





**6 TO THE COMPTROLLER OF THE STATE OF NEW YORK:**

I am applying for a loan from the Retirement System as shown above. I agree to deductions being taken from my salary for each future payroll period until the total amount due, including interest, is repaid. I agree that my annuity savings account be charged with the required loan insurance premiums until the loan is repaid. I agree that the rate of interest on this loan shall be fixed by the Comptroller as provided for in the Retirement and Social Security Law.

I certify that the information on my application is true and complete to the best of my knowledge. I further certify that I am aware that any false statements I knowingly make or permit to be made on this or any record of the retirement system constitutes a crime punishable by potential incarceration and other sanctions.

**The Internal Revenue Service does not require your consent to any provision of this document other than the certifications required to avoid backup withholding.**

\_\_\_\_\_  
**Signature (must be signed in ink and acknowledged by a notary)**

**7 ACKNOWLEDGEMENT TO BE COMPLETED BY A NOTARY PUBLIC**

State of \_\_\_\_\_ County of \_\_\_\_\_ On the \_\_\_\_ day of \_\_\_\_\_  
in the year \_\_\_\_\_ before me, the undersigned, personally appeared \_\_\_\_\_,  
personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s)  
whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they  
executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument,  
the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

<b>Notary Stamp</b>

\_\_\_\_\_  
**NOTARY PUBLIC (Please sign and affix stamp)**

**PERSONAL PRIVACY PROTECTION LAW**

In accordance with the Personal Privacy Law, you are hereby advised that pursuant to the Retirement and Social Security Law, the Retirement System is required to maintain records. The records are necessary to determine eligibility for and to calculate benefits. Failure to provide information may result in the failure to pay benefits. The System may provide certain information to participating employers. The official responsible for maintaining these records is the Director of Member & Employer Services, New York State and Local Retirement System, 110 State Street, Albany, NY 12244-0001; Telephone Number (518) 474-4608.

**SOCIAL SECURITY DISCLOSURE REQUIREMENT**

In accordance with the Federal Privacy Act of 1974, you are hereby advised that disclosure of the Social Security Account Number is mandatory pursuant to Sections 11 and 34 of the Retirement and Social Security Law. The number will be used in identifying retirement records and in the administration of the Retirement System.

**BANKRUPTCY INFORMATION**

A loan from the Retirement System based on a member's contributions is not a debt and, therefore, is not dischargeable in bankruptcy.

**Instructions and Information For Filling Out Loan Application****① Personal Information***Instructions*

A. Complete the entire section.

**② Required Information – Must be Completed***General Information*

- **Your employer is a participating employer in The New York State & Local Retirement System (System). The System is a Section 401(a) qualified trust. In addition to membership in the System, your employer may offer other types of retirement plans. Before we can issue a loan to you, the Internal Revenue Service requires us to inquire whether you have outstanding loans in other retirement plans offered by your employer. For this purpose, include loans from plans sponsored by the employer upon which your System membership is based.**

**Loans from private sector employer plans or retirement accounts are not included.**

Two common employer-sponsored retirement savings plans are:

- Section 457, a deferred compensation plan, is a voluntary supplemental retirement savings plan sponsored by your current employer. It enables public employees to save a portion of their gross pay before Federal and State income taxes are deducted.
- Section 403(b), a tax sheltered annuity plan, is an employer-sponsored retirement savings program. By law, participation is limited to employees of public educational organizations and certain nonprofit organizations.

Other, less common employer-sponsored retirement savings plans are:

- Section 403(a) qualified annuity
- Section 401 qualified trusts

**③ Loan Type***General Information*

**Choose only one type of loan.** If you do not check any of the boxes, or if you choose more than one type of loan, your application will be rejected.

