommend that references to limitations and parish restrictions be removed from the proposed regulation.

The LDI disagrees with the arguments contained in APCIA—Comment 1 on the basis that [La. R.S. 22:2](#) specifically authorizes the LDI to administer the provisions of the Insurance Code as needed to serve the public interest. The language set forth in Section 20209(A) of the proposed Regulation is statutorily authorized and appropriate in accordance with Title 22. Accordingly, APCIA—Comment 1 is denied.

- **APCIA—Comment 2:**

APCIA—Comment 2 requests additional clarity with respect to certain specified “components of the proposed plan in § 20209 A” of Regulation 131. Specifically, APCIA states:

#2 asks for a statewide graphic map with a multitude of criteria. Unless a company has sophisticated mapping software, it may not be feasible to produce this level of sophisticated mapping in a way that is required. It also requires demonstrating compliance with a per parish requirement that is not in statute.

The LDI accepts APCIA—Comment 2, and it has taken appropriate action to address the concerns raised therein. Specifically, the LDI amended Section 20209(A)(2) to require the submission of data rather than the “statewide . . . map by parish” referenced in the Notice of Intent for Regulation 131. This substantive change was detailed in the Potpourri materials published in the December 2024 and February 2025 editions of the *Louisiana Register* and was made the subject of a public hearing on March 28, 2025. No Comments or objections have been submitted to date concerning the substantive changes to Section 20209(A)(2).

- **APCIA—Comment 3:**

APCIA—Comment 3 seeks additional clarity regarding the following:

#3 asks for a policy count and percentage of active homeowners that may be nonrenewed on a statewide, parish, and zip code basis but then #6 asks for a mathematical breakdown illustrating compliance for what was already provided in #3.

The LDI disagrees with the arguments contained in APCIA—Comment 3. Section 20209(A)(3) requires that a Plan for Nonrenewal or Cancellation set forth a policy count of all active policies, identify certain individual policy details, and state the percentage of its policies that are being nonrenewed or cancelled. Section 20209(A)(6), conversely, requires that a mathematical breakdown be included in the Plan for Nonrenewal or Cancellation, confirming that the insurer is complying with the “no more than five percent . . . in any one parish” requirement. Although the requirements involve related information, paragraphs (A)(3) and (A)(6) of Section 20209 contain neither redundant nor contradictory requests for information that the LDI is authorized to obtain pursuant to [La. R.S. 22:2](#). Therefore, APCIA—Comment 3 does not state a sufficient basis upon which to justify a substantive change to Regulation 131. Accordingly, APCIA—Comment 3 is denied.

- **APCIA—Comment 4:**

APCIA—Comment 4 states:

#6 also reference (sic) compliance with no more than 5% in a parish which is not in the legislation.

The LDI disagrees with the argument noted in APCIA—Comment 4. In accordance with [La. R.S. 22:2\(E\)](#), the commissioner is authorized to make reasonable rules and regulations as needed to enforce, carry out, and make effective the implementation of the Insurance Code, provided such rules and regulations do not contradict existing law. The mandatory provision articulated in Section 20209(A)(6) promotes and protects the public’s interests and does not contradict, either in whole or in part, any existing law. Therefore, APCIA—Comment 4 does not identify sufficient grounds upon which to justify a substantive change to Regulation 131. Accordingly, APCIA—Comment 4 is denied.

* * *

On October 11, 2024, V. Thomas Clark, Jr., as outside counsel to Allstate, National General, and North Light Insurance (collectively, Allstate), submitted a letter to the LDI commenting on the Notice of Intent for Regulation 131 and proposing certain substantive

changes to the Regulation. The following are Allstate's proposed changes and the LDI's response with respect to each:

- **Allstate—Comment 1:**

Allstate—Comment 1 states:

Section 20207 Definitions - The proposed definition for "Homeowners Insurance" does not align with the statutory definition because it excludes policies that cover manufactured homes or mobile homes. Was this an oversight or intentional? If intentional, what is the basis for excluding manufactured homes or mobile homes by rule?

