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When filing a claim with Terraforma, timing is crucial. For example, say that you are performing annual monitoring and see that the neighbor is encroaching onto easement property, even just by a tiny bit or by throwing leaves and yard debris onto your preserve. You would flag it on the monitoring report even if nominal, **then the next step would be to file a claim or a placeholder claim with Terraforma immediately.** It can take years for an issue to escalate to the point that it requires intervention. If you waited until then to notify Terraforma, the claim likely would be denied because it was not filed in time.



In order for a claim to be eligible for coverage, it must be filed with Terraforma within the policy year that you or anyone else at the land trust first became aware of the issue. **The policy year is not the same as the calendar year – it runs from March 1 of the start of the policy year to March 1 of the next year, plus a 60 day window for filing claims.** Filing a claim is quick, easy, and does not affect the cost of your premium. [See Terraforma's handy infographic for more tips on when to file.](#)

Regretfully, Terraforma has denied 38 claims over its ten policy years for untimeliness (roughly a 1/3 of all denied claims). This past year saw an increase in untimely filed claims, with about a quarter of those arising from years old facts that finally resulted in adverse possession lawsuits.

Here are some real examples of claims that Terraforma denied for untimeliness:

- Land trust was named as a defendant in a legal action and served a complaint but didn't file a claim with Terraforma until 18 months after receiving the complaint;
- Land trust submitted an objection to a governmental entity about a proposed construction project that was planned on one of the land trust's conservation easements, but the land trust didn't file a claim with Terraforma for over two years from when they objected to the project;
- Land trust staff observed over the course of multiple years various tree cuttings on a property with a conservation easement and didn't file a claim until over four years from the first observed cutting;
- Land trust staff observed a newly constructed bulldozer track in September and engaged in negotiations with landowner but didn't submit a claim to Terraforma until December of the following year;
- Land trust staff were given a copy of a legal document showing the approved placement of a road across their conservation easement and waited 18 months to file a claim with Terraforma;
- Land trust staff observed an encroachment on a preserve for years prior to filing a claim with Terraforma and then only after the encroaching neighbor filed an adverse possession case.

Terraforma's policy is a claims-made-and-reported policy. This means that both the date of the first occurrence of the threat, possible problem or challenge and the date of when **the claim is filed with Terraforma must occur within the same policy year.**

Land trust members can help prevent their claim from being denied for untimeliness by filing a placeholder claim with Terraforma at the first incidence of a potential threat or challenge to a conservation right arises (easement or owned property). Filing a placeholder claim takes less than 10 minutes to complete and permits a land trust to work with the other side on an amicable resolution while keeping Terraforma informed and able to assist you with information. Additionally, filing a placeholder claim will not affect your premium, coverage or ability to renew coverage.

Two types of claims exist for your notification to Terraforma: a claim and a placeholder claim.

- A **claim** is evaluated and brought before the Terraforma Claims Committee immediately.
- A **placeholder claim** is your report that you think you might have a problem that you are evaluating and hope to address voluntarily.

If you cannot, then you notify Terraforma that you need help and a coverage determination. You submit all claims online on the Terraforma secure website.

Please call or write to Leslie Ratley-Beach lbeach@lta.org or help@terraforma.org regarding any claims-related questions. Part of the Terraforma service is having a sounding board to assist with problem solving, timing, process and anything else related to safeguarding conservation.

Remember being an accredited land trust gives you a discount on your insurance premium. Accredited land trusts receive an \$11 per parcel discount. Check out how this discount can add up for your organization on [Terraforma's website.](#)

