

# STATE OF NEW YORK

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186--A

2025-2026 Regular Sessions

## IN SENATE

(Prefiled)

January 8, 2025

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Introduced by Sen. HOYLMAN-SIGAL -- read twice and ordered printed, and when printed to be committed to the Committee on Insurance -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the insurance law, the financial services law, and the banking law, in relation to establishing the insure our communities act

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

1 Section 1. Short title. This act shall be known and may be cited as  
2 the "insure our communities act".  
3 § 2. Legislative findings and intent. The legislature hereby finds and  
4 declares the following:  
5 1. The Department of Financial Services has identified that New York  
6 state is "in the midst of an affordable housing crisis driven by numer-  
7 ous factors, including the availability of affordable insurance";  
8 2. The Office of Budget Policy and Analysis has identified that "rates  
9 of rental cost burden have increased across all income groups since  
10 2012" and "significant racial disparities exist among households suffer-  
11 ing from housing insecurity. In New York, 55 percent of households head-  
12 ed by a Hispanic person (any race), 50 percent of households headed by a  
13 Black or African American person and 48 percent of households headed by  
14 an Asian person had at least one housing insecurity problem, compared  
15 with 31 percent of households headed by a white person. People experi-  
16 encing homelessness were also disproportionately Black and Hispanic or  
17 Latino";  
18 3. A 2022 study conducted by the Department of Financial Services and  
19 New York State Homes and Community Renewal found that affordable housing  
20 developers "had seen premiums rise, even in instances where there had

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

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1 been no previous claims made, to levels that they deemed prohibitively  
2 expensive";

3 4. The availability of fair and affordable insurance has a significant  
4 impact on community credit needs as homeowners and business owners need  
5 insurance coverage in order to secure residential or commercial loans,  
6 as well as to protect their homes and businesses when damages occur, and  
7 housing developers need access to fair and affordable insurance coverage  
8 to secure financing for the development of affordable rental housing;

9 5. A lack of fair and affordable insurance coverage can limit access  
10 to homeownership and business development, reduce the development of  
11 affordable rental housing, and can also limit lending and community  
12 development financing opportunities of institutions covered by New  
13 York's Community Reinvestment Act that evaluates banking institutions on  
14 their ability to meet credit needs of the entire community;

15 6. Climate change, resulting primarily from the combustion of fossil  
16 fuels, is an immediate, grave threat to the state's communities, envi-  
17 ronment, and economy. New York has experienced an increasing number of  
18 extreme and unusual weather events, including Hurricanes Irene and Lee  
19 and the unprecedented Superstorm Sandy in 2012, which caused at least 48  
20 deaths and \$41.9 billion in damage in New York state;

21 7. Preexisting social and economic challenges combined with the uneven  
22 distribution of climate change impacts makes certain communities more  
23 vulnerable to climate change impacts than others, such as low- and  
24 moderate-income communities and communities of color;

25 8. Homeowners, businesses, and affordable multifamily developers are  
26 increasingly facing obstacles in securing fair and affordable insurance  
27 coverage in light of climate change and its economic impacts, and the  
28 New York State Climate Impacts Assessment has identified that "many  
29 regions are already experiencing an increase in policy premiums derived  
30 from past extreme climate events";

31 9. Scientific evidence shows that climate change impacts will become  
32 more severe over time with the continuing rise of global warming from  
33 greenhouse gas emissions;

34 10. The state of New York must raise additional resources in order to  
35 mitigate the effects of climate change, as evident by a report commis-  
36 sioned by New York State Energy Research and Development Authority's  
37 (NYSERDA) estimating that climate change costs in New York "could  
38 approach \$10 billion annually by midcentury"; and

39 11. Comprehensive data collection on insurance industry practices in  
40 New York state in the form of a statewide database is necessary in order  
41 to facilitate enforcement of the law and to determine if additional  
42 steps need to be taken to increase the availability of affordable insur-  
43 ance in areas underserved by insurance companies. Such data includes but  
44 is not limited to:

45 a. The availability and affordability of insurance coverage and the  
46 quality or type of insurance coverage, by the race, ethnicity, gender  
47 and income of the policyholder, as well as race, ethnicity, and income  
48 of the census tract the insured risk is located in;

49 b. The location of the principal place of business of insurance  
50 agents, by census tract, including in low- and moderate-income census  
51 tracts and census tracts in disadvantaged communities;

52 c. The extent to which insurance companies are significant financiers  
53 of the fossil fuel industry and new fossil fuel projects; and

54 d. Whether the extent and characteristics of insurance availability,  
55 affordability, and coverage require public officials to take any actions  
56 to remedy redlining or other illegally or unfairly discriminatory insur-

1 ance practices; or to promote insurance availability and affordability  
2 in areas underserved by insurers.

