Loans

Tier 3, 4 and 6 Members

Tier Information
Employees who joined NYCERS between July 27, 1976 and March 31, 2012 are members of Tier 4, except members of the Uniformed Force of the NYC Department of Correction, who are Tier 3 members, and Investigators employed in District Attorneys' offices, who are Tier 2 members. Employees who join on or after April 1, 2012 are in a Tier 6 plan or a Tier 3 22-Year plan. Tier 6 plan members may borrow against their pension account, while Tier 3 22-Year plan members may not.

Access Your Loan Information on the Web!
The easiest way to access personalized information about a loan is to create a MyNYCERS account at www.nycers.org. With a registered MyNYCERS account, you can access your personal account information in a safe and secure manner, file forms online, and more. The Loan Information page in MyNYCERS will display any outstanding loan balance, indicate your eligibility to take a loan, and indicate how much you may borrow. In addition, you can pay off an outstanding loan balance electronically with a credit/debit card or E-check. Simply click “Make a Payment” in the menu and follow the steps to process your electronic payment.

Eligibility
To qualify to take out a loan, you must:
• complete one year of NYCERS membership, AND
• have a minimum of $1,334 in your NYCERS retirement account, AND
• be in active payroll status, AND
• not be in default on a current loan from NYCERS, AND
• not be retired

The Amount You Can Borrow
The amount you can borrow is based on your contributions in your account, the added value of any interest your contributions have earned, minus the present value of any outstanding loan(s).

Tier 3 and 4 members are required to contribute 3% of total wages, including overtime, into their Member Contribution Accumulation Fund (MCAF) until the anniversary date of their tenth year of membership or the date they attain ten years of Credited Service (whichever is earlier). These contributions are called Basic Member Contributions (BMCs). Tier 6 plan members must contribute BMCs of 3% - 6% of wages until they separate from City service or until they retire. Please see your Plan brochure for your contribution rates.

Members of some special retirement plans are also required to make Additional Member Contributions (AMCs), which are deposited into their Retirement Reserve Fund (RRF) account.

A loan cannot exceed 75% of the contributions, with interest, last posted to your MCAF account. In addition, some members are able to borrow 75% of all or some part of the amount in their RRF account. Neither of these types of loans reduces the actual amount contained within these accounts.

You may not borrow less than $1,000, and you can obtain only one loan in any 12-month period. This restriction is governed by law and NYCERS is not permitted to make exceptions, even in emergency situations.

How to File an Application and Receive the Money
There are three ways to apply for a loan: online, by mail, or in person.

Online:
Registered MyNYCERS accountholders can apply for a loan online. With the online loan application, you can explore different loan options before settling on a loan amount and choosing which repayment option best fits your needs. In addition, current procedures require members to sign a tax authorization letter before a taxable loan can be processed. By applying online, if you select a taxable loan option, you can fulfill this requirement by electronic signature at the end of the online application.

If you apply online, you may elect to receive the funds by check (usually within 10 business days) or by Direct Deposit (also called Electronic Fund Transfer, or EFT) to either a checking or savings account within 3 business days. NYCERS strongly recommends EFT because:
• It is SAFE - eliminates the risk of your loan check being lost or stolen
• It is FAST - no waiting for the check to clear your bank – the funds are immediately available
• It is EASY - no more trips to the bank – no more waiting in line to deposit the check

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If you currently use Direct Deposit with your employer and/or
NYCERS, that banking information will be displayed as an option for
depositing the loan funds. If you wish to have your loan deposited
into a new bank account instead of an account displayed online,
you must exit the online loan application and submit the paper
Loan Application Form #302 together with a preprinted check or
deposit slip.

By mail:
An original (i.e., not a copy or a fax) Loan Application Form #302
can be mailed to NYCERS at 30-30 47th Avenue, 10th Floor,
Long Island City, NY 11101. If you apply by mail and your loan is
taxable, a tax authorization letter will be mailed to you. You must
sign and return the tax authorization letter in order to receive the
funds. If you do not return the tax authorization letter within 30
days from the date on the letter, your Loan Application will be
canceled. If your Loan Application is canceled and you are out
of City service, you will not be eligible to apply for a new loan.

In person:
You may drop off the Loan Application Form #302 in person at
NYCERS’ Walk-in Center at 340 Jay Street, Brooklyn, NY 11201.
If your loan is taxable, a trip to NYCERS’ Walk-in Center will save
you time, as you can sign the tax authorization letter immediately
after filing your application.

Repayment
The current interest rate on a Tier 3, 4 and 6 loan is 6.2% – 6%
basic interest rate plus 0.2% mandatory loan insurance premium.
All loans except non-performing loans are fully insured 30 days
after being issued, meaning that if a member dies in active service
30 days after the issuance of a new loan, the beneficiary would
receive the full amount of any benefit payable, not reduced by
any outstanding balance of the loan unless the loan is in default.

