

Are Bats in the Attic Covered Under the Homeowners' Policy?

You have an infestation of bats in the attic. They've found their way in through a hole in the soffit and have roosted in the attic. Does your policy offer coverage for an exterminator to remove them? What about the damage they've done in the attic?

What type of policy form is involved?

First you should identify the policy form. If it is a "named perils" policy, then coverage is unlikely. However, under an "all risk" policy, there is a chance for coverage.

But aren't bats excluded?

Astute observers will recognize that there is a potential exclusion in the HO-3 policy under SECTION I – PERILS INSURED AGAINST, which states in part:

"We insure against risk of direct loss to property described in Coverages A and B only if that loss is a physical loss to property. We do not, however, insure for loss:

- 2. Caused by:
 - e. Any of the following
 - (7) Birds, vermin, rodents or insects;"

Why does this exclusion not apply?

By dictionary definition, Bats are mammals of the Chiroptera order. Therefore, they are neither birds, nor rodents, nor insects.

Aren't bats considered "vermin"? The Dictionary Definition of VERMIN:

- a: small common harmful or objectionable animals (as lice or fleas) that are difficult to control
- b: birds and mammals that prey on game
- c: animals that at a particular time and place compete (as for food) with humans or domestic animals

Bats are not considered "vermin". Bats are not comparable to lice or fleas, they do not prey on game (they actually eat insects), and they do not compete for food with humans or domestic animals.

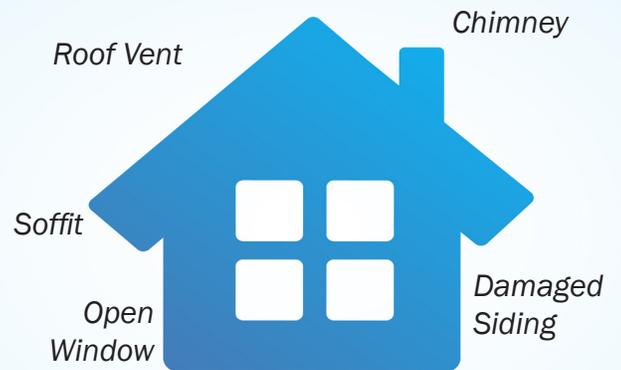
Are bats covered on every "all risk" policy?

Not necessarily. It depends on whether the policy specifically lists bats as being excluded or they may define the term "vermin" in their policy to include bats. Policies that follow AAIS forms expand the definition of vermin to include bats, thereby excluding coverage for bats.

So what is covered?

Coverage is provided to repair the damage caused by bats. The most common damage is destruction to insulation caused by bat droppings. Often times, insulation needs to be removed and replaced and some cleanup needs to be done in the attic. Coverage is not afforded under the policy for removal of the bats.

How Do They Get In?



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