

STATE OF NEW YORK

2554

2017-2018 Regular Sessions

IN SENATE

January 13, 2017

Introduced by Sens. LAVALLE, AKSHAR, MURPHY -- read twice and ordered printed, and when printed to be committed to the Committee on Higher Education

AN ACT to amend the education law and the state finance law, in relation to establishing the New York student affordable refinancing for tomorrow program (New START)

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

Section 1. Article 14 of the education law is amended by adding a new part VI to read as follows:

PART VI

NEW YORK STUDENT AFFORDABLE REFINANCING

FOR TOMORROW PROGRAM (New START)

Section 694-c. Definitions.

694-d. New York student affordable refinancing for tomorrow program (New START)

694-e. Program eligibility.

694-f. Program.

694-g. Repayment.

§ 694-c. Definitions. For purposes of this part, the following terms shall have the following meanings: 1. "Education loan" shall mean any student loan that the state refinances under the program that was obtained by a borrower for the purposes of attending college at the state university of New York or the city university of New York, provided, however, that loans provided by the federal government, or loans provided at an interest rate at or lower than the current federal loan interest rate shall not be eligible for refinancing under the program.

2. "Participant" shall mean an individual who has incurred student loan debt from a lending institution or lender to cover the cost of tuition at the state university of New York or the city university of

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

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1 New York and has applied to participate and been accepted to participate
2 in the program.

3 3. "Lending institution" or "lender" shall mean any entity that has
4 itself or through an affiliate provided student loans to an eligible
5 participant.

6 4. "Program" shall mean the New York student affordable refinancing
7 for tomorrow program (New START).

8 5. "Fund" shall mean the New York affordable refinancing for tomorrow
9 program fund established by section ninety-nine-aa of the state finance
10 law.

11 § 694-d. New York student affordable refinancing for tomorrow program
12 (New START). The New York student affordable refinancing for tomorrow
13 program (New START) is hereby established for the purposes of relieving
14 student debt by directly paying an eligible participant's loan debt to
15 the lending institution or lender and providing a repayment plan whereby
16 payments will be deposited in the fund.

17 1. The corporation shall promulgate rules and regulations for the
18 administration of this program and shall manage the fund in consultation
19 with the office of the comptroller.

20 2. The corporation shall determine additional requirements for eligi-
21 ble participants, other than those specified in section six hundred
22 ninety-four-e of this part, shall set a fixed interest rate for the
23 repayment of refinanced loans, which shall be lower than the average
24 market rate for private student loans, and shall establish an applica-
25 tion process for the program.

26 3. The corporation shall determine appropriate payment deferment and
27 forbearance options for loss of employment or extreme hardship.

28 § 694-e. Program eligibility. To be eligible for this program a
29 participant must:

30 1. have graduated from the state university of New York or the city
31 university of New York within four years, or five years if enrolled in a
32 program normally requiring five years;

33 2. have graduated with a grade point average at or above 3.0;

34 3. have incurred student loan debt;

35 4. be gainfully employed for at least three months prior to filing an
36 application to participate in the program;

37 5. agree to sign a contract with the corporation to allow a direct
38 withdrawal of payments from their pay checks until the debt obligation
39 is paid in full; and

40 6. must apply for the program within two years after college gradu-
41 ation.

42 § 694-f. Program. 1. The corporation shall make lump sum payments to
43 lending institutions or lenders to pay eligible participants' education
44 loans out of the funds appropriated to the fund for the purposes of this
45 program in amounts not to exceed thirty-five thousand dollars per
46 participant.

47 2. Loans that the participant acquired from the federal government or
48 those loans that have a fixed interest rate provided at an interest rate
49 at or lower than the current federal loan interest rate shall not be
50 eligible for acquisition under the program.

51 § 694-g. Repayment. 1. Participants shall repay the total cost of the
52 debt obligation to the fund at an interest rate determined by the corpo-
53 ration according to the following:

54 a. During the first five years of participation in the program, the
55 participant shall pay three percent of the salary earned per year during
56 each of those years;

1 b. During the next five years of participation in the program, the
2 participant shall pay five percent of the salary earned per year during
3 each of those years;

4 c. During the eleventh year of participation and each year thereafter
5 until the debt obligation is paid in full, the participant shall pay
6 eight percent of the salary earned per year during each of those years.

7 2. There shall be no pre-payment penalties under the program and
8 repayment schedules may be calculated at a higher percentage rate per
9 year of salary if the participant chooses or requests a faster re-pay-
10 ment option.

11 § 2. The state finance law is amended by adding a new section 99-aa to
12 read as follows:

13 § 99-aa. New York student affordable refinancing for tomorrow program
14 fund. 1. There is hereby established within the custody of the New York
15 state higher education services corporation, in consultation with the
16 state comptroller, or his or her designee, a fund to be known as the New
17 York student affordable refinancing for tomorrow program fund.

18 2. All monies received pursuant to the New York student affordable
19 refinancing for tomorrow program (New START) shall be deposited into the
20 fund and shall be managed pursuant to part six of article fourteen of
21 the education law.

22 3. All necessary rules and regulations for the successful adminis-
23 tration, investment and management of such fund shall be promulgated by
24 such corporation, in consultation with the state comptroller, or his or
25 her designee.

26 § 3. This act shall take effect on the one hundred twentieth day after
27 it shall have become a law, provided, however, that effective immediate-
28 ly, the addition, amendment and/or repeal of any rule or regulation
29 necessary for the implementation of this act on its effective date are
30 authorized to be made and completed on or before such date.