As long as you are in pay status, all loans must be repaid
through payroll deductions, or the entire loan can be paid off
in one lump sum, either by check or electronic payment through
your MyNYCERS account. Partial lump-sum payments are
acceptable by check or online, but the repayment amount per
paycheck doesn’t change; the loan is just repaid sooner. You
must pay at least 2% of your gross salary per pay period and
the payments must be sufficient to repay the amount borrowed,
plus interest, within five years. See the Non-Payment Section
of this brochure for information on how to repay your loan if
you leave City service or go off payroll for any length of time.

If you want to pay back more than the minimum amount, you
may choose on the loan application to deduct a specific dollar
amount per pay period or enter a definite number of pay periods
in which to repay your loan. Below are examples of repayment
schedules for bi-weekly payrolls only:

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<thead>
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<th>Loan Amount</th>
<th>Number of Payments</th>
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<tr>
<td></td>
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*Payment plans over $1000 per check are not available.

Deductions for repayment of your loan should begin in the
first or second pay period after your loan application has
been processed. If loan payments are not deducted from your
paycheck following the second pay period after your loan
has been processed, notify NYCERS immediately. If you do
not notify NYCERS, interest will continue to accrue on your
outstanding balance.

If you wish to change the amount of your repayment, you
have two options:

• Change of Repayment: You may change the amount of
your repayment only once in any 12-month period at a one-
time service fee of $40.00 (money order only). New fee is
effective July 1, 2020. To change the loan repayment, you
must submit NYCERS Change of Repayment Form #309,
available at www.nycers.org or at NYCERS’ Walk-in Center at 340
Jay Street in downtown Brooklyn. Forms can also be requested
by phone by calling (347) 643-3000.

• Renegotiated Loan: When you are eligible for another
loan you may change your loan repayment schedule by
borrowing additional amounts and changing the repayment
schedule based on the new consolidated loan. Note,
however, that if you renegotiate a loan to be repaid beyond
its original 5-year repayment schedule, there will be tax
consequences. Please refer to the Taxes Section of this
brochure for more information.

If you are called to Active Military Duty, the obligation to repay
your loan will be suspended, and will be extended for the same
amount of time that you are on Military Duty (for up to five
years). However, interest continues to accrue at 6% plus the
0.2% mandatory loan insurance premium.
Fees
- There is a service fee of $40.00 for processing each loan taken on or after July 1, 2020; this fee is automatically deducted from the loan check.
- There is a $40.00 service fee when filing Form #309 for a Change of Repayment on or after July 1, 2020; this fee must be paid by money order.
- Those who are no longer on payroll may switch to direct payment; there is a $5.00 per-payment fee for each direct payment.
- There is a $20.00 service fee for personal checks that are returned uncollected.

Non-Payment
If you fail to make a payment on an outstanding loan for over 90 days for any reason, the loan is in default - it is a Non-Performing Loan.

Once a loan goes into default status, the possible penalties include:
- Your ineligibility to take out another loan until you have paid your outstanding loan balance in full.
- Your Non-Performing Loan becomes taxable. NYCERS will report the taxable portion of the loan in default for Federal income tax purposes as a taxable distribution. There is an additional 10% tax penalty if you are under age 59½ and have a Non-Performing Loan.
- Your Non-Performing Loan will no longer be insured against your death, and if a beneficiary is due to receive a benefit, the amount of that benefit will be reduced by the amount of the outstanding loan.

If you are on an approved leave of absence and your loan is in default, please submit a letter from your employer stating that you were on an “approved leave of absence.” This letter will cover your loan only for one year, after which you are responsible for making monthly payments until you return to payroll. The letter must include the exact start and end dates of your approved leave of absence.

Taxes
Active Members – If subject to tax, a loan is counted as ordinary income for Federal income tax purposes. In addition, if you are under the age of 59½, you will incur a 10% early distribution penalty tax assessed by the Internal Revenue Service.

Tier 3, 4 and 6 loans are subject to taxation if the total outstanding loan is both:
1. Greater than $10,000, AND
2. More than 50% of the member’s non-forfeitable accrued vested benefit.

When borrowing results in a consolidated loan amount over $50,000, at least the excess over $50,000 is subject to Federal income tax.

Under IRS regulations effective January 1, 2004, newly consolidated loans may be subject to taxation. As always, the balance of an existing loan can be consolidated with a new loan, creating a revised 5-year repayment schedule. After January 1, 2004, however, consolidated loans with a repayment schedule beyond the original 5-year repayment date will most likely create a significant tax consequence. Please note that under IRS regulations, a loan from NYCERS or a loan from your 457 or 403(b) Deferred Compensation Plan account are considered to be loans from the “same employer” and are subject to all IRS rules concerning loans.

