



## Delta City Voluntary No-Fault Sewer Coverage

### Frequently Asked Questions and Answers

Question 1: Who is the Utah Local Governments Trust?

Answer: The Utah Local Governments Trust (Trust) is the insurance partner for Delta City. The Trust is a public entity insurance pool serving Local Governments in Utah.

Question 2: What is the No-Fault Sewage Back-Up Coverage?

Answer: Delta City purchases a package of insurance policies from the Trust. As part of that package, the Trust provides an endorsement that, at the discretion of the City, offers a limited amount of no-fault coverage for damages caused by sewage that leaves the sewer system. This coverage is provided to assist citizens even though there is no-fault or negligence on the part of Delta City.

Question 3: Why isn't the City responsible for all of the damages from the sewage that backed-up into people's homes on August 17<sup>th</sup>?

Answer: Under Utah law, governmental entities are not responsible (liable) for damages arising out of their operations unless they were negligent in some way. The City's streets, gutters, storm drains and other flood control improvements were designed to handle the worst of the storms normally experienced during a year. The August 17<sup>th</sup> storm was of such a size and magnitude that it far exceeded the water volume of any storm event expected to hit the area. Though the City's sewer system is well maintained, it was not designed to handle the extra flow of water that poured in as it flowed down the streets. The added water volume pressurized the system causing it to back-flow up the drain lines and into homes. Because the storm was so large and unexpected, and because the City did nothing wrong, it was not negligent. As a result, Delta City is not responsible for the damages caused by the storm.

Question 4: How does the No-Fault Endorsement work?

Answer: The endorsement is designed to help pay for out-of-pocket expenses for sewer back-up situations where the City is not liable. In other words, the endorsement offers payment up to the amount of actual damage and up to the limits on the endorsement (or pro rata amount where applicable) for damages that are not otherwise covered by insurance. Here are two scenarios to help describe how the coverage works.

Home A: This homeowner has their own insurance that covers sewage back-ups. That policy has a deductible and a limit of \$10,000. In this case, the endorsement pays the deductible amount and any damages above what the insurance pays (above \$10,000) as it can up to the limit offered under the endorsement.

Home B: This homeowner does not have any insurance that will cover sewage back-ups. The endorsement therefore pays for the damages up to the limits on the endorsement.

Question 5: How does a homeowner apply for assistance under the No-Fault Endorsement?

Answer: Residents wishing to take advantage of this special no-fault sewage back-up assistance must submit an application using the online form, on or before 5:00 P.M. on September 30<sup>th</sup>. Please upload the following required documentation where indicated on the Online Claim Form:

1. A copy of the applicable homeowners, renters or other insurance policy declarations page or a letter from the insurance carrier describing the available coverage or lack thereof such as a denial letter.
2. Photos of the damage and photos demonstrating that the sewage entered the home through floor drains, toilets, sinks and other sewage system inlets.
3. Receipts or contractor estimates for clean-up services, supplies or destroyed items such as building materials or replaced items. You can also include a list of items that were destroyed or rendered unusable and not replaced. Please provide a detailed description of each such item, including its make, age and condition.

[CLICK HERE FOR: Online Claim Form](#)

Question 6: After a claim is submitted then what?

Answer: Once you have submitted the Claim Application you will receive an email confirmation that your claim has been received. As you gather damage documentation such as the documents discussed above as part of the application, submit documents by replying to the email. You can also send questions using that same email.

Once your application has been submitted, there will be nothing more to do until after the September 30<sup>th</sup> deadline. At that point the claim payment amount will be determined, and a release will need to be signed in exchange for the payment.

Question 7: What are the limits that apply to the No-Fault Endorsement?

Answer: There are both damage type and damage amount limits to the endorsement. Those limits are:

Damage type limits: The Endorsement is limited to paying for damages caused by an “occurrence where solid, liquid or gaseous pollutants cause property damage or bodily injury by passing back through the toilets and/or drains located in the premises owned or leased by any third-party person...relying upon the Insured for sewage treatment services.”

Damage Amount Limits: The Endorsement is limited per incident, to an amount up to \$5,000 per Household or a pro rata allocation where appropriate. There is also an annual limit of \$100,000 for an entire policy year.

Question 8: How will the limits be applied where so many homes were damaged by sewage back-up from this one storm event?

Answer: Because this unprecedented storm event caused sewer backups to so many homes, the City has decided to apply the entire annual limit of \$100,000, if necessary, to provide assistance to as many applicable homeowners as possible, up to the \$5,000 per Household limit. The final amount of the pro rata allocation or payment amount will be determined after the September 30<sup>th</sup> deadline.

If you have questions not answered in this document, contact Jeff Rowley, Claims Manager for the Utah Local Governments Trust at 801-363-2468 or [jeff@utahtrust.gov](mailto:jeff@utahtrust.gov).

# PROCEDURE FOR FILING A NO-FAULT SEWAGE CLAIM APPLICATION

---

Delta City and surrounding areas experienced a dramatic and unexpected amount of rain on August 17<sup>th</sup>, 2021 that caused widespread flooding over a good portion of the City. As the rainwater flowed over the streets, it poured into the sewer system in volume and speed well beyond the design specifications of the City's well-maintained system. In some cases, sewage backed-up and entered homes directly from the City sewer system.

The City's insurance partner is the Utah Local Governments Trust. As a member of the Trust, Delta City residents have access to a limited amount of no-fault sewage back-up coverage for situations where, unpredictable, and unpreventable sewage is forced out of the system causing damage, due to no-fault of Delta City. Payment of claims under this special no-fault coverage is made available to citizens at the sole discretion of Delta City and its administration. In this case, Delta City has instructed the Utah Local Governments Trust to pay the maximum limit allowable on a pro-rata basis to assist its citizens despite there being no fault or negligence on the part of Delta City. The Utah Local Governments Trust is honoring this instruction and responding accordingly.

Payment under this insurance coverage is limited to damages not otherwise covered by Homeowners, Renters or other insurance.

Residents wishing to take advantage of this special no-fault sewage back-up assistance must submit an application using the online form, on or before 5:00 P.M. on September 30<sup>th</sup>. Please upload the following required documentation where indicated on the Online Claim Form:

1. A copy of the applicable homeowners, renters or other insurance policy declarations page or a letter from the insurance carrier describing the available coverage or lack thereof such as a denial letter.
2. Photos of the damage and photos demonstrating that the sewage entered the home through floor drains, toilets, sinks and other sewage system inlets.
3. Receipts for clean-up services, supplies or destroyed items such as building materials or replaced items.

**[CLICK HERE FOR: Online Claim Form](#)**

If you have questions, contact Jeff Rowley, Claims Manager for the Utah Local Governments Trust at 801-363-2468 or [jeff@utahtrust.gov](mailto:jeff@utahtrust.gov).

**Special thanks to the citizens of Delta City and others for your exemplary and stalwart perseverance during this challenging time.**

This procedure and/or use of this form for filing a claim is not to be construed as a waiver of any provision of the Utah Governmental Immunity Act. Submission of this Notice of Claim form does not guarantee compliance with the Act. (UTAH CODE ANN. § 63G-7-101, *et seq.*)