3 § 3. The insurance law is amended by adding a new article 92 to read  
4 as follows:

5 ARTICLE 92

6 INSURE OUR COMMUNITIES ACT

7 Section 9201. Definitions.

8 9202. Implementing climate leadership and community protection  
9 act targets for insurers.

10 9203. Reporting.

11 § 9201. Definitions. In this article, unless the context or subject  
12 matter otherwise requires:

13 (a) "New fossil fuel project" means a project designed to facilitate  
14 the production of fossil fuels in excess of what is in development as of  
15 the effective date of this article, including production of new coal  
16 infrastructure, power plants, or mines. "New fossil fuel project" also  
17 includes projects that would support exploring new oil and gas fields or  
18 otherwise expanding oil and gas reserves. Examples of such projects  
19 include, but are not limited to, new wells, pipelines, terminals or gas  
20 power plants.

21 (b) "Department" means the department of financial services.

22 (c) "Superintendent" means the superintendent of the department of  
23 financial services.

24 (d) "Precautionary principle" means an approach taken to regulation  
25 which mandates that when activities under consideration may lead to  
26 unacceptably serious or irreversible harm that is scientifically plausi-  
27 ble but uncertain, actions shall be taken to avoid or diminish that  
28 harm.

29 (e) "Guidance" means the department guidance for New York domestic  
30 insurers on managing the financial risks from climate change issued by  
31 the department of financial services.

32 (f) "Disadvantaged communities" means communities identified as disad-  
33 vantaged communities pursuant to the criteria set forth in paragraph c  
34 of subdivision one of section 75-0111 of the environmental conservation  
35 law.

36 § 9202. Implementing climate leadership and community protection act  
37 targets for insurers. (a) The department shall:

38 (1) Integrate the precautionary principle into its regulation and  
39 supervision of insurers by:

40 (A) incorporating measures to anticipate, prevent, or minimize the  
41 effects of climate risk and its adverse effects; and

42 (B) implementing cost-effective measures to address the climate risk  
43 exposure of insurers, even in the absence of full economic or scientific  
44 certainty;

45 (2) Require insurers to annually file and report progress on plans to  
46 align their investment and underwriting activities with science-based  
47 climate mitigation targets consistent with the emissions limits set in  
48 section 75-0107 of the environmental conservation law and to certify  
49 that they do not invest or underwrite new fossil fuel projects;

50 (3) Align insurer investment and underwriting activities with  
51 science-based climate mitigation targets consistent with the emissions  
52 limits set in section 75-0107 of the environmental conservation law by  
53 prohibiting underwriting for any new fossil fuel project and directing  
54 insurers to phase out existing underwriting for exploration, extraction,  
55 processing, exporting, transporting, and any other significant action  
56 with respect to oil, natural gas, coal, or any byproduct thereof; and

1 (4) Develop a process for insurance companies to certify as a condi-  
2 tion of licensure that they file and report progress on plans to align  
3 their investment and underwriting activities with science-based climate  
4 mitigation targets consistent with the emissions limits set in section  
5 75-0107 of the environmental conservation law and to certify that they  
6 do not invest or underwrite new fossil fuel projects. The department  
7 shall review each insurance company's certification to ensure that they  
8 file and report on such plans.

9 (b) Within twelve months of the effective date of this article, the  
10 superintendent shall develop and implement criteria for certain insurers  
11 doing business in this state, as determined by the superintendent pursu-  
12 ant to subsection (f) of this section, to submit annually to the super-  
13 intendent a report disclosing:

14 (1) Such insurer's investments in:

15 (A) any company that derives ten percent or more of revenue from  
16 exploration, extraction, processing, exporting, transporting, and any  
17 other significant action with respect to oil, natural gas, coal, or any  
18 byproduct thereof;

19 (B) any project intended to facilitate or expand exploration,  
20 extraction, processing, exporting, transporting, and any other signif-  
21 icant action with respect to oil, natural gas, coal, or any byproduct  
22 thereof; and

23 (C) any project intended to construct any infrastructure related to  
24 projects under subparagraph (B) of this paragraph, such as wells, pipe-  
25 lines, terminals or refineries;

