

April 16, 1963

SUBJECT: INSURANCE

WITHDRAWN

Circular Letter No. 3 (1963)

TO ALL LICENSED INSURANCE COMPANIES:

As you are fully aware, the New York Insurance Law prohibits discrimination in the writing and rating of insurance policies because of race, creed, color or national origin. In addition to this prohibition in Section 40(10) of the Insurance Law, several anti-discrimination statutes affecting a broad range of activities, including housing and employment, are applicable to licensees of this Department as well as other businesses. Some of these statutes are codified in the Executive Law, wherein I call your attention to Article 15, and particularly to subdivision 5 of Section 296, providing, inter alia:

(d) Except as provided in paragraph (e) of this subdivision, it shall be an unlawful discriminatory practice for any ***** insurance company or other financial institution or lender, doing business in the state, and if incorporated, regardless of whether incorporated under the laws of this state, the United States or any other jurisdiction, to whom application is made for financial assistance for the purchase, acquisition, construction, rehabilitation, repair or maintenance of any housing accommodation or commercial space, or any officer, agent or employee thereof:

(1) To discriminate against any such applicant or applicants because of the race, creed, color or national origin of such applicant or applicants or of any member, stockholder, director, officer or employee of such applicant or applicants, or of the prospective occupants or tenants of such housing accommodation or commercial space, in the granting, withholding extending or renewing, or in the fixing of the rates, terms or conditions of, any such financial assistance.

(2) To use any form of application for such financial assistance or to make any record or inquiry in connection with applications for such financial assistance which expresses, directly or indirectly, any limitation, specification or discrimination as to race, creed, color or national origin.

In carrying out the anti-discrimination policy of this State, this Department and New York State Commission for Human Rights are in full cooperation, and I am confident that your institution will also cooperate in effectuating the wholesome purposes of the above-mentioned statutes. I assure you of this Department's desire at all times to be of service to you in this regard.

Very truly yours,

[SIGNATURE]

Superintendent of Insurance