The LDI accepts Allstate—Comment 1 and has taken appropriate action to address the concern raised therein. Specifically, the LDI has revised and amended the definition of "Homeowners Insurance" appearing in Section 20207 by deleting references to "manufactured homes" and "mobile homes." This amended definition for "Homeowners Insurance" mirrors that found in [La. R.S. 22:47\(15\)](#) of the Insurance Code. This substantive change was detailed in the Potpourri materials published in the December 2024 and February 2025 editions of the *Louisiana Register* and was made the subject of a public hearing on March 28, 2025.

Smart Home America (SHA) submitted a Comment in response to the Potpourri published on February 20, 2025, which did not result in any additional substantive changes to the proposed Regulation 131. The relevant particulars of SHA's Comment are addressed in further detail on page 7 of this Summary Report. No additional Comments or objections have been submitted to the LDI regarding the proposed substantive changes to the "Homeowners Insurance" definition set forth in Section 20207 of Regulation 131.

- **Allstate—Comment 2:**

Allstate—Comment 2 states:

Section 20209(A) - ACT 9 provides that "upon filing a plan with the commissioner, an insurer may nonrenew up to five percent of its customers' policies per calendar year for any reason." However, in Paragraph A, the regulation states that "the commissioner shall have the discretion to disapprove any plan for Nonrenewal or Cancellation up to five percent if deemed to not be in the public interest." "Public interest" is not defined. Without a definition, this is ambiguous and potentially problematic. Please consider including a definition of public interest or specific examples of what will constitute not being in the public interest.

The LDI accepts Allstate—Comment 2 and has taken appropriate action to address the concern raised therein. Specifically, the LDI amended Section 20207 to include a definition for “Not In The Public Interest.” This substantive change was detailed in the Potpourri materials published in the December 2024 and February 2025 editions of the *Louisiana Register* and was made the subject of a public hearing on March 28, 2025. No Comments or objections have been submitted to date concerning the addition of this definition to Section 20207 of Regulation 131.

- **Allstate—Comment 3:**

Allstate—Comment 3 states:

Section 20209(B) includes only one of the two legal statutory protections for the production of information that are included in ACT 9. Specifically, Act 9 also provided protection under the Uniform Trade Secrets Act pursuant to Chapter 13-A of Title 51 of the Louisiana Revised Statutes of 1950. Please consider adding this second statutory protection or advise why this protection was not included.

The LDI accepts Allstate—Comment 3 and has taken appropriate action to address the concern raised therein. Specifically, the LDI amended Section 20209(B) to include the Uniform Trade Secrets Act as requested in Allstate—Comment 3. This substantive change was detailed in the Potpourri materials published in the December 2024 and February 2025 editions of the *Louisiana Register* and was made the subject of a public hearing on March 28, 2025. No Comments or objections have been submitted to date concerning these substantive changes to Section 20209(B) of Regulation 131.

- **Allstate—Comment 4:**

Allstate—Comment 4 states:

Section 20209 (A) includes filing and approval requirement as a component of the plan. Because E&S carriers are not subject to the same regulatory oversight or requirements as admitted insurers, this will cause E&S carriers to operate in the same manner as admitted insurers which is not required by other jurisdictions. Will excess and surplus lines insurers be excluded from these filing and approval requirements or is it the intent to regulate E&S carriers in Louisiana?

The LDI disagrees with the arguments noted in Allstate—Comment 4 on the ground that Act 9 applies to Insurers as defined in [La. R.S. 22:47\(H\)](#). Therefore, Allstate—Comment 4 is denied.

- **Allstate—Comment 5:**

Allstate—Comment 5 states:

Section 20209(A)(2) requires a graphic map be submitted that includes the following information: “a statewide graphic map by parish representing each proposed parish and zip code affected by the nonrenewal or cancellation, along with deductible amount.” How is a deductible amount to be displayed on a graphic map? Additionally, is the Department contemplating submitting a standard map format or program into which this data can be produced? Providing this information individually without further support guidance is very problematic.