26 (2) The financed emissions from all of the insurer's investments in  
27 the previous reporting year;

28 (3) Information concerning such insurer's gross premium underwriting  
29 for:

30 (A) any company that derives ten percent or more of revenue from  
31 exploration, extraction, processing, exporting, transporting, and any  
32 other significant action with respect to oil, natural gas, coal, or any  
33 byproduct thereof;

34 (B) any project intended to facilitate or expand exploration,  
35 extraction, processing, exporting, transporting, and any other signif-  
36 icant action with respect to oil, natural gas, coal, or any byproduct  
37 thereof; and

38 (C) any project intended to construct any infrastructure related  
39 projects under subparagraph (B) of this paragraph, such as wells, pipe-  
40 lines, terminals or refineries;

41 (4) The insured emissions from all of the insurer's underwriting in  
42 the previous reporting year;

43 (5) Any other information the department deems necessary to effec-  
44 tively implement and enforce any rule or regulation promulgated pursuant  
45 to this article.

46 (c) The criteria developed by the superintendent pursuant to  
47 subsection (b) of this section shall enable the superintendent to post  
48 the information reported to the superintendent pursuant to subsection  
49 (d) of this section on the department's website.

50 (d) Within twelve months of the effective date of this article, and  
51 annually thereafter, such insurers doing business in this state, as  
52 determined by the superintendent subject to subsection (f) of this  
53 section, shall submit a report to the superintendent disclosing the  
54 information set forth in subsection (b) of this section for the preced-  
55 ing calendar year.

1 (e) Within three months of receiving the report required pursuant to  
2 subsection (b) of this section, and annually thereafter, the superinten-  
3 dent shall compile and post the information in such report on the  
4 department's website.

5 (f) The superintendent may engage the services of attorneys, actuar-  
6 ies, accountants and other experts not otherwise a part of the super-  
7 intendent's staff, at the reporting insurer's expense, as shall be  
8 reasonably necessary to assist in the review of such insurer's filing  
9 under subsection (c) of this section. All persons so engaged shall be  
10 under the direction and control of the superintendent and shall act in a  
11 purely advisory capacity.

12 (g) The superintendent shall subject an insurer to the requirements of  
13 this section if:

14 (1) The insurer reports over one hundred million dollars on its annual  
15 schedule T filing with the National Association of Insurance Superinten-  
16 dents; or

17 (2) The insurer's activities or investments may expose such insurer to  
18 a heightened level of risk from the physical or transition effects of  
19 climate change; or

20 (3) The superintendent otherwise determines that disclosure would be  
21 in the public interest.

22 (h) The superintendent shall review and update the guidance at least  
23 once every two years and shall update the guidance to reflect develop-  
24 ments elsewhere in the world, with the intent of incorporating emerging  
25 best practices and ensuring the smooth functioning of New York insurance  
26 markets.

27 (i) The superintendent may adopt such regulations as the superinten-  
28 dent deems necessary to carry out the purposes of this article.

29 (j) Within five years of the effective date of this article, the  
30 superintendent shall require any insurer doing business in the state to  
31 certify that they have divested from:

32 (1) any company that derives ten percent or more of revenue from  
33 exploration, extraction, processing, exporting, transporting, and any  
34 other significant action with respect to oil, natural gas, coal, or any  
35 byproduct thereof;

36 (2) any project intended to facilitate or expand exploration,  
37 extraction, processing, exporting, transporting, and any other signif-  
38 icant action with respect to oil, natural gas, coal, or any byproduct  
39 thereof; and

40 (3) any project intended to construct any infrastructure related to  
41 projects under paragraph two of this subsection, such as wells, pipe-  
42 lines, terminals or refineries.

43 § 9203. Reporting. (a) Within twelve months of the effective date of  
44 this article, and once every two years thereafter, the superintendent  
45 shall submit a report to the legislature and the governor. The report  
46 shall also be made available to the public and posted on the depart-  
47 ment's website. The report shall disclose, for the preceding two calen-  
48 dar years, the department's:

49 (1) Efforts to implement the provisions of section nine thousand two  
50 hundred two of this article;

51 (2) Regulatory and supervisory actions taken, if any, to bolster the  
52 resilience of insurers to the physical impacts of climate change;

53 (3) Regulatory and supervisory actions planned, if any, to bolster the  
54 resilience of insurers to the physical impacts of climate change;

1 (4) The effects, if any, that the insurers' efforts to address climate  
2 risk have had on the affordability and availability of insurance for  
3 disadvantaged communities.

