§ 5404. Rates, rating plans, rules and statistics. (a) The rates, rating plans, rating rules and statistics applicable to the insurance written by the association shall be subject to the relevant provisions of article twenty-three of this chapter except as otherwise provided in this section.

(b) Rates, rating plans and rating rules applicable to fire insurance, extended coverage, additional perils, broad form coverage pursuant to subsection (g) of section five thousand four hundred two of this article and homeowners insurance upon a determination of necessity having been made by the superintendent pursuant to section five thousand four hundred twelve of this article written by the association shall be no greater than the following percentages of those recommended for the voluntary market by the principal rate service organization in this state:

(1) one hundred twenty percent with respect to:

(A) owner-occupied residential dwellings consisting of not more than four dwelling units;

(B) household furnishings and personal property contained in any household unit;

(C) contents of any retail-type business located in store-type premises and operating in a single location, provided such business is owned by its operators, who are all related by blood or affinity;

(D) real property of eleemosynary institutions used exclusively for such eleemosynary purposes including furnishings and personal property contained therein;

(2) one hundred thirty percent with respect to:

(A) non-owner occupied residential dwellings consisting of not more than four dwelling units;

(B) residential structures consisting of more than four but not exceeding eight units with or without business occupancies;

(C) homeowners insurance upon a determination of necessity having been made by the superintendent pursuant to section five thousand four hundred twelve of this article;

(3) one hundred forty percent with respect to residential dwellings consisting of more than eight dwelling units, with or without business occupancies;

(4) one hundred thirty percent with respect to any risks not otherwise

provided for in paragraphs one, two and three of this subsection.

(c) The rates, rating plans and rating rules recommended by the principal rate service organization, together with such other information the superintendent may require, shall be submitted by the association at least sixty days prior to the date on which they are to become effective for risks written by it.

(d) Filed rating rules or plans may provide standards for the application of surcharges for risks containing unsafe or hazardous conditions, and shall provide for prompt removal of the surcharges upon the elimination of those conditions.