

January 10, 2023

## **RE: AFFIDAVIT DECLINATION REPORTING REQUIREMENTS REDUCED**

We are happy to report that [legislation](#) eliminating three reporting elements from both the [Part A](#) and [Part C](#) excess line affidavits has been enacted into law and is effective immediately. The following information should no longer be reported for declinations (**NOTE: Declinations and affidavits must still be filed with ELANY, and all other affidavit information and reporting elements must continue to be completed**):

- Affiliation of Representative: Company Employee, Agent, Other (specify)
- Name of Representative Declining Risk
- The insurer declined to underwrite the risk because:
  1. Insurer presently lacks adequate capacity to write this risk.
  2. Specific underwriting reason.
  3. Other (Specify)

ELANY is working with the New York Department of Financial Services (DFS) to revise the DFS's affidavit forms. In the interim, please leave the three data fields blank when filling out both Part A and Part C affidavits. For electronic filers, these fields have been deactivated.

This legislation was conceived and advocated for by ELANY. We thank Big I NY, CIBGNY, PIANY, PIWA, and WSIA for their active support. ELANY also thanks Senator Neil Breslin and Assemblymember Pamela Hunter for sponsoring the legislation in the New York State Senate and Assembly, respectively, and Governor Kathy Hochul for signing the bill into law.

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.