4 (b) Such report shall also summarize available information regarding:

5 (1) insurer and insurance market readiness for climate change and the  
6 energy transition;

7 (2) major sources of climate risk faced by New York insurers;

8 (3) any gaps related to climate risk that the department intends to  
9 address; and

10 (4) any legislative action that must be taken in order to allow the  
11 department to address climate risk.

12 § 4. Subsections (k) and (l) of section 102 of the financial services  
13 law are amended and a new subsection (m) is added to read as follows:

14 (k) To promote the reduction and elimination of fraud, criminal abuse  
15 and unethical conduct by, and with respect to, banking, insurance and  
16 other financial services institutions and their customers; [~~and~~]

17 (l) To educate and protect users of banking, insurance, and financial  
18 services products and services through the provision of timely and  
19 understandable information[~~+~~]; and

20 (m) To identify, supervise, regulate and manage exposure to risk in  
21 New York's banking, insurance and financial services industries, includ-  
22 ing risks related to climate change.

23 § 5. The insurance law is amended by adding a new section 2354 to read  
24 as follows:

25 § 2354. Protecting communities from bluelining. (a) The superintendent  
26 shall have the authority to place a moratorium on non-renewals in under-  
27 served communities that have been affected by a climate disaster in the  
28 last year.

29 (b) No insurer shall refuse to issue or renew or shall cancel a policy  
30 of property and casualty insurance based solely on the insured residing  
31 in an area that is designated as a disadvantaged community. Such prohi-  
32 bition shall not preclude an insurer from refusing to issue or renew or  
33 from canceling such policies based on sound underwriting and actuarial  
34 principles reasonably related to actual or anticipated loss experience  
35 subject to the applicable provisions of this section and of section  
36 three thousand four hundred twenty-five of this chapter.

37 § 6. Subsection (d) of section 3425 of the insurance law is amended by  
38 adding a new paragraph 4 to read as follows:

39 (4) With respect to cancellation of policies in disadvantaged communi-  
40 ties, in addition to the requirements contained in paragraph one of this  
41 subsection, unless the insurer, at least one year in advance of the end  
42 of the policy period, mails or delivers to the named insured, at the  
43 address shown in the policy, a written notice of its intention not to  
44 renew a covered policy, or to condition its renewal upon change of  
45 limits or elimination of any coverages, the named insured shall be enti-  
46 tled to renew the policy upon timely payment of the premium billed to  
47 the insured for the renewal.

48 § 7. The insurance law is amended by adding a new section 215 to read  
49 as follows:

50 § 215. Rating and affordability improvement study. (a) The department  
51 shall conduct a study on methods for keeping property and casualty  
52 insurance lines affordable for disadvantaged communities, including the  
53 development of a public option for residential insurance, consideration  
54 of homeowner mitigation in premium discounts and non-renewal and cancel-  
55 lations decisions, assistance programs for low-income policyholders  
56 similar to those proposed for the national flood insurance program, and

1 a tax on homeowners insurance lines that declines into a rebate based on  
2 income.

3 (b) Within twelve months of the effective date of this section, the  
4 department shall issue a report on their findings which shall provide  
5 recommendations for regulatory and legislative actions relating to  
6 affordable insurance lines in disadvantaged communities.

7 (c) For the purposes of this section, affordability shall be measured  
8 by comparing average written premiums in census tracts where the insured  
9 risk is located to the median household income of census tracts where  
10 the insured risk is located, differentiating among policies issued for  
11 single-family homes, multi-family homes, and condominium or cooperative  
12 units and between policies with varying types of benefits, including but  
13 not limited to guaranteed replacement cost, standard or limited replace-  
14 ment cost, market value or actual cash value.

15 § 8. Subdivision 4 of section 28-b of the banking law, as amended by  
16 chapter 180 of the laws of 2012, is amended to read as follows:

17 4. Notwithstanding any other provision of this chapter or other law to  
18 the contrary, the term banking institution when used in this section  
19 shall mean and include all banks, trust companies, savings banks,  
20 savings and loan associations, credit unions, covered insurance compa-  
21 nies and foreign banking corporations incorporated, chartered, organized  
22 or licensed under the laws of this state. In the case of a foreign bank-  
23 ing corporation licensed pursuant to this article and maintaining a  
24 branch in this state, the management of the branch shall establish a  
25 committee of not fewer than three officers to function in the role of a  
26 board of directors for purposes of this section.

