

# STATE OF NEW YORK

7910--A

2023-2024 Regular Sessions

## IN ASSEMBLY

August 4, 2023

Introduced by M. of A. WEPRIN, REYES, GALLAGHER, LEVENBERG, LEE, SHIM-SKY, GUNTHER, DICKENS, GONZALEZ-ROJAS, BURDICK, HEVESI, LUCAS, SEAWRIGHT, AUBRY, CRUZ, LUNSFORD, GLICK, ARDILA, SIMONE, WALLACE, SEPTIMO -- read once and referred to the Committee on Insurance -- recommitted to the Committee on Insurance in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the insurance law, in relation to prohibiting discrimination because of the affordability of residential buildings

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The insurance law is amended by adding a new section 3462 to read as follows:

§ 3462. Affordable housing underwriting and rating. (a) An insurer that issues or delivers in this state a policy of insurance covering loss of or damage to real property containing units for residential purposes shall not inquire about on an application, nor shall an insurer cancel, refuse to issue, refuse to renew or increase the premium of a policy, or exclude, limit, restrict, or reduce coverage under a policy based on, the following:

(1) The residential building contains dwelling units that shall be affordable to residents at a specific income level pursuant to a statute, regulation, regulatory agreement or restrictive declaration with a local, state, or federal government entity;

(2) The real property owner or tenants of such residential building receive rental assistance provided by a local, state, or federal government entity wherein the tenant's portion of the rent is limited to a percentage of such tenant's income;

(3) The level or source of income of the real property owner or the tenants of the residential building; or

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

LBD10702-06-4

1     (4) Whether such residential building is owned by a limited-equity  
2     cooperative; owned by a public housing authority; or owned by a cooper-  
3     ative housing corporation subject to the provisions of article two,  
4     article four, article five or article eleven of the private housing  
5     finance law.

6     (b) Nothing in this section shall prohibit an insurer from canceling,  
7     refusing to issue, refusing to renew, increasing the premium of an  
8     insurance policy or excluding, limiting, restricting, or reducing cover-  
9     age under such policy due to other factors that are permitted by any  
10    other section of this chapter.

11    § 2. This act shall take effect immediately.