STATE OF NEW YORK

11069

IN ASSEMBLY

April 24, 2026

Introduced by M. of A. DILAN -- read once and referred to the Committee on Insurance

AN ACT to amend the insurance law, in relation to the use of aerial images for the purposes of homeowners' insurance

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 3463 to read as follows:

§ 3463. Use of aerial images in homeowners' insurance. (a) For the purposes of this section, the following terms shall have the following meanings:

(1) "Covered policy" means:

(A) a personal lines insurance policy, as defined in paragraph two of subsection (a) of section three thousand four hundred twenty-five of this article; or

(B) a commercial lines insurance policy, as defined in paragraph one of subsection (a) of section three thousand four hundred twenty-six of this article.

(2) "Insured individual" means an individual entitled to coverage under a covered policy.

(3) "Insurer" means the New York property underwriting association or any other property/casualty insurance company, as defined in paragraph five of subsection (a) of section one thousand three hundred twenty-four of this chapter, providing a covered policy to an insured individual.

(4) "Adverse decision" means cancellation or nonrenewal of coverage, reduction in coverage, or an increase in premiums of more than ten percent.

(5) "Aerial image" means an image or video of an insured individual's property captured from an airplane, drone, helicopter, or any other airborne device or vehicle.

(b) While utilizing aerial images as part of its coverage determination, an insurer shall:

(1) notify an insured individual if any aerial images may be taken or obtained of the insured property during the policy period by, on behalf

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

LBD14748-01-6

of, or in service of the insurer. Notice must be provided at least annually, including with the initial policy issuance and upon each renewal; and

(2) provide any aerial images taken or obtained of the insured property to the insured individual upon request within thirty days of receiving that request. Instructions on how to request the images and a point of contact must be provided at least annually, including with the initial policy issuance and upon each renewal.

(c) If an insurer bases an adverse decision in whole or in part on an aerial image, they shall:

(1) include in any notice of an adverse decision copies of date-stamped aerial images of the property showing the specific conditions that do not meet the insurer's underwriting guidelines, regardless of whether the condition was caused by the insured;

(2) provide a process for appeal in case of error. The process shall allow an insured individual to request that the insurer conduct an in-person physical inspection of the property to verify the accuracy, persistence, and validity of the conditions pertaining to the adverse decision. The insurer must include in any notice of an adverse decision the necessary steps for an appeal and a point of contact. The results of an adverse decision shall not take effect until the appeals process has concluded;

(3) provide a process for remediation. The insurer shall include with an adverse decision what, if any, remedial steps the property owner can take to reverse the insurer's decision, including the specific standards that any repairs must adhere to and whether the repairs are covered under the policy. The insurance company shall provide the insured a minimum of sixty days to cure the identified defects or conditions from the date the insurer notifies the insured of the specific conditions requiring remediation;

(4) offer a renewal policy to a property owner who successfully appeals subject to paragraph two of this subsection or remediates subject to paragraph three of this subsection; and

(5) not base any adverse decision on an aerial image taken more than one hundred eighty days prior to such decision.

(d) This section shall not be construed to authorize aerial imaging that is otherwise prohibited under law.

(e) The superintendent shall promulgate rules or regulations as appropriate to carry out the provisions of this section.

§ 2. This act shall take effect one year after it shall have become a law and shall apply to any policy issued, amended, or renewed on and after such effective date.