

Richard West v. Homesite Insurance Company of the Midwest

Held: June 5, 2024
Decision Issued: June 25, 2024
Docket Number: INS-24-2040

The named insured requested a hearing to contest the cancellation of his homeowners policy. The company asserted that cancellation was appropriate because the presence of a dog with a bite history on the property was a substantial change that rendered the risk ineligible for coverage.

Held: For the insured. Under section 3049(5) of the Maine Property Insurance Cancellation Control Act, 24-A M.R.S. §3049(5), an insurer may cancel a homeowners policy where there are physical changes in the insured property that result in it becoming uninsurable. The company did not participate in the hearing and, therefore, failed to meet its burden of proving the reason stated in the notice it communicated to the insured. Accordingly, the cancellation action is not permitted.