



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.6867A (Rosenthal)/S7416A (Gianaris) Banning Discrimination in Renters' Insurance 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 renters' 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.6867 which would prohibit insurers from canceling, refusing to issue or renew, or charge higher premiums for renters insurance based on the breed of a dog living with the family which occupies the home or apartment. We must ban this discriminatory practice in New York State and protect responsible pet owners.

In 2021, the legislature understood that breed discrimination in homeowners insurance forced responsible homeowners to choose between a beloved family companion and adequate insurance coverage for their home – a choice nobody should be forced to make. That bill passed with overwhelming majorities in each house.

Now, it is time to do the same for renters. We are facing a housing crisis. Making it more difficult for families to stay together because insurance companies deny coverage to renters based on the breed of their dog is unfair.

On average, 46% of New York's 8.6 million housing units are renter-occupied. In New York City, that number is closer to two-thirds of all available units. These residents remain at the mercy of insurance companies offering no sound evidence to support these arbitrary pet policies, and the list of restricted breeds varies widely across companies. In addition – with almost half of all dogs in the United States classified as mixed-breeds – the use of claims information where dog breeds are arbitrarily identified by adjusters or law enforcement is also unreliable given well-documented discrepancies between visual determination of breed and actual DNA determination. Insurance businesses may have good systems in place for determining risk in other areas, but for too long this particular process has been random and unfair to responsible dog owners.

This is also a social justice issue.

A study by Ann Linder, a Harvard Law Research Fellow, showed that many participants linked pit bulls with people of color, specifically young black men, because of the association with “gang members”, “drug dealers” and “urban youth”. This fear of certain breeds is aided by the fear of racial and ethnic minorities that's been popularly held.

PLEASE TURN OVER . . .

When taking money into account, it's safe to assume that those who have more have better access to resources. Meaning that they can afford to pay an unreasonably more expensive insurance plan in order to protect themselves and their pets, more surgeries that help in the containment of their pets, or a good lawyer if they need to argue a claim in court or retaliate against an unjust law. For many minority groups, particularly the Black and Hispanic populations who live at or below the poverty line in many states, they don't have these options or opportunities readily available to them. Unless granted help from the government for free or at a reduced price, these laws make it hard for these groups to own or responsibly maintain these pets while others have the privilege to disregard the inconveniences and simply comply.

An article written in 2004 by Larry Cunningham, presently the Associate Dean for Assessment and Institutional Effectiveness and Professor of Legal Writing at St. John's University School of Law had this to say about breed discrimination in insurance:

“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.”

The bottom line for breed discrimination in both homeowners and renters insurance is the bottom line. As Dr. Cunningham wrote, “Insurers exist to make a profit for their shareholders.”

It's time to stop breed discrimination for renters. 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.