The LDI accepts Allstate—Comment 5 and has taken appropriate action to address the concerns raised therein. Specifically, the LDI amended Section 20209(A)(2) to require the submission of data rather than the “statewide . . . map by parish” referenced in the Notice of Intent for Regulation 131. This substantive change was detailed in the Potpourri materials published in the December 2024 and February 2025 editions of the *Louisiana Register* and was made the subject of a public hearing on March 28, 2025. No Comments or objections have been raised concerning the substantive changes to Section 20209(A)(2) of Regulation 131.

- **Allstate—Comment 6:**

Allstate—Comment 6 states:

Section 20209(A)(6) requires data requirements that are very similar to those required by recently initiated new data calls. Given that insurers are required to provide much of the same information that is required by this subsection, will the Department coordinate the data call information requirements with Reg 131’s information requirements so that the same information can be tracked and presented in a common format. This would allow the same information to be tracked consistently for both purposes and programmed a single time. Additionally, if this is acceptable, would the Department allow for reference to the most recent data call submission as a means of compliance with the requirements of this Regulation?

The LDI disagrees with the arguments contained in Allstate—Comment 6. The data requirements set forth in Section 20209(A)(6) are separate and distinct from the recently initiated new data calls referenced in this Comment. Allstate—Comment 6 does not state a sufficient basis upon which to justify a substantive change to Regulation 131. Accordingly, Allstate—Comment 6 is denied.

* * *

- **SHA—Comment:**

Prior to the March 28th hearing, SHA submitted a Comment to the LDI by correspondence dated February 21, 2025. The purpose of SHA’s correspondence was to “strongly oppose() “the removal of manufactured homes from the definition of ‘Homeowners Insurance.’” The LDI disagrees with SHA’s argument on the ground that the amended definition for “Homeowners Insurance,” as proposed in the LDI’s published Potpourri, mirrors the existing statutory definition codified in [La. R.S. 22:47\(15\)](#). Accordingly, SHA’s Comment is denied.

As a result of the Comments identified herein, the LDI has proposed certain substantive changes to Regulation 131. These substantive changes were specified in the Potpourri materials published in the December 2024 and February 2025 editions of the *Louisiana Register* and were made the subject of a public hearing on March 28, 2025.

There are no unresolved or pending Comments pertaining to the proposed substantive changes to Regulation 131. Additionally, a new fiscal impact statement was requested and completed in light of the substantive changes discussed herein. These new fiscal impact materials are included in this Summary Report package.

Subject to legislative oversight, the LDI intends to submit Regulation 131 to the Office of the State Register for final publication in the June 2025 edition of the *Louisiana Register*. A copy of this Summary Report will be placed on the LDI’s website in accordance with [La. R.S. 49:968\(D\)\(1\)\(c\)](#).

- Encls: Notice of Intent—Regulation 131
Public Comments, *in globo*
Potpourri—Regulation 131 (as published, December 20, 2024)
Potpourri—Regulation 131 (as published, February 20, 2025)
Fiscal Impact materials
Sign-in sheet for public hearing

Timothy J. Temple
Commissioner

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Regulation 128—Louisiana Agriculture
Transportation Group Self-Insurance Fund**

**I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO
STATE OR LOCAL GOVERNMENT UNITS (Summary)**

The proposed rule change is not anticipated to result in implementation costs or savings to the state or local governmental units. The proposed rule is being amended to require certain financial documents to be submitted and to provide the name change of the Louisiana Agriculture Transportation Group Self-Insurance Fund. These changes are in accordance with Act 191 of the 2023 Regular Legislative Session related to audited financial statements.

**II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE
OR LOCAL GOVERNMENTAL UNITS (Summary)**

The proposed rule change will have no impact on state or local governmental revenues.

**III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO
DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR
NONGOVERNMENTAL GROUPS (Summary)**

The proposed rule change will not have an impact on costs or economic benefits to directly affected persons, small businesses, or non-governmental groups. The proposed regulation change is to keep in accordance with the passage of Act 191 of the 2023 Regular Legislative Session.

**IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT
(Summary)**

The proposed rule change does not affect competition and employment in the state.

