

June 4, 2024

RE: CHANGES TO ELANY'S LIST OF E&S INSURERS

The following insurer has been **deleted** from ELANY's List of E&S Insurers effective January 1, 2024.

***North American Capacity Insurance Company (NAIC 25038)**

** North American Capacity Insurance Company has merged with and into affiliate Swiss Re Corporate Solutions Capacity Insurance Corporation (SRCSCIC), with SRCSCIC being the surviving entity effective 1/1/2024. The merged companies resulted from the parent company's streamlined legal entity structure for its North American operations. SRCSCIC also operates in the excess and surplus lines marketplace.*

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 Non-admitted and Reinsurance Reform Act (NRRA). 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;
- Listed insurers' claims practices provide for fair and timely settlement with claimants; and
- Company management is trustworthy and competent.

Excess line brokers are relieved from maintaining listed insurer financial records where such records are maintained by ELANY. While other insurers may meet the NRRA 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.

If you have any questions, please email ElanyInfo@elany.org. Please ensure the domain @elany.org is not blocked by your spam filter.