STATE OF NEW YORK

1853

2021-2022 Regular Sessions

IN ASSEMBLY

January 11, 2021

Introduced by M. of A. FERNANDEZ, CRUZ -- read once and referred to the Committee on Real Property Taxation

AN ACT to amend the real property tax law, in relation to suspending the payment of property taxes during a state disaster emergency for owners of one, two and three family dwellings; to amend the real property law, in relation to suspending rent payments during a state disaster emergency; and to amend the public authorities law, in relation to suspending power, water and sewer payments during a state disaster emergency

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

Section 1. Subdivision 2 of section 925-a of the real property tax law, as amended by chapter 522 of the laws of 2007, is amended to read as follows:

2. Notwithstanding any provision of law to the contrary, during a state disaster emergency as defined by section twenty of the executive law, the governor may, by executive order issued upon the request of the chief executive officer of a county, city, town, village or school district in the affected area, **except for property owners covered pursuant to section nine hundred twenty-five-f of this title,** extend by up to twenty-one days the final date for paying taxes without interest or penalty in such county, city, town, village or school district. If such an extension is granted, and any taxes are not paid by the final date so provided, those taxes shall be subject to the same interest and penalties that would have applied if no extension had been granted.

§ 2. The real property tax law is amended by adding a new section 925-f to read as follows:

§ 925-f. Suspension of payment of real property taxes during a state disaster emergency. 1. As used in this section, "covered period" means the period beginning on the date on which a state disaster emergency

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

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begins and ending on the date that is thirty days after the date on which such state disaster emergency ends.

2. Notwithstanding any provision of law to the contrary, during a state disaster emergency as defined by section twenty of the executive law and the correlating covered period, any owner of a one, two or three family dwelling shall not be responsible for payment of taxes and shall not be charged interest or penalties for not making payments during such time. Such exemption from the payment of taxes shall last for the duration of the covered period.

§ 3. The real property law is amended by adding a new section 226-d to read as follows:

§ 226-d. Suspension of rent payments during a state disaster emergency. 1. For purposes of this section, the following terms shall have the following meanings:

(a) "Covered period" means the period beginning on the date on which a state disaster emergency begins and ending on the date that is thirty days after the date on which such state disaster emergency ends.

(b) "Residential tenant" shall have the same meaning as paragraph (a) of subdivision one of section two hundred thirty-five-f of this article, or those who otherwise pay for the use and occupancy of a residential dwelling.

(c) "Commercial tenant" shall mean a person or entity lawfully occupying a covered property pursuant to a lease or other rental agreement.

(d) "Covered property" shall mean any building or portion of a building:

(i) that is lawfully used for buying, selling or otherwise providing goods or services, or for other lawful business, commercial or professional services, or manufacturing activities; and

(ii) for which a certificate of occupancy authorizing residential use of such building or such portion of a building has not been issued.

(e) "Small business" shall have the same meaning as section one hundred thirty-one of the economic development law.

2. Notwithstanding any provision of law to the contrary, any residential tenant or small business commercial tenant in the state that has lost income or has been forced to close their place of business as a result of government ordered restrictions in response to a state disaster emergency as defined by section twenty of the executive law, shall have all rent payments suspended for the duration of the correlated covered period. Such residential tenant or small business commercial tenant shall not and shall never be required to pay any rent waived during such time period. Every residential or small business commercial tenant whose lease expires during this time period shall be subject to an automatic renewal lease at the current rent charged. Late fees shall not be collectable for rent accrued during this time period.

3. (a) Any person who faces a financial hardship as a result of being deprived rent payments for a covered property pursuant to this section shall receive forgiveness on any mortgage payments for such covered property in an amount determined by the following fraction multiplied by such mortgage payment, up to the total dollar amount of lost rent:

(i) The numerator shall be the total amount of rent payments suspended for his or her tenants over the covered period laid out in this section; and

(ii) The denominator shall be the total amount of rent payments typically owed for such entire property over the covered period laid out in this section.

(b) Any person qualifying for mortgage payment forgiveness under this subdivision shall not and shall never be required to pay any mortgage payments waived during such time period.

§ 4. The public authorities law is amended by adding a new section 2858 to read as follows:

§ 2858. Suspension of payments by certain authorities during a state disaster emergency. 1. As used in this section, "covered period" means the period beginning on the date on which a state disaster emergency begins and ending on the date that is thirty days after the date on which such state disaster emergency ends.

2. All state and local authorities that provide power, water or sewer utilities shall, during a state disaster emergency as defined by section twenty of the executive law, suspend collection of payments for such utilities from all customers during the correlating covered period. Such customers shall not and shall never be required to pay any utility charges waived during such time period. Late fees shall not be collectable for utility charges accrued during this time period.

§ 5. This act shall take effect immediately.