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Chief of Staff
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Alan M. Boxberger
Legislative Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Insurance
Office of the Commissioner**

**Regulation 131—Plan for Nonrenewal or Cancellation of
Homeowners Policies in Effect and Renewed for
More Than Three Years
(LAC 37:XIII.Chapter 202)**

The Department of Insurance, pursuant to the authority of the Louisiana Insurance Code, R.S. 22:1 et seq., and in accordance with the Administrative Procedure Act, R.S. 49:950 et seq., hereby gives notice of its intent to promulgate Regulation 131—Plan for Nonrenewal or Cancellation of Homeowners Policies in Effect and Renewed for More Than Three Years.

The Department of Insurance is promulgating Regulation 131 to implement the provisions of Act 2024, No. 9 of the Regular Session of the Louisiana Legislature, which allows an insurer to notify the commissioner of its plan to nonrenew or cancel up to five percent of its insureds' homeowners policies in a calendar year that have been in effect for at least three years on or before August 1, 2024, for any reason and to request the commissioner's approval of a plan to

nonrenew or cancel more than five percent of its insureds' homeowners policies in a calendar year that have been in effect for three years or more on or before August 1, 2024.

**Title 37
INSURANCE**

Part XIII. Regulations

**Chapter 202. Regulation Number 131—Plan for
Nonrenewal or Cancellation of
Homeowners Policies in Effect and
Renewed for More Than Three Years**

§20201. Authority

A. Regulation 131 is issued pursuant to the authority vested in the commissioner pursuant to the provisions of Act 2024, No. 9 of the Regular Session of the Louisiana Legislature and in accordance with the Administrative Procedure Act, R.S. 49:950 et seq. R.S. 22:11, and 22:1265(F).

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:2, R.S. 22:11, 22:1265, Act 2024, No. 9 of the Regular Session of the Louisiana Legislature, and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 50:

§20203. Purpose

A. The purpose of Regulation 131 is to implement the provisions of Act 2024, No. 9 of the Regular Session of the Louisiana Legislature, which allows an insurer to notify the commissioner of its plan to nonrenew or cancel up to five percent of its insureds' homeowners policies in a calendar year that have been in effect for at least three years on or before August 1, 2024, for any reason and to request the commissioner's approval of a plan to nonrenew or cancel more than five percent of its insureds' homeowners policies in a calendar year that have been in effect for three years or more on or before August 1, 2024.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:2, R.S. 22:11, 22:1265, Act 2024, No. 9 of the Regular Session of the Louisiana Legislature, and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 50:

§20205. Scope and Applicability

A. Regulation 131 requires insurers providing property, casualty, or liability insurance to submit a plan for nonrenewal or cancellation of certain homeowners' policies pursuant to R.S. 22:1265(L) to the Louisiana Department of Insurance.

B. Regulation 131 only applies to insurers seeking to comply with the provisions of R.S. 22:1265(L).

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:2, R.S. 22:11, 22:1265, Act 2024, No. 9 of the Regular Session of the Louisiana Legislature, and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 50:

§20207. Definitions

A. As used in Regulation 131, these terms shall have the following meaning ascribed herein unless the context clearly indicates otherwise.

Commissioner—the Louisiana Commissioner of Insurance.

Department—the Louisiana Department of Insurance.

Homeowners Insurance—a policy of insurance on a

one- or two-family owner-occupied premises, which combines fire and allied lines with any one or more perils of casualty, liability, or other types of insurance within one policy form at a single premium, where the insurer's liability for damage to the premises under said policy is determined with reference to the replacement value of the premises, but does not include insurance policies written to cover manufactured homes or mobile homes.

Homeowners Policies—shall mean for purposes of this regulation, policies of homeowners insurance that have been in effect for more than three years on or before August 1, 2024.

Insured—customers owning homeowners policies as provided for in R.S. 22:1265.

Insurer—any insurer that provides property, casualty, and liability insurance in the state of Louisiana.

