

# STATE OF NEW MEXICO

## OFFICE OF SUPERINTENDENT OF INSURANCE

SUPERINTENDENT OF INSURANCE  
Russell Toal



DEPUTY SUPERINTENDENT  
Jennifer A. Catechis

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**BULLETIN 2022-010**

**JUNE 8, 2022**

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**TO: ALL INSURANCE COMPANIES THAT HAVE ISSUED RESIDENTIAL PROPERTY INSURANCE POLICIES COVERING RISKS LOCATED IN THE STATE OF NEW MEXICO**

**RE: PAYMENT OF RESIDENTIAL PROPERTY LOSS CLAIMS FOLLOWING THE WILDFIRES**

This bulletin is issued in accordance with Sections 59A-2-8, 59A-2-10 and 59A-4-3 NMSA 1978, and with 13.1.2.9 NMAC.

Upon an order by the Governor based upon the invocation of a state of emergency under the All Hazard Emergency Management Act, the Superintendent of Insurance, may “take those actions necessary to ensure access to insurance and the stability of insurance markets during the emergency.” NMSA 1978, Section 59A-2-8(A)(11).

The purpose of this bulletin is to remind insurers of the statutory coverage requirements for residential property insurance policies contained in Section 59A-18-17(C), NMSA 1978.

The Calf Canyon/Hermit’s Peak, McBride, Nogal Canyon, Cooks Peak, Cerro Pelado, Big Hole, Bear Trap, and Black Wildfires, and others, have burned and continue to burn hundreds of thousands of acres throughout the State of New Mexico. The Governor has issued a number of Executive Orders declaring emergencies caused by the wildfires.

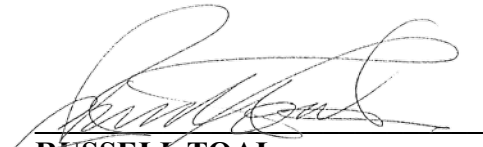
These severe wildfires have destroyed countless homes and have caused significant personal property losses in the affected counties. Insurance policies covering residential property are statutorily required to provide coverage for the cost to repair or replace the damaged or destroyed property without

any deduction for depreciation. If the insured party elects to make the repairs themselves, a reasonable overhead expense is required.

While individual company policy forms that provide for coverage in an amount less than full replacement value may have been approved for use in New Mexico, the coverage requirements found in Section 59A-18-17(C), NMSA 1978, control. The Office of Superintendent of Insurance expects all property and casualty insurance companies to act in good faith and use fair claim settlement practices that comply with state law. The Office of Superintendent of Insurance will closely monitor claims settlements and consumer complaints related to the wildfires and may take additional measures as necessary.

Questions regarding this bulletin should be directed to Melissa Robertson, by emailing [Melissa.Robertson@state.nm.us](mailto:Melissa.Robertson@state.nm.us) or by calling (505) 670-2704.

**ISSUED this 8th day of June, 2022.**



**RUSSELL TOAL**  
**SUPERINTENDENT OF INSURANCE**