*Instructions*

- A. Check Loan Type 1 only if you do not have an existing loan from us and are requesting one.
- B. Loan Type 2 (multiple loan) allows you to take another, separate loan from us. Multiple loans have separate five year due dates on which the minimum payments are calculated. These minimum payments are then added together for a total minimum payment. That is why if you take another loan under this option, you will have a higher minimum payment than if you refinance. However, the payments for all loans will be combined so you only have one payroll deduction.
- C. Loan Type 3 (refinanced loan) allows you to add the new loan amount to your existing loan balance and refinance the entire amount as one loan instead of taking another, separate loan. Minimum repayment amounts for refinanced loans are less than multiple loans because we add on the amount you are currently requesting to your existing loan. We then refinance the total amount for another five years. Because of the increased taxable amount for a refinanced loan, **Federal withholding can significantly reduce the loan amount payable to you.**

**④ Loan Amount***General Information*

- There are various tax thresholds and circumstances that determine when a loan is taxable and what portion of a loan is taxable. Before choosing a taxable or non-taxable loan, you should call our automated information line to get specific information regarding the amount you want to borrow.
- The maximum non-taxable loan amount will be less for a refinanced loan (Loan Type 3) than for a multiple loan (Loan Type 2), unless the entire amount of the refinanced loan is non-taxable.
- The taxable amount for a refinanced loan (Type 3) will always be more than if you take a multiple loan (Loan Type 2), unless the entire amount of the refinanced loan is non-taxable.
- When choosing the Loan Repayment Amount, you can choose either to repay the minimum amount or a higher than minimum amount each pay period. The minimum amount will be based on your payroll frequency and how much you must repay each payroll period based on a five-year repayment plan. We will calculate what the minimum repayment is if you choose this option.
- If you select minimum payment and have multiple loans, your payroll deduction will equal the total of the minimum payments for each loan. After your oldest loan is repaid, your payroll deduction will be reduced by the amount you had been paying on that loan.
- **Definition of a U.S. person.** For federal tax purposes, you are considered a U.S. person if you are:
  - An individual who is a U.S. citizen or U.S. resident alien;
  - A partnership, corporation, company, or association created or organized in the United States or under the laws of the United States;
  - An estate (other than a foreign estate); or
  - A domestic trust (as defined in Regulations section 301.7701-7)
- If you are a **U.S. Citizen**: This form will be used as a substitute for the W-9 tax form. You must complete this form in order to document your U.S. citizenship status for tax withholding and information reporting purposes.
- If you are a **U.S. Citizen** and you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return, you must cross out item 2 in section 4C above. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the certification, but you must provide your correct TIN (Tax Identification Number).
- If you are a **Non-Resident Alien**: You must submit a W-8BEN tax form along with your loan application in order to document your U.S. citizenship status for tax withholding and information reporting purposes. You can access and print this form from the IRS web site at: <https://www.irs.gov/pub/irs-pdf/fw8ben.pdf>. If you do not submit a W-8BEN tax form with your loan application, your application will be rejected.

*Instructions*

- A. Check one box to tell us how much you want to borrow. You have three choices:
- i. A loan for the maximum non-taxable amount we can provide you by law (Box i)
  - ii. A specific loan amount, up to the maximum amount available (Box ii). You must enter the amount you want to borrow.
  - iii. A loan for the maximum amount we can provide you by law (a portion of this may be taxable) (Box iii)
- B. You may repay more than the minimum amount, if you wish. Indicate the exact amount you want to repay each pay period. If you want to repay more than the minimum amount and are requesting Loan Type 2 (multiple loans), your payroll loan deduction will remain the same until all loans are paid, a new loan is taken, or you request in writing that your payment be changed to the minimum amount due.
- C. U.S. Citizenship Status - Check one box to indicate whether you are a Citizen, Resident Alien or Non-Resident Alien. If you are a U.S. Citizen or Resident Alien, your loan application will be used as a substitute for the W-9 tax form. By completing and signing this form, you are agreeing to the certification statements outlined in Section 4C. If you are a Non-Resident Alien, you must submit a W-8BEN tax form with your loan application. Loan applications received without a W-8BEN tax form will be rejected.
- D. Federal Tax Withheld – Federal law requires us to withhold Federal tax at a rate of 10 percent of the taxable amount of the loan unless you elect not to have this automatic withholding apply. Federal withholding can significantly reduce the loan amount payable to you.