Nonrenewal or Cancellation Date—the termination date of an insured's policy of homeowners insurance.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:2, R.S. 22:11, 22:1265, Act 2024, No. 9 of the Regular Session of the Louisiana Legislature, and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 50:

§20209. Plan for Nonrenewal or Cancellation

A. Any insurer that makes a filing pursuant to R.S. 22:1265(L) for the nonrenewal or cancellation of up to five percent or for more than five percent of its insureds' homeowners policies in Louisiana in a calendar year shall file with the commissioner a Plan for Nonrenewal or Cancellation setting forth the insurer's plan in the state of Louisiana. A Plan for Nonrenewal or Cancellation shall not include a nonrenewal or cancellation of more than 5 percent of the insurer's homeowners' policies in force in any one parish that is subject to the "3-year rule", unless authorized by the commissioner under Paragraph C of this section. The commissioner shall have the discretion to disapprove any Plan for Nonrenewal or Cancellation up to five percent if deemed to not be in the public interest. Approval by the commissioner is required for a Plan for Nonrenewal or Cancellation requesting more than 5 percent of its insureds' homeowners' policies in any one parish in Louisiana in a calendar year. An insurer shall only send a notice of nonrenewal or cancellation to an insured on or after January 1, 2025. The commissioner shall provide written approval to the insurer. The Plan for Nonrenewal or Cancellation shall include, but not be limited to the following:

1. a listing of the physical addresses, types of policies, zip code and parishes for the properties that will be the subject of the requested nonrenewal or cancellation process;
2. a statewide graphic map by parish representing each proposed parish and zip code affected by the nonrenewal or cancellation, along with the deductible amount. The map shall pinpoint all proposed homeowners policies to be nonrenewed or cancelled and demonstrate compliance with the requirement that no more than 5 percent of the insurer's homeowners policies in force in any one parish that is subject to the "3-year rule" and a listing of those homeowners policies that may be nonrenewed or cancelled;
3. a policy count of all active homeowners policies meeting the eligibility criteria under the current "3-year rule" concept, including policy inception date and

nonrenewal or cancellation date. The policy count and a percentage of the amount of homeowners policies being nonrenewed or cancelled shall be presented on a statewide basis, as well as a per parish basis and zip code basis;

4. the coverage A limits or residential coverage limit for each property risk that will be the subject of the requested nonrenewal or cancellation;

5. a listing of homeowners policies inception date, nonrenewal or cancellation dates for all homeowners policies, premium amount, that will be subject to the non-renewal or cancellation;

6. a mathematical breakdown that illustrates compliance with the requirement that no more than 5 percent of the insurer's homeowners policies in force in any one parish that is subject to the "3-year rule" and a listing of homeowners' policies that may be nonrenewed or cancelled;

7. the insurer's total homeowners policies in force in the particular zip code and parish;

8. the insurer's total homeowners policies in force in the state;

9. the insurer's premium by state and by parish as a percentage of the insurer's total written premium in the state; and

10. any other factors that the commissioner determines are applicable, relevant, and appropriate.

B. Any business plan, documentation or information filed pursuant to Regulation 131 shall be considered proprietary or trade secret pursuant to the provisions of R.S. 44:3.2.

C. Subject to the review and approval of the commissioner, an insurer may submit a request to non-renew more than 5 percent in any parish. In determining whether to grant the request, the commissioner will consider the impact of the request on the insurer's risk and financial profile, the ability of the insurer to maintain or expand its operations, the cost of reinsurance and such other factors as the insurer shall submit or the commissioner shall deem necessary for the evaluation of the request to determine its overall impact on the insurance market. The commissioner will approve or reject any request within thirty days of submission.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:2, R.S. 22:11, 22:1265, Act 2024, No. 9 of the Regular Session of the Louisiana Legislature, and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 50:

§20211. Rescission

A. The commissioner may rescind his approval of any Plan for Nonrenewal or Cancellation filing made pursuant to this Regulation if it is subsequently determined that the insurer made any material misrepresentation in its submission, or if the insurer violates the statutory prohibitions against discrimination contained in provisions of R.S. 22:34, R.S. 22:35(A), R.S. 22:1964, or if the insurer violates any provision of Title 22 through the implementation of its approved plan.