27 § 9. Section 28-b of the banking law is amended by adding eight new  
28 subdivisions 7, 8, 9, 10, 11, 12, 13, and 14 to read as follows:

29 7. The superintendent shall consider the following factors in assess-  
30 ing a covered insurance company's record of performance at meeting the  
31 insurance needs of their assessment areas, and include in its written  
32 assessment required by this section the record of performance of such  
33 covered insurance company as to each of the following factors:

34 (a) The number and distribution of policyholders throughout the commu-  
35 nity, including the number and distribution of low- and moderate-income  
36 policyholders, and the number and distribution of policyholders based on  
37 the race or ethnicity of policyholders, as identified in data collected  
38 pursuant to subdivision thirteen of this section;

39 (b) The number and distribution of policyholders residing in low- and  
40 moderate-income census tracts, as well as the number and distribution of  
41 policyholders residing in census tracts identified as disadvantaged  
42 communities, as identified in data collected pursuant to subdivision  
43 thirteen of this section;

44 (c) The extent to which the company has adopted innovative and flexi-  
45 ble marketing methods and products that facilitate the sale of insurance  
46 on a nondiscriminatory basis to low- and moderate-income consumers,  
47 consumers in disadvantaged communities, and developers of affordable  
48 housing for low- and moderate-income renters;

49 (d) The extent to which the company offers affordable insurance. For  
50 the purposes of this paragraph, affordability shall be measured by  
51 comparing average written premiums of the covered insurance company in  
52 census tracts where the insured risk is located to the median household  
53 income of census tracts where the insured risk is located, differentiat-  
54 ing among policies issued for single-family homes, multi-family homes,  
55 and condominium or cooperative units and between policies with varying  
56 types of benefits, including but not limited to guaranteed replacement

1 cost, standard or limited replacement cost, market value or actual cash  
2 value;

3 (e) The distribution of the insurance company's retail offices by  
4 income level of census tracts and retail offices located in disadvan-  
5 tagged communities and the range of services offered by retail offices  
6 across census tracts by income level and disadvantaged communities  
7 status;

8 (f) The extent to which the company financially supports, in the form  
9 of loans, investments, or grants, projects designed to avoid, moderate,  
10 repair, or adapt to negative impacts caused by climate change, for the  
11 benefit of households residing in, and businesses located in, low- and  
12 moderate-income communities or disadvantaged communities in order to  
13 help such communities prepare for future climate change-driven  
14 disruptions. Such projects shall include, but are not limited to:

15 (i) hardening homes and businesses in order to better protect them  
16 from extreme weather events;

17 (ii) restoring coastal wetlands and developing other nature-based  
18 solutions and coastal protections;

19 (iii) upgrading storm water drainage systems;

20 (iv) making defensive upgrades to roads, bridges, subways, and transit  
21 systems;

22 (v) preparing for and recovering from hurricanes and other extreme  
23 weather events;

24 (vi) undertaking preventive health care programs and providing medical  
25 care to treat illness or injury caused by the effects of climate change,  
26 including but not limited to programs to minimize health issues caused  
27 by air pollution, water pollution, or rising temperatures, such as Lyme  
28 disease and West Nile virus;

29 (vii) relocating, elevating, or retrofitting sewage treatment plants  
30 vulnerable to flooding;

31 (viii) installing energy efficient cooling systems and other weatheri-  
32 zation and energy efficiency upgrades and retrofits in public and  
33 private buildings including schools and public housing;

34 (ix) upgrading parts of the electrical grid to increase stability and  
35 resilience, including supporting the creation of self-sufficient clean  
36 energy microgrids;

37 (x) addressing urban heat island effects through green spaces, urban  
38 forestry, and other interventions; and

39 (xi) responding to toxic algae blooms, loss of agricultural topsoil,  
40 and other climate-driven ecosystem threats to forests, farms, fisheries,  
41 and food systems;

42 (g) Evidence of prohibited discriminatory, unfair, deceptive, abusive  
43 or other illegal insurance practices, including practices that dispro-  
44 portionately disadvantage low-income consumers or consumers of color  
45 irrespective of whether such practices may be grounded in traditional or  
46 actuarial principles; and

47 (h) other factors that, in the judgment of the superintendent, reason-  
48 ably bear upon the extent to which a covered insurance company is help-  
49 ing to meet the insurance needs of its assessment area.

