S T A T E O F N E W Y O R K

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I N A S S E M B L Y

April 17, 2009

Introduced by M. of A. P. RIVERA, ESPAILLAT, CARROZZA, BENJAMIN, WRIGHT, GREENE -- Multi-Sponsored by -- M. of A. ALFANO, ARROYO, BARRA, BOYLAND, BRENNAN, CLARK, DIAZ, HEASTIE, HOOPER, JACOBS, V. LOPEZ, MARKEY, McDONOUGH, McENENY, ORTIZ, PERALTA, PERRY, PHEFFER, POWELL, RAMOS, J. RIVERA, N. RIVERA, ROBINSON, TOWNS, WEISENBERG -- read once and referred to the Committee on Judiciary

AN ACT to amend the real property law, in relation to requiring sellers of residential real property to provide the homeowners insurance claims history to the buyers of such property and requiring notice thereof to be provided in each real estate purchase contract provided by a real estate broker; and to amend the insurance law, in relation to requiring insurers to provide the homeowners insurance claims history of residential real property to the owner thereof

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Subdivision 4 of section 443-a of the real property law is renumbered subdivision 5 and a new subdivision 4 is added to read as follows:

4. (A) FOR THE PURPOSES OF THIS SUBDIVISION:

(I) "REAL ESTATE PURCHASE CONTRACT" SHALL HAVE THE SAME MEANING AS ASCRIBED TO SUCH TERM BY SUBDIVISION FOUR OF SECTION FOUR HUNDRED SIXTY-ONE OF THIS CHAPTER.

(II) "RESIDENTIAL REAL PROPERTY" SHALL HAVE THE SAME MEANING AS ASCRIBED TO SUCH TERM BY SUBDIVISION FIVE OF SECTION FOUR HUNDRED SIXTY-ONE OF THIS CHAPTER.

(B) A SELLER OF RESIDENTIAL REAL PROPERTY WHO HAS ENTERED INTO A REAL ESTATE PURCHASE CONTRACT WITH A BUYER SHALL, UPON THE REQUEST OF SUCH BUYER, PROVIDE THE BUYER THE HOMEOWNERS INSURANCE CLAIMS HISTORY FOR SUCH PROPERTY.

(C) EVERY REAL ESTATE PURCHASE CONTRACT FORM, PROVIDED BY A REAL ESTATE BROKER OR ANY REAL ESTATE SALESMAN ASSOCIATED WITH SUCH BROKER,

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

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SHALL INCLUDE THE FOLLOWING STATEMENT PRINTED IN BOLD TYPE AND NOT LESS THAN FOURTEEN POINT PRINT:

"YOU HAVE THE RIGHT TO OBTAIN THIS HOME'S INSURANCE CLAIMS HISTORY FROM THE SELLER OF THE PROPERTY. THE HOMEOWNERS INSURANCE CLAIMS HISTORY OF THIS PROPERTY WILL IMPACT THE COST OF THE PREMIUM YOU WILL PAY FOR HOMEOWNERS INSURANCE."

S 2. The insurance law is amended by adding a new section 3416 to read as follows:

S 3416. HOMEOWNERS INSURANCE CLAIMS HISTORY. (A) EVERY INSURER PROVIDING HOMEOWNERS INSURANCE IN THIS STATE SHALL, WITHIN TEN DAYS OF THE RECEIPT OF A REQUEST FOR THE HOMEOWNERS INSURANCE CLAIMS HISTORY, PROVIDE SUCH HISTORY TO THE OWNER OF THE INSURED PROPERTY. SUCH HISTORY SHALL INCLUDE THE HOMEOWNERS INSURANCE CLAIMS MADE AND PAID ON THE REAL PROPERTY, AND SHALL INCLUDE THE INFORMATION INCLUDED IN THE COMPREHENSIVE LOSS UNDERWRITING EXCHANGE.

(B) THE SUPERINTENDENT SHALL IMPOSE A FINE OF TWENTY-FIVE DOLLARS UPON AN INSURER FOR EACH DAY SUCH INSURER FAILS TO COMPLY WITH THE PROVISIONS OF SUBSECTION (A) OF THIS SECTION AND FOR EACH DAY SUCH INSURER FAILS TO PROVIDE ALL HOMEOWNERS INSURANCE CLAIMS HISTORY INFORMATION THAT IS AVAILABLE TO SUCH INSURER.

S 3. This act shall take effect on the ninetieth day after it shall have become a law.