

# STATE OF NEW YORK

3585

2021-2022 Regular Sessions

## IN SENATE

January 30, 2021

Introduced by Sen. COMRIE -- read twice and ordered printed, and when printed to be committed to the Committee on Local Government

AN ACT to amend the real property tax law and the administrative code of the city of New York, in relation to installment payments of real property taxes; and providing for the repeal of such provisions upon expiration thereof

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

1 Section 1. Subdivision 2 of section 972 of the real property tax law,  
2 as amended by section 12 of part B of chapter 389 of the laws of 1997,  
3 is amended to read as follows:

4 2. Payment schedule. Such local law shall provide the number of  
5 installments and the respective dates upon which each installment shall  
6 be due, the first not later than the last day of the month in which the  
7 respective taxes may be paid without interest without regard to this  
8 title, and the last not later than the last day of the fiscal year for  
9 which it was levied, or in the case of a school district, not later than  
10 the thirty-first day of August following the conclusion of such fiscal  
11 year. Unless the local law provides otherwise, each installment shall  
12 be as nearly equal as possible. Provided, however, that any installment  
13 of tax due and payable in calendar year two thousand twenty-one shall be  
14 due and payable by December thirty-first, two thousand twenty-one.  
15 Provided, further, that a municipality may require a resident seeking a  
16 delay in payments of such taxes pursuant to this subdivision to demon-  
17 strate and prove financial hardship due to the novel coronavirus,  
18 COVID-19 pandemic.

19 § 2. Subdivision 1 of section 973 of the real property tax law, as  
20 added by chapter 953 of the laws of 1962, is amended to read as follows:

21 1. Upon the enactment of such local law by a county pursuant to  
22 section nine hundred seventy-two of this [~~chapter~~] title, the town board  
23 of any town may determine that thereafter and until such action be duly

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

LBD08320-01-1

1 rescinded, the amount of taxes for county, town and special district  
2 purposes constituting in the aggregate an amount in excess of fifty  
3 dollars levied by the board of supervisors pursuant to law upon any  
4 parcel of real property situated within such town, may be paid in  
5 installments as provided in the local law enacted by the county pursuant  
6 to section nine hundred seventy-two of this [~~chapter~~] title; provided,  
7 however, that any installment of tax due and payable in calendar year  
8 two thousand twenty-one shall be due and payable by December thirty-  
9 first, two thousand twenty-one. Provided, further, that a municipality  
10 may require a resident seeking a delay in payments of such taxes pursu-  
11 ant to this subdivision to demonstrate and prove financial hardship due  
12 to the novel coronavirus, COVID-19 pandemic.

13 § 3. Section 975 of the real property tax law is amended by adding a  
14 new subdivision 7 to read as follows:

15 7. The provisions of this section shall not apply to any installment  
16 of tax due and payable in calendar year two thousand twenty-one and  
17 shall be due and payable by December thirty-first, two thousand twenty-  
18 one and a municipality may require a demonstration and proof of finan-  
19 cial hardship due to the novel coronavirus, COVID-19 pandemic.

20 § 4. Paragraph (a) of subdivision 1 of section 1326 of the real prop-  
21 erty tax law, as amended by chapter 212 of the laws of 2000, is amended  
22 to read as follows:

23 (a) Notwithstanding any of the provisions of this chapter, the school  
24 authorities of a city school district may by resolution duly adopted  
25 prior to the annual tax levy in any year determine that thereafter and  
26 until such action be rescinded by the school authorities, any taxes  
27 levied by it upon real property situate within the school district may  
28 be paid in installments, not exceeding six, on or before such days with-  
29 in the fiscal year for which such taxes are to be levied, as may be  
30 prescribed by such resolution; provided, however, that any installment  
31 of tax due and payable in calendar year two thousand twenty-one shall be  
32 due and payable by December thirty-first, two thousand twenty-one.  
33 Provided, further, that a municipality may require a resident seeking a  
34 delay in payments of such taxes pursuant to this subdivision to demon-  
35 strate and prove financial hardship due to the novel coronavirus,  
36 COVID-19 pandemic. The last such day shall not be later than the thirti-  
37 eth day preceding the end of such fiscal year. Each installment shall be  
38 as nearly equal as possible.