If all or any part of your next pension loan is subject to Federal taxes, NYCERS will offer you three loan processing methods (Refinance, Original Terms, and New Loan) to help you make an informed decision about the tax consequences. When you apply for a loan, you will be provided with a tax authorization letter that will outline the three methods. You must select how you want the loan to be distributed and return the tax authorization letter to NYCERS before your loan application can be processed. If you apply in person at NYCERS, all of this can be handled in one visit. If you receive your tax authorization letter in the mail and do not complete and return it within 30 days from the date on the letter, your Loan Application will be canceled. If your Loan Application is canceled and you are out of City service, you will not be eligible to apply for a new loan.

Three Loan Processing Methods:
Refinance: You have an outstanding loan that has not yet been paid in full. If your new loan is approved, NYCERS will consolidate the existing balance with the new amount, and a new repayment schedule (not to exceed 5 years) will be implemented. This method may result in the highest tax consequence.

Original Terms: You have an existing loan that has not yet been paid in full. If your new loan is approved, NYCERS will consolidate the existing balance with the new amount, and a new repayment schedule (not to exceed 5 years) that was associated with the existing loan amount.

New Loan: You are applying for a loan for the first time, or you have paid off a prior loan in full. If you have a loan that has not yet been paid in full, you must pay the balance before applying for a new loan. No loan repayment schedule can be greater than 5 years.

As an active employee you are not eligible to roll over the taxable portion of your loan into an IRA or any other tax-deferred plan.
**Vesting**

If you have vested and left City service but are not yet eligible to collect your retirement benefit, you must continue to make loan payments. If you do not, interest will continue to accrue on the outstanding loan balance, which may reduce any future retirement benefit you are entitled to.

To repay a loan after you go off payroll, you may elect to:

- Pay off your entire loan at any time. Lump-sum repayment can be made by bank check, money order, or electronically through your MyNYCERS account. If you have filed a retirement application but your case has not been “finalized,” a lump-sum payment (partial or full) will be accepted.
- Make direct monthly repayments. There is a $5 per-payment fee charged for each direct payment you make.

**Note:** If you are on union leave, you must repay your loan by direct payment, but the $5 per-payment fee is waived.

Partial repayment once you are off payroll is permitted ONLY in the following circumstances:

- If you have filed for retirement, but you have not yet selected a retirement benefit option. Contact NYCERS to find out how your outstanding loan will affect your retirement benefit and its tax consequences, or refer to the Loan Reduction chart on this page to estimate the reduction in your benefit.
- If you transferred between City agencies and since the transfer there have been no deductions in your paycheck for loan repayments. Contact NYCERS to arrange to make direct partial payments. If you do not, compound interest will continue to accrue on the loan.

**Outstanding Loan at Retirement**

An outstanding loan at retirement will permanently reduce your retirement benefit. The amount of the reduction depends on your age at retirement and the size of the loan. The chart below illustrates the benefit reduction in dollars for every $1,000 of an outstanding loan (based on a table of factors used for Calendar Year 2020 retirements).

Retirees are permitted to repay the total amount of the outstanding loan at any time after retirement. By doing that, you will increase your monthly pension checks prospectively only, meaning that your benefit will revert to what it would have been had it never been reduced by the actuarial equivalent of your outstanding loan.

**Taxes at Retirement**

Internal Revenue Service regulations require NYCERS to treat pension loans as a retirement distribution if they are taken at, or near, the time of retirement. However, you may roll over the taxable portion to an IRA or Employer Plan. In the event you choose not to roll over the taxable amount, NYCERS is required to withhold 20% Federal tax before issuing the check. If you have not yet reached the age of 55 and you choose not to roll over the taxable distribution, you will also be subject to an additional IRS 10% early distribution penalty tax when you file your taxes for that calendar year.

If you elect to roll over the eligible distribution, it is your responsibility to ensure that the institution you name will be able to receive this direct rollover from NYCERS.

The taxable portion of any prior loan balance is also available for rollover at retirement. However, you must accomplish this rollover on your own because the distribution was previously given to you. You will receive a post-retirement rollover letter approximately 30 days after you have retired explaining the exact amount that is eligible for rollover. You will have until the due date of your tax return for the year in which you received the rollover letter to roll over the taxable portion of the outstanding loan balance to an eligible retirement plan. If you do not roll over the taxable portion by the due date of your tax return for the year in which you received the letter, the taxable portion will remain taxable.

Before you file for retirement, visit NYCERS to learn about the tax and retirement benefit consequences of an unpaid loan and about your repayment options.

### Loan Reduction Chart for 2020 Retirements

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<th>Age</th>
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