

**Bulletin No. 2022-09**

**March 28, 2022**

**RE: CHANGES TO ELANY’S LIST OF E&S INSURERS**

The following companies have been **added** to ELANY’s List of E&S Insurers:

<b><u>Company</u></b>	<b><u>Code</u></b>	<b><u>Effective Date</u></b>
Westfield Specialty Insurance Company One Park Circle Westfield Center, OH 44251	16992	March 4, 2022
Lafayette Insurance Company 118 Second Avenue, SE Cedar Rapids, IA	18295	March 8, 2022
Sutton Specialty Insurance Company 600 Brikell Avenue, 19 <sup>th</sup> Floor Miami, FL 33131	16848	March 22, 2022

Unauthorized insurers on ELANY’s List of E&S Insurers undergo a thorough financial analysis by ELANY. This analysis goes beyond verifying that the insurers meet the minimum standards of eligibility imposed by the Nonadmitted and Reinsurance Reform Act (NRRRA). In addition, ELANY gathers, reviews and/or verifies the following information, as referenced in [§27.13](#) of Regulation 41:

- Annual financial statement;
- Report on examination;
- A certification from the insurer’s domiciliary jurisdiction indicating which lines of business the insurer is authorized to write;
- Listed insurers substantially comply with the solvency requirements for NY authorized insurers;
- Listed insurers’ surplus to policyholders is sufficient to support their writings, outstanding liabilities, financial needs and is at least \$48 million, **(The minimum PHS increase to \$48,000,000 for financial statements beginning with the first quarter of 2022);**
- Listed insurers’ claims practices provide for fair and timely settlement with claimants; and
- Company management is trustworthy and competent.

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Excess line brokers are relieved from maintaining listed insurer financial records where such records are maintained by ELANY. While other insurers may meet the NRRRA minimum requirements and are therefore eligible in New York, ELANY only lists insurers where sufficient information was provided to determine satisfactory financial stability, the proper mitigation of operating risk and ability to support current and future obligations.

Insurance Law [§2118](#) and Regulation 41 provide that a licensed excess line broker is required to use due care in selecting an unauthorized insurer. For any unauthorized insurer not included on ELANY's List of E&S Insurers, the excess line broker themselves need to maintain all of the information referenced in [§27.13](#) of Regulation 41.

ELANY's List of E&S Insurers can be accessed at the ELANY website along with financial snapshots of each insurer that include customized financial analysis.

Should you have any questions regarding the content of this bulletin, please direct them to Howard Greene at [hgreene@elany.org](mailto:hgreene@elany.org) or (646) 292-5591.

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