50 8. For the purposes of this section:

51 (a) The term "assessment area" means, with respect to a covered insur-  
52 ance company, each community, including metropolitan statistical areas  
53 and rural counties, in which such company: (i) maintains a retail office  
54 or is represented by an agent; and (ii) has not less than fifty policy-  
55 holders residing in either the metropolitan statistical area or rural

1 county. The communities constituting assessment areas shall include the  
2 communities in which the great majority of policies have been issued.

3 (b) The term "disadvantaged communities" means communities identified  
4 as disadvantaged communities pursuant to the criteria set forth in para-  
5 graph c of subdivision one of section 75-0111 of the environmental  
6 conservation law.

7 9. In the case of any covered insurance company which the superinten-  
8 dent determines has engaged in any practice or provided any service in a  
9 manner which unlawfully discriminates against, or is unfair, deceptive,  
10 or abusive towards, any person or disadvantaged community, the super-  
11 intendent:

12 (a) may not give positive consideration to any such practice in  
13 assessing the extent to which such covered insurance company has met its  
14 obligations under subdivision seven of this section;

15 (b) shall reduce the rating that the covered insurance company would  
16 otherwise obtain with respect to such company after consideration of the  
17 extent of such discriminatory practice or service; and

18 (c) shall, in addition to any other penalty or sanction imposed by  
19 law, order the covered insurance company to make restitution to all  
20 consumers harmed by such practice.

21 10. Whenever a covered insurance company receives a rating of "Needs  
22 to Improve" or lower in any assessment area or overall rating, the  
23 company shall submit an improvement plan, subject to public notice and  
24 comment, to the superintendent.

25 (a) Any improvement plan submitted to the superintendent by a covered  
26 insurance company pursuant to this subdivision shall describe how the  
27 institution intends to improve its performance overall and in any  
28 assessment area where the company received a rating of "Needs to  
29 Improve" or lower.

30 (b) The superintendent shall review any improvement plan submitted by  
31 a covered insurance company and either approve the plan or send it back  
32 to the company for revisions.

33 (c) After the superintendent approves an improvement plan submitted by  
34 a covered insurance company pursuant to this subdivision, the company  
35 shall submit reports and data on a quarterly basis so that the super-  
36 intendent and the general public can monitor performance.

37 (d) If any covered insurance company receives a rating of "Needs to  
38 Improve" or "Substantial Noncompliance" in any assessment area or over-  
39 all rating, the superintendent may not accept or approve any application  
40 by such covered insurance company or any merger applications involving  
41 such company until the company's performance improves on a subsequent  
42 evaluation and may increase examination fees pursuant to subdivision  
43 eleven of this section.

44 (e) The superintendent shall consider the progress in meeting the  
45 goals described in any improvement plan as an integral factor in reviews  
46 of any application by such covered insurance company or any merger  
47 applications involving such company.

48 11. The superintendent shall have the authority to examine each  
49 covered insurance company for compliance with this section, in consulta-  
50 tion with state and federal regulators with an appropriate regulatory  
51 interest, for and in compliance with applicable New York and federal  
52 consumer protection and anti-discrimination laws, as often as the super-  
53 intendent deems necessary and proper. The superintendent may adopt rules  
54 and regulations with respect to the frequency and manner of examination  
55 including the imposition of examination fees. The superintendent may  
56 also increase fees for covered insurance companies with less than satis-

1 factory community reinvestment performance, as well as covered insurance  
2 companies identified using data collected pursuant to article ninety-two  
3 of the insurance law to be significant financiers of fossil fuel busi-  
4 nesses and new fossil fuel projects as defined pursuant to section nine-  
5 ty-two hundred one of the insurance law. Fees collected pursuant to this  
6 subdivision may be transferred to other departments or state-adminis-  
7 tered funds for the purpose of financing projects and initiatives  
8 designed to avoid, moderate, repair, or adapt to negative impacts caused  
9 by climate change, for the benefit of households residing in, and busi-  
10 nesses located in, low- and moderate-income communities or disadvantaged  
11 communities in order to help such communities prepare for future climate  
12 change-driven disruptions. The superintendent and the superintendent's  
13 appointees may examine the entire books, records, documents, and oper-  
14 ations of covered insurance companies, their parent company, and their  
15 subsidiaries, affiliates, or agents, and may examine any of the covered  
16 insurance companies, their parent company's or their subsidiaries',  
17 affiliates', or agents' officers, directors, employees, and agents under  
18 oath. Any document or record prepared or obtained in connection with or  
19 relating to any such examination, and any record prepared or obtained by  
20 the superintendent to the extent that the record summarizes or contains  
21 information derived from any document or record described in this subdivi-  
22 vision, shall not be disclosed to the public unless otherwise authorized  
23 pursuant to article ninety-two of the insurance law.

