

Charles and Dawn Robbins v. Phenix Mutual Fire Insurance Company

Held October 13, 2016 – Docket No. INS-16-2082

Decision Issued: October 18, 2016

The named insured requested a hearing to contest the nonrenewal of their homeowners policy for failure to comply with a request for inspection. The record shows that the insured refused to schedule an inspection with an unknown caller as there was no prior notification from the company that an inspection was needed and he was not willing to allow access to the home without confirmation it was a legitimate request. The company did not make another attempt to schedule an inspection after confirming that it was requiring an inspector to enter the home.

Held: For the insured. 24-A M.R.S. § 3051 allow nonrenewal for a good faith reason related to the insurability of the property. While the insurer has the right to require inspection of the insured premises to assess conditions that may increase the risk of loss, a policyholder is entitled to confirmation from the insurer that the party requesting access into the home is legitimate. In this case, the insured received a call requesting access for an interior inspection several days *before* the notification came in the mail. His agent also had no knowledge of an inspection request. After the insured called the company about the issue, the underwriter intended to re-order the inspection but failed to do so. As the insured's refusal to the premature inspection request was reasonable under the circumstances, it does not provide grounds for nonrenewal.