B. The commissioner shall set forth the date when such rescission shall be effective and such other terms as are necessary to effectuate a rescission.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:2, R.S. 22:11, 22:1265, Act 2024, No. 9 of the Regular Session of the Louisiana Legislature, and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 50:

§20213. Enforcement

A. The commissioner may take any and all administrative action provided in Title 22 whenever an insurer is found to be in violation of R.S. 22:34, R.S. 22:35(A), R.S. 22:1964, or any provision of law pursuant to Title 22.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:2, R.S. 22:11, R.S. 22:1265, Act 2024, No. 9 of the Regular Session of the Louisiana Legislature, and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 50:

§20215. Effective Date

A. Regulation 131 shall become effective upon final publication in the *Louisiana Register*.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:2, R.S. 22:11, 22:1265, Act 2024, No. 9 of the Regular Session of the Louisiana Legislature, and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 50:

§20217. Severability

A. If any section or provision of Regulation 131 or the application to any person or circumstance is held invalid, such invalidity or determination shall not affect other sections or provisions or the application of Regulation 131 to any persons or circumstances that can be given effect without the invalid section or provision or application, and for these purposes the Sections and provisions of Regulation 131 and the application to any persons or circumstances are severable.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:2, R.S. 22:11, 22:1265, Act 2024, No. 9 of the Regular Session of the Louisiana Legislature, and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 50:

Family Impact Statement

1. Describe the Effect of the Proposed Regulation on the Stability of the Family. The proposed amended regulation should have no measurable impact upon the stability of the family.

2. Describe the Effect of the Proposed Regulation on the Authority and Rights of Parents Regarding the Education and Supervision of their Children. The proposed regulation should have no impact upon the rights and authority of parents regarding the education and supervision of their children.

3. Describe the Effect of the Proposed Regulation on the Functioning of the Family. The proposed regulation should have no direct impact upon the functioning of the family.

4. Describe the Effect of the Proposed Regulation on Family Earnings and Budget. The proposed regulation should have no direct impact upon family earnings and budget.

5. Describe the Effect of the Proposed Regulation on the Behavior and Personal Responsibility of Children. The proposed regulation should have no impact upon the behavior and personal responsibility of children.

6. Describe the Effect of the Proposed Regulation on the Ability of the Family or a Local Government to Perform the Function as Contained in the Rule. The proposed regulation should have no impact upon the ability of the family or a local governmental unit to perform the function as contained in the rule.

Poverty Impact Statement

1. Describe the Effect on Household Income, Assets, and Financial Security. The proposed regulation should have no effect on household income assets and financial security.

2. Describe the Effect on Early Childhood Development and Preschool through Postsecondary Education Development. The proposed regulation should have no effect on early childhood development and preschool through postsecondary education development.

3. Describe the Effect on Employment and Workforce Development. The proposed regulation should have no effect on employment and workforce development.

4. Describe the Effect on Taxes and Tax Credits. The proposed regulation should have no effect on taxes and tax credits.

5. Describe the Effect on Child and Dependent Care, Housing, Health Care, Nutrition, Transportation and Utilities Assistance. The proposed regulation should have no effect on child and dependent care, housing, health care, nutrition, transportation, and utilities assistance.

Small Business Analysis

The impact of the proposed regulation on small businesses as defined in the Regulatory Flexibility Act has been considered. It is estimated that the proposed action is not expected to have a significant adverse impact on small businesses. The agency, consistent with health, safety, environmental and economic welfare factors has considered and, where possible, utilized regulatory methods in the drafting of the proposed regulation that will accomplish the objectives of applicable statutes while minimizing the adverse impact of the proposed regulation on small businesses.

1. Identification and Estimate of the Number of the Small Businesses Subject to the Proposed Rule. The proposed regulation should have no measurable impact upon small businesses.

2. The Projected Reporting, Record Keeping, and Other Administrative Costs Required for Compliance with the Proposed Rule, Including the Type of Professional Skills Necessary for Preparation of the Report or Record. The proposed regulation should have no measurable impact upon small businesses.

3. A Statement of the Probable Effect on Impacted Small Businesses. The proposed regulation should have no measurable impact upon small businesses.