39 § 5. Subdivision 1 of section 1326-a of the real property tax law, as  
40 amended by chapter 551 of the laws of 2011, is amended to read as  
41 follows:

42 1. Notwithstanding any provisions of this chapter or any other general  
43 or special law to the contrary, a school district may, by resolution  
44 adopted by a two-thirds vote prior to the levy of taxes in any year,  
45 provide that thereafter and until such resolution is rescinded, every  
46 tax in excess of fifty dollars levied by the board pursuant to law may  
47 be paid in three installments, the first of which shall be at least  
48 fifty percent of the total tax due, or such other amount as may be  
49 prescribed by such resolution, and shall be paid not later than the last  
50 day of the one month collection period prescribed by subdivision one of  
51 section thirteen hundred twenty-two or section thirteen hundred twenty-  
52 four of this article and, provided the first installment has been paid,  
53 the second shall be at least fifty percent of the remainder, or such  
54 other amount as may be prescribed by such resolution, plus interest at  
55 the rate as determined pursuant to section nine hundred twenty-four-a of  
56 this chapter, and shall be paid on or before the date specified in the

1 resolution for the second payment, and the third shall be the remainder  
2 plus interest at the rate determined pursuant to section nine hundred  
3 twenty-four-a of this chapter and shall be paid on or before the date  
4 specified in the resolution for the expiration of the warrant; provided,  
5 however, that any installment of tax due and payable in calendar year  
6 two thousand twenty-one shall be due and payable by December thirty-  
7 first, two thousand twenty-one. Provided, further, that a municipality  
8 may require a resident seeking a delay in payments of such taxes pursu-  
9 ant to this subdivision to demonstrate and prove financial hardship due  
10 to the novel coronavirus, COVID-19 pandemic.

11 § 6. Section 1326-b of the real property tax law is amended by adding  
12 a new subdivision 1-a to read as follows:

13 1-a. Any installment of tax due and payable in calendar year two thou-  
14 sand twenty-one shall be due and payable by December thirty-first, two  
15 thousand twenty-one. A municipality may require demonstration and proof  
16 of financial hardship due to the novel coronavirus, COVID-19 pandemic.

17 § 7. Subdivision 1 of section 1327 of the real property tax law, as  
18 added by chapter 380 of the laws of 1995, is amended to read as follows:

19 1. Notwithstanding any of the provisions of this chapter, the school  
20 authorities of a city school district may by resolution duly adopted  
21 prior to the annual tax levy in any year determine that thereafter and  
22 until such action be rescinded by the school authorities, any taxes on  
23 real property which is used as the principal residence of and owned by  
24 one or more persons, either or both of whom have received an exemption  
25 pursuant to section four hundred sixty-seven of this chapter related to  
26 such property, levied by it upon real property situate within the school  
27 district may be paid in installments, not exceeding six, on or before  
28 such days within the fiscal year for which such taxes are to be levied,  
29 as may be prescribed by such resolution; provided, however, that any  
30 installment of tax due and payable in calendar year two thousand twen-  
31 ty-one shall be due and payable by December thirty-first, two thousand  
32 twenty-one. Provided, further, that a municipality may require a resi-  
33 dent seeking a delay in payments of such taxes pursuant to this subdivi-  
34 sion to demonstrate and prove financial hardship due to the novel coro-  
35 navirus, COVID-19 pandemic. The last such day shall not be later than  
36 the thirtieth day preceding the end of such fiscal year. Each install-  
37 ment shall be as nearly equal as possible. Any such resolution shall  
38 state the number of installments, not exceeding six, and the respective  
39 dates upon which the taxes are to become payable. No installment may be  
40 paid unless all prior installments of current taxes, including interest,  
41 shall have been paid or shall be paid at the same time.

