

The Truth about Your Roof: Understanding How Insurance Companies Use Aerial Imaging to Assess Roof Condition

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- Division of Insurance

The Division of Insurance is aware of consumer concerns regarding insurance companies using aerial imaging to view their home's roof. The Division has developed the following Q&A to help consumers understand their rights, and the rights of the insurance company, in using aerial imaging.

Can my insurance company take pictures of my home? That seems like an invasion of privacy.

Yes. In Massachusetts, insurance companies have a right to view and/or inspect the property that they are insuring. Traditionally, the insurance company sent a designated individual to your home to inspect the property in person. During the height of the COVID-19 pandemic, some insurance companies were performing virtual inspections. As technology has created more options, some insurance companies are now using aerial imaging, via drone or satellite, for example, to capture images of the homes they insure.

Can my insurance company decide to non-renew or cancel my insurance because of these aerial images?

Insurance companies use internal rules, called underwriting guidelines, to decide whether they want to insure your property. If your roof is at a certain age, has a significant amount of moss and/or cracked shingles, or has too many trees hanging over it, etc., they can decide that they do not want to insure your home.

If your insurer decides to non-renew your policy, they must provide written notice to you or your agent 45 days prior to the policy expiration date. This notice must also include the specific reasons for such decision.

Once a policy has been in effect for 60 days, under Massachusetts law (M.G.L. c. 175, §99), it can be only cancelled during the term of the contract for the following reasons:

- nonpayment of premium;
- conviction of a crime which increases hazard under the policy;
- fraud or misrepresentation by the insured in obtaining the policy;
- willful or reckless acts or omissions by the insured increasing the hazard of damage;
- physical changes in the property making property uninsurable; or

- a determination by the commissioner that continuation of the policy would violate or place the insurer in violation of the law.

Cancellation of a policy requires the company to provide 5 days written notice to the insured (10 days written notice for non-payment of premium) and 20 days written notice to lender or mortgage company prior to the cancellation of a policy. You, however, can decide to cancel your policy anytime and for any reason.

Insurance companies licensed to write homeowners insurance in Massachusetts are prohibited from using race, color, religious creed, national origin, sex, age, ancestry, sexual orientation, children, marital status, veteran status, the receipt of public assistance or disability of the applicant or insured, when deciding whether to issue, renew, or cancel homeowners insurance.

Do I have any rights to appeal the non-renewal?

There is no formal appeal process in your insurance contract or under state law, however you still have the right to ask your insurance company for an explanation as to why they are non-renewing your policy and provide documentation, if you have it, to help support your argument for why you should be renewed. For example, if the insurance company decides to non-renew your policy because the aerial imaging shows signs of “wear and tear” on the roof, and you have the receipt from a roofing company showing that your roof was replaced two years ago, you have the right to provide them with that information.

The insurance company ultimately reserves the right to non-renew your policy but state law, M.G.L Ch. 176D, protects consumers from unfair insurance practices. Most insurance companies should be receptive to reviewing your documentation to understand if the image they are using may not be current.

What if I am willing to replace my roof but I can't get it done before the policy expires?

You should discuss with your insurance company. If you can prove that you have a signed contract for the work to begin, they may be willing to renew the policy.

How can I find a new insurance company if mine decides to non-renew my policy?

You can get quotes from other insurers and switch to a different insurance company. This practice is referred to as “shopping around” and can be done throughout the year, not just at the policy renewal. We encourage consumers to shop around, as in our competitive marketplace, insurers compete for their business. Just because one carrier will not write your policy does not mean another will not. Finally, the Massachusetts Property Insurance Underwriting Association (MPIUA), also known as the FAIR Plan, is the insurer of last resort if you cannot find any company willing to write your policy.