

New Insurance Certificate Law Is Effective July 28, 2015

INSURANCE INSIGHTS

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YONKERS—Contractors, Property Managers, and Realtors—do these scenarios sound familiar?

Contractors

You are a Contractor on a job. The General Contractor, or the Project Owner, won't let you start work, continue work, or get paid for work, until you've submitted a Certificate of Insurance, which contains specific wording about your liability insurance policy's coverages to the Additional Insured (GC or project owner).

You call your insurance broker to obtain the certificate, and the broker says the certificate can't be issued as requested, because the requested wording is not consistent with the policy coverages.

Property Managers/ Realtors

You are involved in the refinancing of a cooperative building, or the sale/refinance of a condo/co-op unit. You're at the

closing table, and the lender's representative says the loan cannot be closed without a Certificate of Insurance, containing specific wording about the type of Building Property Insurance Coverage. It's the first time the requirement has come-up, and if the required certificate is not provided, the borrower could lose a rate-lock, or face financial penalties for not closing the loan.

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"No-Win" Situation

As those who have been a party to either of the above scenarios know, things can get quite uncomfortable. Often, the insurance broker must decide whether to issue an "inaccurate" certificate, which meets the requirements, or risk damaging the relationship with his/

her client for preventing the client from closing the deal, or getting paid. If the insurance broker refuses to acquiesce, the Contractor, Property Manager, or Realtor are placed in a no-win situation with the GC,

language that is not expressly found in the insurance policy represented on the certificate. The law:

- Prohibits requiring additional terms, conditions, or language, including warranties or guarantees, of any kind, which are not found in the insurance policy.
- Prohibits requiring a certificate that amends, extends, or alters coverage provided by the insurance policy.
- Prohibits requiring certificate language that confers

insurance Form approved for use by the Superintendent of Financial Services.

A list of currently approved Certificate of Insurance Formats can be found at: http://www.dfs.ny.gov/insurance/insurers/cert_ins_approved.htm.

The law makes it illegal to require an unapproved Certificate of Insurance in conjunction with: awarding contracts; permitting work to start or continue; releasing payment for completed work.

The New York State Department of Financial Services may assess fines of up to \$1,000 for the first offense, and \$2,000 for each subsequent offense for those willfully requiring improper certificate language.

Clearly, this new law is a victory for those in the construction, real estate, and insurance industries, whom previously had no leverage to push-back when improper insurance certificate demands were made.

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Building Owner, or Lender.

The New Law

Effective July 28, 2015, there is a new law, which prohibits any person/entity from "willfully requiring" a Certificate of Insurance that contains false or misleading information. Specifically, the law makes it illegal to require that a Certificate of Insurance include

rights beyond those provided in the insurance policy, to any person/entity.

In addition, the law states that certificate holders can only require Certificates of Insurance that are either:

- A form issued by the insurance carrier referenced in the Certificate of Insurance; or
- A standard Certificate of In-



THE CCAC MEETS – The May 20 Membership Meeting of The Cooperative and Condominium Advisory Council (CCAC) examined the reassessment process in the Town of Greenburgh and its effects on co-ops and condos. More than 45 CCAC members attended the event at The Crowne Plaza Hotel in White Plains. Pictured during the program are, at the podium, from left to right, Program Speakers Dan Finger, Esq., Finger and Finger, A Professional Corporation; and Kevin M. Schick, McGrath and Company, Inc., Real Estate Appraisers and Counselors. —Photo by Jeff Hanley



SWORN IN – Carl Finger, a Scarsdale resident and associate counsel to The Building and Realty Institute (BRI), was recently sworn in as a newly-elected Trustee for the Village Board of Scarsdale. Finger is pictured, on the left, during the ceremony. —Photo by Albert Annunziata

TECH TALK

If You Build It, They Will Come!

DANBURY, Conn.—In the movie Field of Dreams, the legendary baseball players were eventually summoned to the field if it was fully built.

I use this line to compare the real deal to clients: "If you build it and market the hell out of it, they may come."

The latter phrase is a more accurate statement. Having a website built and not marketing it is like creating an advertisement and not putting it anywhere. Sure, you can send people to look at it, but what about the people you don't know who are searching for your services?

With 1 billion websites competing for Number One spots on Google for various placements, you can imagine how tough it is to get your site noticed. Hundreds of so-called SEO experts are combing the internet daily to email or call you, and tell you how they can help you get better rankings. They prey on you and offer you things. Beware!

The Search Engine Optimization methods used in the past are not as effective as they once were. While there are definite ways to reach a higher position, the formulas are dramatically different, with Social Media playing a larger factor in achieving higher rankings.

The Musts

These are the "Top Five Musts" in order to compete in today's challenging ranking game:

Your site must be Optimized and Mobile Friendly. Your list of services should be divided into separate pages so that they are searchable (call the page plumbing, for example, instead of general services). Your content needs to have the keywords so there is a match when searched.

Your domain name and site need to be verified with Google, Google Maps, Alexa (Amazon's Browser) and Bing. Your webmaster can do this for you.

Inbound links still rule. If a site is linking to yours, that is a good thing. It doesn't matter how many outbound links you provide.

Social Media plays a big part. This can include LinkedIn (have you published anything worth sharing, any news?). Blogging, Facebook, Twitter, Instagram, Pinterest, etc., are all constantly updated content and, while every Social Media Platform, isn't right for every business, find the one(s) that work for you.

Install a Tracking Code. See how your site is doing, how users are finding you. What keywords are they using to search? Capitalize on this valuable data to help drive traffic to your site!

Editor's Note: Andrea Wagner is the owner of Wagner Web Designs, Inc, a web firm specializing in small business and Optimized Websites. For answers to your web-related questions, please call (914) 245 2626.



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