

POLICYHOLDER AFFIDAVIT

POLICYHOLDER NAME: _____

POLICY NUMBER: _____

EFFECTIVE DATE: _____

I hereby certify to the following (check the appropriate box):

For individual policyholder

- I am a resident of New York.
- I have suffered financial hardship as a result of the coronavirus.
- My financial hardship was due to

For small business owner

- I own a small business that employs no more than 100 employees.
- My business is located in New York.
- My business has suffered financial hardship as a result of the coronavirus.
- My financial hardship was due to:

I hereby certify or affirm that the above and foregoing representations are true and correct to the best of my knowledge information and belief.

DATE

SIGNATURE

POLICYHOLDER NOTICE

If you are an individual insured or insured small business with 100 employees or less, which are independently owned and operated, and resident in New York (“small business”), you may be entitled to defer your premium payments without penalty.

Pursuant to New York Executive Order 202.13 and New York Department of Financial Services Regulation 216 (11 NYCRR 229), New York residents and small businesses are entitled to a 60-day grace period (from April 1, 2020 until June 1, 2020) from cancellation, conditional renewal or non-renewal of their insurance policies upon demonstration of financial hardship suffered as a result of the COVID-19 pandemic. Any such policyholder can defer payment of premium over the course of the following year (that is, starting on June 1, 2020) in 12 equal monthly installments. You will not be subject to any late fees and will not be reported to any credit or debt collection agency during the 60-day grace period or as a result of requesting and qualifying for such a deferment.

[Further, if your policy was cancelled prior to March 29, 2020 due to non-payment of premium as a result of financial hardship caused by the COVID-19 epidemic you may be entitled to continue coverage pursuant to a repayment plan.]

If you believe you qualify for this premium payment deferral or non-cancellation relief, please contact NAME/Your agent/broker at TOLL FREE NUMBER to discuss potential payment options that may be available to you.

EMAIL TO PRODUCERS

Dear trusted partner:

As you are probably aware, New York enacted an Order requiring insurers and producers to notify insureds of their right to have premium payments deferred due to financial hardship suffered as a result of the COVID-19 pandemic.

Executive Order 202.13 (the “NY Executive Order”) entitles New York individual insureds and insured small businesses with 100 employees or less, which are independently owned and operated, and resident in New York (“small businesses”) to a 60-day grace period (from April 1, 2020 until June 1, 2020) from cancellation. On March 30, 2020 the New York Department of Financial Services issued Regulation 216 (11 NYCRR 229) on an emergency basis (the “Emergency Regulation”) which permits individual insureds and small businesses upon demonstration of financial hardship suffered as a result of the COVID-19 pandemic to defer payment of premium over the course of the following year (that is, starting on June 1, 2020) in up to 12 monthly installments. The Emergency Regulation can be found at https://www.dfs.ny.gov/system/files/documents/2020/03/re_consolidated_amend_pt_405_27a_27c_new_216_text.pdf. Please review the Regulation so that you understand your obligations thereunder and its effects on insureds.

NYDFS website recently published guidance for Producers on the Emergency Regulations which can be found at https://www.dfs.ny.gov/industry_guidance/electronic_notice_obligations. Producers are required to notify New York insureds of the provisions of the Emergency Regulation including, without limitation that they may qualify to have their premiums deferred.

As our authorized producer, your organization is the primary contact and servicer for our insureds and responsible for billing. Please accept this email as a reminder of your obligations under the Emergency Regulations. Attached for your convenience is an Arch notice that may be provided to our insureds as well as a suggested affidavit that you may choose to use for any insured seeking relief under the Emergency Regulation. The template notice provided in the NYDFS guidance or any form developed by you containing the required provisions would also be compliant with the Emergency Regulation.

We will also be advising insureds to contact their agent or broker if they receive a notice of nonrenewal or conditional renewal and believe they are entitled to have their policy extended under the Emergency Regulation. We ask that you properly notify all such insureds and former insureds of their rights under the Emergency Regulation and obtain the appropriate documentation all policyholders that contact you in order to exercise their rights under the Emergency Regulation.

This Emergency Regulation does not relieve an insured of any obligation to pay premiums that are deferred. If an insured seeks an accommodation under the Emergency Regulation, it is expected that you will work with the insured on options for future payments including installments that can be made in increments of up to 12 months.

Excess/Surplus Lines Guidance

Pursuant to guidance provided by ELANY in their 2020-17 Bulletin, issued on April 6, 2020, the requirements under the Emergency Regulation do not apply to commercial excess lines policies and policyholders. Excess lines carriers and brokers are encouraged to continue to take COVID-19 related policyholder circumstances and hardships into account where possible.

We appreciate your cooperation and support with compliance with this email.

If you are not the appropriate contact for this communication, we appreciate if you would forward to the appropriate individual(s) within your organization.

If you have any questions, please contact your Arch billing contact.