§ 2351. Homeowners' insurance policies. (a) For the purposes of this section, "homeowners insurance" means a contract of insurance insuring against the contingencies described in subparagraphs (A), (B) and (C), or (B) and (C) of paragraph two of subsection (a) of section three thousand four hundred twenty-five of this chapter and which is a "covered policy" of personal lines insurance as defined in such paragraph; provided, however, that the coverages provided under such subparagraphs (B) and (C) shall not apply where the natural person does not have an insurable interest in the real property, or a portion thereof, or the residential unit in which such person resides.

(b) Multi-tier programs. An insurer may make available a multi-tier program with more than one rate level in the same company for homeowners' insurance in the voluntary market provided that:

(1) the program and the insurer's business plan encourage availability of homeowners' insurance in the voluntary market for insureds in high risk areas, including coastal areas;

(2) the program is based upon mutually exclusive and objective eligibility rules per tier, to the extent feasible; and

(3) credits can be applied on a per tier basis pursuant to an approved rating plan.

(c) Prior to the approval of the provision authorized in subsection (b) of this section, the superintendent may promulgate rules and regulations governing the application of such provision.