



Memorandum in Support

COMMITTEE ON ANIMALS AND THE LAW

Animals # 22

May 11, 2022

S. 8315A
A. 9284A

By: Senator Gianaris
By: M. of A. Glick
Senate Committee: Passed
Assembly Committee: Passed
Effective Date: 90th day after it shall
have become a law

AN ACT to amend the insurance law, in relation to prohibiting insurers from excluding, limiting, restricting or reducing coverage on a homeowner's insurance policy based on the breed of dog owned.

LAW AND SECTIONS REFERRED TO: Amending subdivision 1 of Section 3421 of the Insurance Law, entitled "Homeowners' Liability Insurance; Dogs" as added by Chapter 545 of the laws of 2021.

THE COMMITTEE ON ANIMALS AND THE LAW SUPPORTS THIS LEGISLATION

S.8315A/A.9284A would amend section 3421 of the Insurance Law, which was signed into law last year, and which prohibits homeowners' insurance companies from cancelling, not renewing or basing premium solely upon the breed of dog that resides in that residence. It 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 based solely upon harboring or owning any dog of a specific breed or mixture of breeds. N.Y. Ins. Law §3421.

This bill seeks prevent insurance companies from circumventing the prohibitions in the brand new law by also prohibiting insurance companies from excluding, limiting, restricting or reducing coverage in any way based solely upon the breed of dog domiciled at the subject insured property.

The bill's added language will have the amended statute read as follows:

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, or restrict coverage under

such policy or contract based solely upon harboring or owning any dog of a specific breed or mixture of breeds.

Section 3421 of the Ins. Law is a good law. It was passed to prevent homeowners from being forced to choose between keeping their beloved canine companions and having liability insurance for their homes. However, as pointed out in the Assembly's Insurance Committee meeting, that law has a loophole which would allow insurers to exclude coverage, or limit coverage or to restrict such liability insurance coverage, thereby completely undermining the good that this new law does. This is so because while under the present law, insurers may not cancel or non-renew policies or charge higher premiums for their policies based solely upon the presence of a dog of a particular breed, they still may exclude liability coverage entirely, limit liability coverage or restrict liability coverage based solely upon the breed of dog residing in a particular home.

Not closing this loophole can leave many homeowners without the protection from having to choose between their canine family members and homeowners' insurance that Insurance Law §3421 sought to eliminate. The added language offered by this bill will fix that problem and will follow New York State's policy of viewing each dog independently and not making sweeping generalizations based upon a particular breed.¹

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

¹ N.Y.S. Agriculture and Markets Law §107(5) prohibits breed discrimination by any state or local statute or ordinance.