

S08138 Text:

STATE OF NEW YORK

8138--B

IN SENATE

March 28, 2020

Introduced by Sens. MARTINEZ, ADDABBO, CARLUCCI, COMRIE, HOYLMAN, KAVANAGH, KRUEGER, METZGER, SEPULVEDA -- read twice and ordered printed, and when printed to be committed to the Committee on Local Government -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the real property tax law, in relation to special deferments and installment payments during the COVID-19 state of emergency

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. The real property tax law is amended by adding a new article 19-A to read as follows:

2
3 ARTICLE 19-A
4 SPECIAL DEFERMENTS AND INSTALLMENT PAYMENTS
5 DURING THE COVID-19 STATE OF EMERGENCY

6 Section 1910. Special deferments and installment payments during the
7 COVID-19 state of emergency.

8 § 1910. Special deferments and installment payments during the COVID-
9 19 state of emergency. 1. Notwithstanding any other provision of law to
10 the contrary, applicable to all real property for the duration of the
11 state disaster emergency declared pursuant to Executive Order Number 202
12 of two thousand twenty (hereinafter the "state disaster emergency"), and
13 after a public hearing, the legislative body of any village, town, city
14 or county may adopt a single local law, or a school district may adopt a
15 single resolution, providing that thereafter and until such local law or
16 resolution is repealed, such taxing jurisdiction shall defer the sched-
17 uled payment or installments of taxes and special ad valorem levies due
18 during the state disaster emergency until such date certain that such
19 local law or resolution shall specify; and provided further, that no
20 taxing jurisdiction shall defer the scheduled payments of such taxes of
21 another taxing jurisdiction without such other taxing jurisdiction's
22 authorization via passage of a local law; and provided further, that no
23 such local law or resolution shall provide a deferment of any tax

EXPLANATION--Matter in *italics* (underscored) is new; matter in brackets [-] is old law to be omitted.

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1 payment due date that extends beyond one hundred twenty days past the
2 original due date of such taxes; and provided further, that any liabil-
3 ity which would normally accrue against a county under section nine
4 hundred thirty-six, nine hundred seventy-six, or thirteen hundred thirty
5 of the real property tax law, or any other general or special law, or
6 any local law, ordinance, resolution, or city or county charter, shall
7 be waived insofar as such liability is created by such taxing jurisdic-
8 tion's decision to defer taxes or special ad valorem levies under this
9 section.

10 2. Notwithstanding any other provision of law to the contrary, appli-
11 cable to all real property for the state disaster emergency, and after a
12 public hearing, the legislative body of any village, town, city, or
13 county may adopt a single local law, or a school district may adopt a
14 single resolution, providing that tax payments or special ad valorem
15 levies normally due to such taxing jurisdiction may be separated into as
16 many installment payments as are necessary to provide financial relief
17 to taxpayers in such jurisdiction; provided however, that such local law
18 or resolution shall set dates certain for such payments, and shall not
19 impose any additional obligation on taxpayers for not paying any portion
20 of taxes earlier than would normally be due under the taxing jurisdic-
21 tion's normal schedule; and provided further, that no taxing jurisdic-
22 tion may separate the tax collection dates of another taxing jurisdic-
23 tion without such taxing jurisdiction's authorization via passage of a
24 local law; and provided further, that the final payment of such payment
25 schedule must be no later than one hundred twenty days after the
26 original tax payment due date; and provided further, that any liability
27 which would normally accrue against a county under section nine hundred
28 thirty-six, nine hundred seventy-six, or thirteen hundred thirty of the
29 real property tax law, or any other general or special law, or any local
30 law, ordinance, resolution, or city or county charter, shall be waived
31 insofar as such liability is created by such taxing jurisdiction's deci-
32 sion to defer taxes under this section.
33 § 2. This act shall take effect immediately.