24 12. Covered insurance companies with less than "Satisfactory CRA"  
25 performance, as identified by the superintendent, will be ineligible for  
26 prior approval of raising property insurance rates as stipulated by the  
27 filing requirements established pursuant to sections twenty-three  
28 hundred five and twenty-three hundred eight of the insurance law and  
29 will be ineligible for prior approval of raising property insurance  
30 rates beyond limitations specified by regulation pursuant to section  
31 twenty-three hundred forty-four of the insurance law.

32 13. By March thirty-first of each year, every covered insurance compa-  
33 ny shall file with the superintendent a "residential insurance rate,  
34 experience and statistical report" and shall make available in an elec-  
35 tronic database format the statistical information on its residential  
36 and commercial activities by census tract and demographics of the poli-  
37 cyholder according to the provisions of paragraphs (a) and (b) of this  
38 subdivision.

39 (a) Such statistical report shall be in a form prescribed by the  
40 superintendent as in effect at the commencement of the calendar year  
41 reported upon and shall include, but not be limited to, the following  
42 information:

43 (i) the number of policies in effect, or other exposures insured. For  
44 the purposes of this paragraph: "policies in effect" shall mean the  
45 number of policies written in the reporting year; and "other exposures",  
46 if any, shall mean any coverage extended other than policies written,  
47 and shall be described in the report in sufficient detail to identify  
48 the coverage provided;

49 (ii) the number of applications for coverage;

50 (iii) the number of applications for which coverage was not provided,  
51 classified according to applications withdrawn, applications denied, and  
52 applications still in process;

53 (iv) the number of policies not renewed;

54 (v) the number of policies canceled or terminated;

55 (vi) the number of claims filed;

56 (vii) the number of claims approved, in whole or in part;

1 (viii) the number of claims denied, in whole or in part;

2 (ix) the amounts of the losses incurred;

3 (x) the amounts of the losses paid;

4 (xi) applicable rates, within assessment areas served by a covered  
5 insurance company, for each form of property insurance and rating clas-  
6 sification, including rates by tier in multi-tier programs, and differ-  
7 entiating between policies with varying types of benefits, including but  
8 not limited to guaranteed replacement cost, standard or limited replace-  
9 ment cost, market value or actual cash value, and differentiating among  
10 policies issued for single-family homes, multi-family homes, condominium  
11 or cooperative units, and renters;

12 (xii) for covered insurance companies distributing through direct  
13 solicitation, the number of direct mail or telephone solicitations;

14 (xiii) the number of agents appointed by the covered insurance compa-  
15 ny;

16 (xiv) the street addresses of all offices issuing or servicing poli-  
17 cies;

18 (xv) languages spoken, other than English, with sufficient fluency to  
19 conduct business in that language by personnel within each office;

20 (xvi) whether the covered insurance company issues policies in a  
21 language other than English, and, if so, identifying the languages in  
22 which policies are issued and the number of policies issued in each  
23 language;

24 (xvii) for each of the categories of information described in subpara-  
25 graphs (i) through (xi) of this paragraph: further classifications and  
26 aggregated data according to race, national origin, ethnicity, household  
27 income, and gender of the insureds or applicants; classifications and  
28 aggregated data by race, national origin, ethnicity, and income charac-  
29 teristics of the census tract in which the insured risk is located,  
30 including whether the insured risk is located in a disadvantaged commu-  
31 nity, pursuant to rules and regulations promulgated by the superinten-  
32 dent; and, where an insurer applies any other classification which  
33 affects the premium rate at which the policy is issued, totals by race,  
34 national origin, ethnicity, household income and gender for each such  
35 classification;

36 (xviii) all of the information upon which an insurer, rate service  
37 organization, or group of insurers filed with the superintendent in  
38 support of the rates as required to be filed with the superintendent by  
39 subsection (b) of section twenty-three hundred four and subsection (c)  
40 of section twenty-three hundred five of the insurance law. An insurer or  
41 group of insurers which are members or subscribers of a rate service  
42 organization which makes or files rates on behalf of such insurer or  
43 group of insurers shall be responsible for filing such information as  
44 part of the report required by this paragraph;