4. Describe any Less Intrusive or Less Costly Alternative Methods of Achieving the Purpose of the Proposed Rule. The proposed regulation should have no measurable impact on small businesses; therefore, there is no less intrusive or less costly alternative method of achieving the purpose of the proposed regulation.

Provider Impact Statement

1. Describe the Effect on the Staffing Level Requirements or Qualifications Required to Provide the Same Level of Service. The proposed regulation will have no effect.

2. The Total Direct and Indirect Effect on the Cost to the Provider to Provide the Same Level of Service. The proposed regulation will have no effect.

3. The Overall Effect on the Ability of the Provider to Provide the Same Level of Service. The proposed regulation will have no effect.

Public Comments

Interested persons who wish to make comments may do so by writing to Claire Lemoine, Attorney Supervisor, Louisiana Department of Insurance, P.O. Box 94214, Baton Rouge, LA 70804-9214, or by faxing comments to (225) 342-1632, or electronically at regulations@ldi.la.gov. Comments will be accepted through the close of business, 4:30 p.m. October 11, 2024.

Timothy J. Temple
Commissioner

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Regulation 131—Plan for Nonrenewal or Cancellation of Homeowners Policies in Effect and Renewed for More Than Three Years

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

The proposed rule is not anticipated to result in implementation costs or savings to the state or local governmental units. The proposed rule is being promulgated to implement the provisions of Act 9 of the 2024 Regular Session, which allows an insurer to notify the commissioner of its plan to nonrenew or cancel up to five percent of its insureds' homeowners policies.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The proposed rule will have no impact on revenue collections of state or local governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

The proposed rule allows insurers to nonrenew or cancel up to five percent of their policies each year. Insurers will be able to more effectively manage their risk by allowing them to nonrenew up to five percent of the homeowner policies each year. Insured homeowners that are canceled will have to obtain new policies with a different insurer. It is indeterminable if new policies obtained by homeowners will have higher or lower premiums.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule is anticipated to help create a stable and predictable market in the state that will attract new insurers, which increases availability and fosters competition. The proposed rule has no effect on employment in the state.

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NOTICE OF INTENT

Department of Public Safety and Corrections Office of Juvenile Justice

Juvenile Detention Facilities
(LAC 67:V.Chapter 75)

The Office of Juvenile Justice proposes to adopt LAC 67.V. Chapter 75 as authorized by R.S. 15:1110. The proposed Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

The Office of Juvenile Justice amended the provisions governing the licensing of juvenile detention facilities to assume the authority for the licensing and regulating of all juvenile detention facilities owned or operated by any governmental entity for profit, nonprofit, private, or public agency. The department now proposes to eliminate references to the Department of Children and Family Services having licensing and regulating authority of these facilities. The amendments provide for the Office of Juvenile Justice to extend time for criminal record searches for facility licensure, require new background clearances for lapses in employment of support staff, and utilize additional restraint mechanisms to foster the health, safety, or welfare of youth, support staff, and the general public.

Title 67

SOCIAL SERVICES

Part V. Child Welfare

Subpart 8. Residential Licensing

Chapter 75. Juvenile Detention Facilities

§7503. Authority

A. - B.2. ...

C. Waiver Request

1. In specific instances, the deputy secretary of OJJ may waive compliance with a minimum standard if it is determined that the economic impact is sufficiently great to make compliance impractical, as long as the health and well-being of the staff and/or youth are not imperiled.

a. ...

b. An application for a waiver shall be submitted by a provider using the request for waiver from licensing standards form. The form shall be submitted to the OJJ Licensing Section. A request for a waiver shall provide the following information: a statement of the provisions for which the waiver is being requested, an explanation of the reasons why the provisions cannot be met, including information demonstrating that the economic impact is sufficiently great to make compliance impractical, and a description of alternative methods proposed for meeting the intent of the regulation sought to be waived.

c. All requests for a waiver will be responded to in writing by the OJJ deputy secretary or designee. A copy of the waiver decision shall be kept on file at the facility and presented to licensing staff during all licensing inspections.