



***NYSAPF is the voice of New York's humane societies, SPCAs, non-profit and municipal animal shelters as well as animal welfare organizations which focus on homeless animals.***

## **MEMO IN SUPPORT OF A.4075 (Glick)/S.4254 (Gianaris) Banning Insurance Discrimination Based on Dog Breed**

Too many New Yorkers are faced with a Solomon-like dilemma—give up your dog, if it is deemed to be “dangerous” by the insurance industry or you can’t obtain or renew your homeowners’ insurance.

The New York State Animal Protection Federation’s members, the SPCAs, Humane Societies, non-profit and municipal animal shelters, experience the brunt of this discrimination when loving owners are forced to give up their Pit Bulls, Rottweillers or other dogs deemed dangerous. Where do these dogs go? Usually, to the local animal shelter.

The Federation supports A.4075/S.4254 which would prohibit insurers from canceling, refusing to issue or renew, or charge higher premiums for homeowners insurance based on the breed of a dog living with the family which occupies the home. We must ban this discriminatory practice in New York State and protect responsible pet owners.

In 2004, Larry Cunningham, presently the Associate Dean for Assessment and Institutional Effectiveness and Professor of Legal Writing at St. John's University School of Law, wrote an article for the Connecticut Insurance Law Journal describing his experiences of trying to purchase home insurance when he moved to Lubbock, TX to accept a tenure-track position at Texas Tech School of Law. He brought his two dogs—Saffy, a black Lab and Chow Chow mix, and Semona, a Rottweiler—with him. Neither had a history of biting or aggression. He was consistently denied insurance coverage because Chows and Rottweillers were, and still are, considered dangerous dogs.

In his article, Cunningham wrote: *“Breed discrimination by insurance companies is on the rise in the United States. Insurers are refusing to write homeowners' policies for people who own breeds that the insurance industry considers to be dangerous. Their decisions are based solely on the breed of the animal, not the individual characteristics of the particular dog. Dog bites are certainly a public health concern. However, the insurance industry's approach to the problem is based on faulty assumptions and improper use of dog bite statistics. The insurance industry has prejudged entire breeds of dogs as being ‘too risky,’ instead of taking a more reasonable dog-to-dog approach to risk assessment.*

*“Major veterinary and breed registry organizations have strongly opposed breed discrimination in insurance. Authors of scientific studies on dog bites have even argued against the use of their data to support breed-based decision-making by insurers and legislatures. Dog owners across the country have spoken out about the horrible choice they have been forced to make between obtaining insurance and keeping their dogs.*

*“There has existed a historic tension between risk classification and social policy. Classification and insurability decisions are usually "actuarially justified"-that is, the insurance company has identified a statistical correlation between a characteristic and increased risk. Actuarial justification is frequently cited by insurers as a reason to avoid social regulation. Insurers exist to make a profit for their shareholders. They do so by minimizing risk which, in turn, minimizes claims paid out.”*

It’s time to stop breed discrimination. It is not only unfair to the dogs and their owners, it places additional financial burdens on the shelters who care for these dogs when they are given up by their owners for no other reason than the insurance industry’s unwavering commitment to actuary tables rather than actual behavior. The shelter costs for caring for these dogs is at least \$15 a day—and, let’s remember—New York’s animal shelters receive no direct operating support from the State and must rely on private donations to care for these surrendered dogs.