

STATE OF NEW YORK

9156

IN SENATE

February 9, 2026

Introduced by Sen. GOUNARDES -- read twice and ordered printed, and when printed to be committed 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:

1 Section 1. The insurance law is amended by adding a new section 3463
2 to read as follows:

3 § 3463. Use of aerial images in homeowners' insurance. (a) For the
4 purposes of this section, the following terms shall have the following
5 meanings:

6 (1) "Covered policy" means:

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

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

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

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

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

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

25 (b) While utilizing aerial images as part of its coverage determi-
26 nation, an insurer shall:

27 (1) notify an insured individual if any aerial images may be taken or
28 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

1 of, or in service of the insurer. Notice must be provided at least annu-
2 ally, including with the initial policy issuance and upon each renewal;
3 and

4 (2) provide any aerial images taken or obtained of the insured proper-
5 ty to the insured individual upon request within thirty days of receiv-
6 ing that request. Instructions on how to request the images and a point
7 of contact must be provided at least annually, including with the
8 initial policy issuance and upon each renewal.

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

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

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

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

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

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

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

38 (e) The superintendent shall promulgate rules or regulations as appro-
39 priate to carry out the provisions of this section.

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