

SENATE No. 496

The Commonwealth of Massachusetts

PRESENTED BY:

Michael J. Barrett

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to transparency in homeowners insurance rate setting.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Michael J. Barrett</i>	<i>Third Middlesex</i>	
<i>Chris Walsh</i>	<i>6th Middlesex</i>	<i>1/18/2017</i>
<i>Jason M. Lewis</i>	<i>Fifth Middlesex</i>	<i>1/25/2017</i>
<i>James M. Cantwell</i>	<i>4th Plymouth</i>	<i>1/26/2017</i>
<i>Kenneth I. Gordon</i>	<i>21st Middlesex</i>	<i>1/31/2017</i>
<i>Antonio F. D. Cabral</i>	<i>13th Bristol</i>	<i>2/1/2017</i>
<i>Barbara A. L'Italien</i>	<i>Second Essex and Middlesex</i>	<i>2/2/2017</i>
<i>Sal N. DiDomenico</i>	<i>Middlesex and Suffolk</i>	<i>2/3/2017</i>

SENATE No. 496

By Mr. Barrett, a petition (accompanied by bill, Senate, No. 496) of Michael J. Barrett, Chris Walsh, Jason M. Lewis, James M. Cantwell and other members of the General Court for legislation relative to transparency in homeowners insurance rate setting. Financial Services.

The Commonwealth of Massachusetts

**In the One Hundred and Ninetieth General Court
(2017-2018)**

An Act relative to transparency in homeowners insurance rate setting.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Section 5 of chapter 174A of the General Laws, as appearing in the 2014
2 Official Edition, is hereby amended by inserting after the fourth paragraph the following
3 paragraph:-

4 4. For homeowners’ multi-peril insurance, rate classes may be based on any differences
5 among risks that can be demonstrated to have a probable effect upon losses or expenses;
6 provided, however, that such classes shall not be based on non-risk-related factors, including but
7 not limited to policyholders’ price elasticity of demand.

8 SECTION 2. Section 6 of chapter 174A of the General Laws, as appearing in the 2014
9 Official Edition, is hereby amended by striking out, in lines 22 and 23, the words “after the filing
10 becomes effective.” and inserting in place thereof the following words:- “at all times after initial
11 filing, and shall be made available to the public online within 3 business days after initial
12 filing.”.

13 SECTION 3. Section 7 of chapter 174A of the General Laws, as appearing in the 2014
14 Official Edition, is hereby amended by striking out the fourth paragraph and inserting in place
15 thereof the following paragraphs:-

16 (c) The attorney general may request a hearing, and the commissioner shall grant such
17 request, with regard to any filing that in the attorney general's opinion may not meet the
18 requirements of this chapter. The attorney general may request a hearing on no more than four
19 filings per year. The commissioner shall, within thirty days after receipt of such request, hold a
20 hearing upon not less than ten days' written notice to the attorney general and to every insurer
21 and rating organization that made such filing. If, after such hearing, the commissioner finds that
22 the filing does not meet the requirements of this chapter, he shall issue an order specifying in
23 what respects he finds that such filing fails to meet the requirements of this chapter, and stating
24 that the filing shall not take effect, or, if it has already taken effect, stating when, within a
25 reasonable period thereafter, such filing shall be deemed no longer effective. Copies of said
26 order shall be sent to the attorney general and to every such insurer and rating organization.

27 (d) The commissioner may also call a hearing at any time prior to the proposed effective
28 date of any filing or any later effective date called for by order made pursuant to this chapter. If
29 after such hearing the commissioner finds that any such filing will not meet the requirements of
30 this chapter, said filing shall not take effect.

31 SECTION 4. Chapter 175 of the General Laws is hereby amended by striking out section
32 4B, as appearing in the 2014 Official Edition, and replacing it with the following section:-

33 Section 4B. The commissioner, each year, shall direct and cause all insurers writing
34 policies for homeowners insurance in the commonwealth, and the joint underwriting association

35 formed pursuant to the provisions of chapter one hundred and seventy-five C, to submit directly
36 for his inspection and examination a tabulation and report, for each postal zip code in the
37 commonwealth, of the number of effected cancellations and number of effected non-renewals of
38 homeowners policies covering properties within such zip codes. Insurers shall list the basis for
39 each cancellation and non-renewal. Bases for cancellations shall be limited to those listed in
40 section ninety-nine, twelfth, of this chapter. Bases for non-renewals shall include material
41 change in the condition of the property, material change to the risk, loss history, insurer no
42 longer writing insurance in the locality, and such other specific enumerated reasons as the
43 commissioner shall permit. The numbers of cancellations and non-renewals by each insurer shall
44 be published annually on the division's website; provided, however, that the personal privacy of
45 policyholders shall be preserved and any individual policyholder data furnished pursuant hereto
46 shall be deemed materials described in subclause (c) of clause twenty-sixth of section seven of
47 chapter four.

48 SECTION 5. The fourth paragraph of section 5 of chapter 175A of the General Laws, as
49 so appearing, is hereby amended by adding the following sentence:-

50 Such standards and classifications shall not be based on non-risk-related factors,
51 including but not limited to policyholders' price elasticity of demand.

52 SECTION 6. Section 6 of chapter 175A of the General Laws, as so appearing, is hereby
53 amended by striking out, in lines 22 and 23, the words "after the filing becomes effective." and
54 inserting in place thereof the following words:- "at all times after initial filing, and shall be made
55 available to the public online within three business days after initial filing."

56 SECTION 7. Section 7 of chapter 175A of the General Laws, as appearing in the 2014
57 Official Edition, is hereby amended by striking out the third paragraph and inserting in place
58 thereof the following paragraphs:-

59 (c) The attorney general may request a hearing, and the commissioner shall grant such
60 request, with regard to any filing that in the attorney general's opinion may not meet the
61 requirements of this chapter. The attorney general may request a hearing on no more than four
62 filings per year. The commissioner shall, within thirty days after receipt of such request, hold a
63 hearing upon not less than ten days' written notice to the attorney general and to every insurer
64 and rating organization that made such filing. If, after such hearing, the commissioner finds that
65 the filing does not meet the requirements of this chapter, he shall issue an order specifying in
66 what respects he finds that such filing fails to meet the requirements of this chapter, and stating
67 that the filing shall not take effect, or, if it has already taken effect, stating when, within a
68 reasonable period thereafter, such filing shall be deemed no longer effective. Copies of said
69 order shall be sent to the attorney general and to every such insurer and rating organization.

70 (d) The commissioner may also call a hearing at any time prior to the proposed effective
71 date of any filing or any later effective date called for by order made pursuant to this chapter. If
72 after such hearing the commissioner finds that any such filing will not meet the requirements of
73 this chapter, said filing shall not take effect.