



Memorandum in Support

COMMITTEE ON ANIMALS AND THE LAW

Animals #19

April 26, 2023

S.4163

By: Senator Hoylman-Sigal

A.1149

By: M. of A. L. Rosenthal

Senate Committee: Insurance

Assembly Committee: Insurance

Effective Date: 90th day after it shall have become
a law

AN ACT to amend the insurance law, in relation to prohibiting insurers from cancelling, refusing to issue or renew renters' insurance based on the breed of dog owned

LAW AND SECTIONS REFERRED TO: Subdivision 1 of Section 3421 of the Insurance Law.

THE COMMITTEE ON ANIMALS AND THE LAW **SUPPORTS THIS LEGISLATION**

S.4163/A.1149 would amend Section 3421 of the Insurance Law, which was signed into law as Chapter 545 of the Laws of 2021, and was amended last year (Chapter 679 of the Laws of 2022). This bill prohibits insurance companies from cancelling, refusing to issue or renew, increasing premiums; or excluding, limiting, restricting, or reducing renters' insurance or coverage against personal injury or property damage liability relating to certain leasehold property based solely upon the breed of dog at the insured property. Currently, §3421 states:

With respect to homeowners' insurance policies as defined in section two thousand three hundred fifty-one of this chapter, no insurer shall refuse to issue or renew, cancel, or charge or impose an increased premium or rate for such policy or contract, or exclude, limit, restrict, or reduce coverage under such policy or contract based solely upon harboring or owning any dog of a specific breed or mixture of breeds. N.Y. Ins. Law §3421.

This bill is simple. It expands the existing protections offered to homeowners and their dogs to include renters with dogs who reside in one, two, three or four family dwellings. The bill makes no other changes to Insurance Law §3421.

Current law continues to prohibit insurers from making blanket underwriting decisions which are based solely upon the breed of dog in a particular premises, and instead requires that insurers view each applicant individually. This amendment does not change that underwriting

criteria, for either homeowners or renters, but continues to allow insurers to consider a particular dog's history, protecting the underwriting process, and relating it to the specific risk presented by a particular dog.

It is important that the protective provisions in current law also apply to residential renters in this State. This bill is a good start for occupants of one to four family dwellings. Many landlords require tenants to maintain renters' liability insurance as a condition of occupying the rental premises or as a requirement written into the lease. Anyone who has tried to find a rental property that accepts dogs knows that it is not easy. If a renter is fortunate enough to find such a rental property, the renter often encounters a further obstacle when trying to find liability policies that do not exclude coverage for dogs based upon breed. It has become common for insurance companies to refuse coverage for a litany of dog breeds, the top ten including Doberman Pinscher, "Pit Bulls,"¹ Rottweilers, Chow Chows, wolf hybrids, Presa Canarios, Akitas, German Shepherds, Huskies and Mastiffs.²

In 2021, the Legislature recognized the harm insurance denials caused to families and dogs and acted to reduce that harm by enacting §3421 of the Insurance Law. This bill puts renters of one, two, three and four family dwellings³ who are seeking liability insurance on the same footing as owners of homes seeking liability insurance by prohibiting blanket insurance determinations based solely upon the breed of a dog.⁴

For the foregoing reasons, the Committee on Animals and the Law **SUPPORTS** the passage and enactment of this legislation.

¹ Pit bull is a name given to several breeds of dogs which insurers often define to include Bull Terriers, Staffordshire Bull Terriers, American Bull Terriers and American Staffordshire Terriers, or any combination of these breeds. Leefeldt, Ed and Danise, Amy, Forbes Advisor, "Dog Breeds Banned by Home Insurance Companies," <https://www.forbes.com/advisor/homeowners-insurance/banned-dog-breed-lists/>, last visited April 10, 2023.

² *Id.*

³ Unfortunately, although renters of apartments in buildings with more than four dwelling units have the same difficulties as those renting in smaller buildings, the bill's protection does not extend to them.

⁴ New York State already prohibits dog breed discrimination by any municipality. N.Y.S. Ag. & Mkts Law §107(5).