42 § 8. Subdivision 1 of section 1336 of the real property tax law, as  
43 amended by chapter 763 of the laws of 1982, is amended to read as  
44 follows:

45 1. Notwithstanding any of the provisions of this chapter or any other  
46 general, special or local law to the contrary, upon the enactment of a  
47 local law by a county pursuant to section nine hundred seventy-two of  
48 this chapter, the school authorities of a school district, other than a  
49 city school district, may determine that thereafter and until such  
50 action be duly rescinded, any taxes in excess of fifty dollars levied by  
51 it upon any parcel of real property within such county situated within  
52 the school district, may be paid in installments as provided in such  
53 local law; provided, however, that any installment of tax due and paya-  
54 ble in calendar year two thousand twenty-one shall be due and payable by  
55 December thirty-first, two thousand twenty-one. Provided, further, that  
56 a municipality may require a resident seeking a delay in payments of

1 such taxes pursuant to this subdivision to demonstrate and prove finan-  
2 cial hardship due to the novel coronavirus, COVID-19 pandemic.

3 § 9. Section 1340 of the real property tax law is amended by adding a  
4 new subdivision 7 to read as follows:

5 7. The provisions of this section shall not apply to any installment  
6 of tax due and payable in calendar year two thousand twenty-one shall be  
7 due and payable by December thirty-first, two thousand twenty-one. A  
8 municipality may require demonstration and proof of financial hardship  
9 due to the novel coronavirus, COVID-19 pandemic.

10 § 10. Subdivision (a) of section 11-224.1 of the administrative code  
11 of the city of New York, as amended by local law number 66 of the city  
12 of New York for the year 2008, is amended to read as follows:

13 (a) For real property with an assessed value of two hundred fifty  
14 thousand dollars or less, if an installment of tax due and payable is  
15 not paid by July fifteenth, October fifteenth, January fifteenth or  
16 April fifteenth, interest shall be imposed on such unpaid amounts;  
17 provided, however, that any installment of tax due and payable in calen-  
18 dar year two thousand twenty-one shall be due and payable by December  
19 thirty-first, two thousand twenty-one. Provided, further, that a muni-  
20 cipality may require a resident seeking a delay in payments of such  
21 taxes pursuant to this subdivision to demonstrate and prove financial  
22 hardship due to the novel coronavirus, COVID-19 pandemic.

23 § 11. Paragraph 1 of subdivision (c) of section 11-1785 of the admin-  
24 istrative code of the city of New York, as amended by section 32 of  
25 subpart D of part V-1 of chapter 57 of the laws of 2009, is amended to  
26 read as follows:

27 (1) Addition to the tax. Except as otherwise provided in this subdivi-  
28 sion and subdivision (d) of this section, in the case of any underpay-  
29 ment of estimated tax by an individual, there shall be added to the tax  
30 under this chapter for the taxable year an amount determined by applying  
31 the underpayment rate established under section 11-1797 of this subchap-  
32 ter, or if no rate is set, at the rate of seven and one-half percent per  
33 annum, to the amount of the underpayment for the period of the underpay-  
34 ment. Such period shall run from the due date for the required install-  
35 ment to the earlier of the fifteenth day of the fourth month following  
36 the close of the taxable year or, with respect to any portion of the  
37 underpayment, the date on which such portion is paid. For purposes of  
38 determining such date, a payment of estimated tax shall be credited  
39 against unpaid required installments in the order in which such install-  
40 ments are required to be paid. There shall be four required installments  
41 for each taxable year, due on April fifteenth, June fifteenth and  
42 September fifteenth of such taxable year and on January fifteenth of the  
43 following taxable year; provided, however, that any installment of tax  
44 due and payable in calendar year two thousand twenty-one shall be due  
45 and payable by December thirty-first, two thousand twenty-one.  
46 Provided, further, that a municipality may require a resident seeking a  
47 delay in payments of such taxes pursuant to this subdivision to demon-  
48 strate and prove financial hardship due to the novel coronavirus,  
49 COVID-19 pandemic.

50 § 12. This act shall take effect immediately and shall expire and be  
51 deemed repealed December 31, 2021.