45 (xix) the total dollar amount of financing to fossil fuel businesses,  
46 including investments and insurance policies. For purposes of this  
47 subparagraph, "fossil fuel businesses" means any company that derives  
48 ten percent or more of revenue from exploration, extraction, processing,  
49 exporting, transporting, and any other significant action with respect  
50 to oil, natural gas, coal, or any byproduct thereof; and

51 (xx) the total dollar amount of financing for new fossil fuel  
52 projects, including investments and insurance policies. For purposes of  
53 this subparagraph, "new fossil fuel projects" means projects designed to  
54 facilitate the production of fossil fuels in excess of what is in devel-  
55 opment as of the effective date of this subdivision, including  
56 production of new coal infrastructure, power plants, or mines, and also

1 includes projects that would support exploring new oil and gas fields or  
2 otherwise expanding oil and gas reserves, including, but not limited to,  
3 projects relating to new wells, pipelines, terminals or gas power  
4 plants.

5 (b) In addition to aggregate data required to be reported pursuant to  
6 this subdivision, each insurer shall file with the superintendent, and  
7 make available to the public, the individual record data collected  
8 pursuant to subparagraphs (i) through (xi) of paragraph (a) of this  
9 subdivision from which the report summaries were tabulated. Such data  
10 shall be provided in an online, electronic database format as prescribed  
11 by the superintendent and the superintendent shall make such database  
12 files available directly to the public in accordance with the procedures  
13 and time requirements established in paragraph (c) of this subdivision.  
14 The superintendent shall require that all information which would  
15 personally identify any individual applicant or policyholder shall be  
16 deleted. The categories of data to be made available for each individual  
17 record shall include all of the same categories of information collected  
18 pursuant to subparagraphs (i) through (xi) of paragraph (a) of this  
19 subdivision and shall be presented in accordance with standardized clas-  
20 sification codes to be established by the superintendent.

21 (c) Notwithstanding the provisions of any other law, by July first of  
22 each year the superintendent shall make the full text of the reports  
23 filed pursuant to this subdivision available to the public on request  
24 and shall make such reports available for inspection at the office of  
25 the superintendent. Such reports shall be made available in both printed  
26 and electronic format, including access through the department's  
27 website, at no charge to the requesting party; provided, however, that  
28 printed copies or photocopies shall be available for a reasonable fee,  
29 not to exceed five cents per page or the actual cost of duplication,  
30 whichever is less. Data presented in electronic format shall be made  
31 available in a database file format of the type in general usage by the  
32 public.

33 14. A covered insurance company who does not file the statistical  
34 report or other information required by this section as of the date such  
35 report is required to be filed shall, upon notice and opportunity to be  
36 heard, be subject to a penalty not to exceed one thousand dollars per  
37 day for each day beyond the date such report or information was required  
38 to be filed; provided, however, that the superintendent may waive such  
39 penalty upon a written finding that the report or other information was  
40 filed by such insurer by the required date, was substantially complete,  
41 and the insurer has corrected any deficiencies within a date set by the  
42 superintendent. A covered insurance company required by this section to  
43 submit a statistical report or other information who willfully fails to  
44 file such statistical report or other information shall, in addition to  
45 any other penalties provided for by law, upon notice and opportunity to  
46 be heard, be subject to a penalty of up to five hundred dollars per day  
47 for each day beyond the date such report or information was required to  
48 be filed. Fees collected pursuant to this subdivision may be transferred  
49 to other departments or state-administered funds for the purpose of  
50 financing projects and initiatives designed to avoid, moderate, repair,  
51 or adapt to negative impacts caused by climate change, and to assist  
52 low- and moderate-income and minority communities, households, and busi-  
53 nesses in preparing for future climate change-driven disruptions. Where  
54 an insurer has failed to comply with the requirements of this section,  
55 an aggrieved individual, including any person or agency attempting to  
56 analyze the performance of any insurer subject to this section, shall

1 have a cause of action in any court of competent jurisdiction for  
2 declaratory and injunctive relief. The court may, in its discretion,  
3 award costs and reasonable attorney fees to the successful party in any  
4 action or proceeding brought pursuant to this section.

5 § 10. This act shall take effect immediately.