

BEFORE THE NEW MEXICO OFFICE OF SUPERINTENDENT OF INSURANCE

IN THE MATTER OF THE REQUEST)
 BY THE CIVIL INVESTIGATIONS)
 BUREAU TO DECLARE A CATASTROPHE)
 RESULTING FROM THE JUNE 18, 2024)
 SALT AND SOUTH FORK FIRES)

Docket No. 2024-0070

REQUEST FOR DECLARATION OF A CATASTROPHE

Comes now, the Civil Investigations Bureau for the New Mexico Superintendent of Insurance ("CIB"), requesting that the Superintendent of Insurance (Superintendent") declare that a catastrophe resulted from the Salt and South Fork Fires, and in support respectfully states as follows:

1. Originating on the Mescalero Apache Reservation, the South Fork and Salt fires started on Monday, June 17, 2024. The South Fork Fire was reported at 9:07 A.M. MDT and the Salt Fire was reported at 2:00 P.M. MDT. The South Fork Fire threatened the community of Ruidoso, New Mexico, within twenty-four hours after the start of both fires an estimated 8,000 people were evacuated from the impacted area, the wildfires had affected 15,276 acres, and 1,400 structures were estimated to have been destroyed.

2. On June 18, 2024, the Governor of the State of New Mexico, the Honorable Michelle Lujan Grisham, declared in Executive Order 2024-033, an emergency in Lincoln County and the Mescalero Apache Reservation, New Mexico due to the Salt and South Fork Fires.

3. Section 59A-16-20(F) NMSA 1978 provides that it is an unfair claims practice for an insurer to fail to settle all catastrophic claims within a ninety-day period after the assignment of a catastrophic claim number when a catastrophic loss has been declared.

4. 13.7.4 NMAC establishes definitions and procedures for implementing

Section 59A-16-20(F). NMSA. 13.7.4.7(A) NMAC defines a catastrophe to include as a disaster, natural disaster or accident or series of disasters, natural disasters or accidents arising out of a single event that results in the submittal of claims against insurers by at least three percent of the population of the geographic area directly impacted by the event, results in the submittal of claims against insurers by at least three percent of the population of the geographic area directly impacted by the event, results in total insured losses in New Mexico of more than \$2,500,000 and takes place within a period of seven consecutive days.

5. On August 29, 2024, the CIB sent a call for data relating to the Salt and South Fork Fires to the catastrophe liaison's as per Bulletin 2018-016. As of September 3, 2024, insurers reported receiving 3,224 claims, for \$282,149,454.30 of estimated damages, relating to these wildfires.

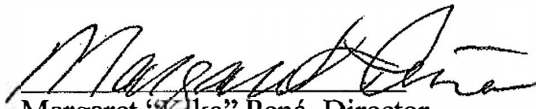
6. As of June 18, 2024, Lincoln County had an estimated population of 20,029. The number of claims received by insurers due to the wildfires exceeds the three percent threshold specified in 13.7.4.7(A) NMAC.

7. The estimated damages resulting from the wildfires in the amount of \$282,149,454.30 exceeds the dollar threshold specified in 13.7.4.7(A) NMAC.

8. The severe property damage or loss caused by the wildfires took place with a period of seven consecutive days.

Therefore, for the foregoing reasons, the Civil Investigations Bureau respectfully requests the Superintendent to issue an order finding that the Salt and South Fork Fires constitute a catastrophe as defined in NMAC 13.7.4.7.

DATED this 6th day of September, 2024.


Margaret "Kika" Peña, Director
Consumer Services & Investigations Division

ORDER DECLARING A CATASTROPHE

Pursuant to the Request for a Declaration of Catastrophe submitted by the Civil Investigations Bureau for the New Mexico Superintendent of Insurance, **IT IS THEREFORE ORDERED BY THE SUPERINTENDENT OF INSURANCE THAT:**

- A. The wildfires described in this Order constitute a catastrophe as defined in NMAC 13.7.4.7.
- B. The catastrophe claim number assigned to this catastrophe shall be "Catastrophe Claim 2024-01".
- C. Pursuant to NMSA 1978, § 59A-16-20(F), insurers of property located in the impacted county shall have 90 days from the date of this Order to settle property damage claims arising from the wild described in this Order.
- D. This Order is effective immediately.
- E. Copies of this Order shall be served upon all persons subscribed to the catastrophe liaison list-serve and posted on the OSI website.
- F. This docket shall be closed upon the filing of this Order.

ISSUED at Santa Fe New Mexico this 6th day of September, 2024.


ALICE T. KANE
SUPERINTENDENT OF INSURANCE

CERTIFICATE OF SERVICE

I HERE BY CERTIFY that, on this 6th day of September 2024, I filed the *Request for Declaration Of A Catastrophe* and the *Order Declaring A Catastrophe* through the OSI's e-filing system, which caused the parties to be served by electronic means, as more fully reflected on the eService recipients list for this case.

Kayla Vigil

Kayla Vigil, OSI Paralegal