

**SB962JPRTTESTIMONY.pdf**

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Position: FAV

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THE SENATE OF MARYLAND  
ANNAPOLIS, MARYLAND 21401

**TESTIMONY - SENATE BILL 962**

**REAL PROPERTY – SATISFACTION OF A MORTGAGE –  
REQUIRED HOMEOWNER’S INSURANCE  
(CASSIDY’S LAW)**

**JUDICIAL PROCEEDINGS COMMITTEE**

**MARCH 30, 2021**

Chair Smith, Vice Chair Waldstreicher, and Fellow Committee Members:

Senate Bill 962 is a very straightforward bill that simply requires homeowners to maintain homeowner’s insurance after their mortgages are paid off. The bill would require owners of residential real property to maintain homeowner’s insurance, with liability coverage of at least \$100,000 for bodily or personal injury occurring on their property, after their mortgages are paid off.

This legislation comes about as a result of a recent issue I learned about from some constituents. A young lady was mauled by a dog in the yard of a homeowner that did not carry homeowner’s insurance because their mortgage was paid off. Because of the incident, the young lady (Cassidy Tucker) faces a myriad of surgeries and medical bills that were not covered because the homeowner did not carry homeowner’s insurance with liability coverage that typical homeowners with an active mortgage carry. To attain recourse the family of the young lady has been forced to do so through the legal system as opposed to seeking it through an insurance carrier. This has created a serious and avoidable hardship to both the homeowner and the young lady who endured the incident.

Requiring homeowners to carry insurance (with liability coverage) for mortgages that are paid off would provide a needed level of protection to both homeowners and those who are victims of unfortunate incidents such as the one endured by Cassidy Tucker.

**For the reasons listed above, I ask for a favorable report of Senate Bill 962.**

# **SB 962 - Required Homeowners Insurance 03\_29 2021**

Uploaded by: Egan, Nancy

Position: FWA

**Testimony of  
American Property Casualty Insurance Association (APCIA)**

**Senate Judicial Proceedings Committee**

**Senate Bill 962- Real Property – Satisfaction of a Mortgage – Required Homeowner’s  
Insurance**

**March 29, 2021**

**Support with Amendments**

The American Property Casualty Insurance Association (APCIA) is a national trade organization representing nearly 60 percent of the U.S. property casualty insurance market. APCIA appreciates the opportunity to provide written comments in response to Senate Bill 962. APCIA offers language to amend the proposed requirement that an owner of residential property, not subject to a mortgage, maintain homeowner’s insurance coverage of at least \$100,000 in bodily or personal injury coverage.

APCIA believes that SB 962 directly impacts the important role of financial responsibility in the residential property market, and while mandated insurance coverage offers a direct route to covering against potential loss, we believe that greater flexibility in providing proof of financial responsibility by property owners will be beneficial to the people of Maryland. We believe that it flexibility in securing loans for property will serve to protect the property and rental markets in Maryland to the benefit of lenders, renters, and property owners.

Insurance requirements for real property related loans are typically included to protect lenders against loss to a structure, personal property, loss of rental income, or liability associated with damages stemming from personal injury. Often these requirements are fulfilled through the purchase of homeowners insurance or a product known as a Dwelling Fire (DP-3) policy. DP-3 policies cover a property in a manner similar to a Homeowners policy and are well suited for residential property being rented to others.

However, it is important to understand that alternative options are available to provide demonstration of financial responsibility to lenders. Making those options available will provide greater opportunity for owners of residential property to provide financial coverage, while still maintain coverage for bodily or personal injury. Accordingly: APCIA proposes that the language of SB962 be amended to:

- Require owners of residential real property that is not subject to a mortgage to maintain proof of financial responsibility for any liability arising out of the ownership of the property of at least \$100,000 for bodily or personal injury occurring on the property.
- To fulfill the requirement of demonstrating financial responsibility the owner may provide:

- An insurance policy that provides liability coverage from a company licensed to do business in the state of Maryland
- A real estate bond for at least \$100,000 from a company licensed to do business in the state of Maryland
- A surety bond for at \$100,000 from a company licensed to do business in the state of Maryland.
- A \$100,000 cash deposit with the state assessors office appropriate to the location of the property

APCIA believes that while purchasing a homeowner's insurance or similar insurance produces such as a dwelling fire policy, will likely be the default choice of property owners to fulfil the requirements created by this proposal, alternative options will serve to provide greater flexibility and in doing so help to preserve the integrity of the residential property rental market.

While APCIA supports this bill with the amendments and encourage the committee to adopt the suggested language .

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**Alternative Language to SB 962 Proposed by the American Property Casualty Insurance Association.**

**March 26, 2021**

AN OWNER OF RESIDENTIAL REAL PROPERTY IN THE STATE THAT IS NOT SUBJECT TO A MORTGAGE ~~SHALL~~ MUST MAINTAIN PROOF OF FINANCIAL RESPONSIBILITY FOR ANY LIABILITY ARISING OUT OF THE OWNERSHIP OF THE PROPERTY OF AT LEAST \$100,000 FOR BODILY OR PERSONAL INJURY OCCURRING ON THE PROPERTY.

THE FINANCIAL RESPONSIBILITY REQUIREMENT CAN BE MET BY:

- 1) AN INSURANCE POLICY THAT PROVIDES LIABILITY COVERAGE FROM A COMPANY LICENSED TO DO BUSINESS IN MARYLAND
- 2) A REAL ESTATE BOND FOR AT LEAST \$100,000 FROM A COMPANY LICENSED TO DO BUSINESS IN MARYLAND
- 3) A SURETY BOND FOR AT LEAST \$100,000 FROM A COMPANY LICENSED TO DO BUSINESS IN MARYLAND
- 4) A \$100,000 CASH DEPOSIT WITH THE STATE ASSESSORS OFFICE APPROPRIATE TO THE LOCATION OF THE PROPERTY

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2021.