**⑤ Payroll Information***Instructions*

- A. Give us your employer's full name so we can notify them to take loan deductions.
- B. Provide your gross annual salary.
- C. To determine your loan repayment amount, we need to know how often you are paid (check one box only).
- D. Tell us what your term of employment is (check one box only).

**⑥ Signature — We cannot accept your loan application unless it is signed.****⑦ Notary Public Acknowledgement — The application must be notarized or it will be rejected.**

**ALL TIER 1 AND TIER 2 LOANS ARE SUBJECT TO THE FOLLOWING:**

- You must be in active service with the State or a participating employer and have credit for at least one year of member service. Members on a leave of absence are not considered to be in active service. If you are retiring, your loan application must be received before your date of retirement for it to be processed.
- Only one loan may be granted every 90 days.
- A loan may not be granted for less than \$25.
- The maximum loan permitted under law is 75 percent of the amount you have on deposit in your contribution account, less any outstanding loan balance. If the requested loan amount exceeds the legal limit, your application will be processed for the maximum amount permitted.
- The minimum repayments must be in an amount sufficient to **repay the loan within five years** and no less than \$3.00 if paid weekly, \$5.00 if bi-weekly or semi-monthly, or \$10.00 if monthly. Loan repayments are in even dollar amounts and must be paid through payroll deductions. If you leave the payroll, or you are on an authorized leave of absence, please call us for information on repaying your loan. If you do not make payments on your loan quarterly or complete payment within five years of the date the loan is issued, whichever comes first, your loan will be in default. At the time a default occurs, the entire amount due on your loan, minus any previously taxed portion, must be reported to the Internal Revenue Service (IRS) as a lump sum distribution from

a qualified plan. **However, the balance on a defaulted loan is still owed, and interest and insurance charges continue to accrue until the balance is paid in full.** If any of your loans are in default, you will be unable to borrow from us in the future until the entire balance on all loans in default has been repaid. If you are called to active military duty, special rules apply. Please contact our Call Center.

- **WARNING!** If you retire or withdraw from the Retirement System and have an outstanding loan on the effective date of your retirement or withdrawal, part or all of the loan balance may constitute taxable funds which were credited to your account and, therefore, would be subject to Federal income tax in the year in which you retire or withdraw. Since this income would not be reportable until you retire or withdraw, information regarding the amount will be furnished to you at that time.
- Interest is charged on loans at the rate of 5 percent per annum, based on the outstanding balance at the beginning of each month.
- Loans are fully insured against the death of a member prior to retirement. There is no insurance for the first 30 days. Premiums to cover the cost of this insurance are based on the amount of the loan and your age, and are charged against your contribution balance at the end of the year. Loan insurance does not cover you if you become disabled or unemployed.

**IMPORTANT BENEFIT INFORMATION**

If you have an outstanding loan balance at the time of your retirement, your benefit will be **permanently** reduced. The following table shows the approximate annual reduction in benefits for each \$1,000 of loan outstanding at retirement if you retire at various ages:

**EMPLOYEES' RETIREMENT SYSTEM**

Service Retirement Reductions					
Age at Retirement	55	60	62	65	70
Annual Reduction	\$77.77	\$82.08	\$84.27	\$88.26	\$97.35

**POLICE & FIRE RETIREMENT SYSTEM**

Service Retirement Reductions						
Age at Retirement	45	50	55	60	62	65
Annual Reduction	\$71.21	\$73.56	\$77.05	\$81.95	\$84.41	\$88.84

**IMPORTANT FEDERAL TAX INFORMATION**

**Existing loans with a deferred compensation or tax sheltered annuity plan:** If you have an existing loan from one of these plans, both the current loan balance and the current contribution balance will be taken into account when calculating the taxability of the loan from this system.

**1. Loans over \$50,000:**

**No outstanding loan when new loan granted:** Loans that exceed \$50,000 must be reported to the IRS as a distribution from a qualified plan to the extent that the loan exceeds \$50,000, less the highest outstanding loan balance in the past 12 months.

**Refinanced Loan:** Refinanced loans that cause the outstanding loan balance at the time the new loan is granted (old balance) when added to the replacement loan (old balance plus the new loan amount) to exceed \$50,000, less the difference between the highest total outstanding balance during the past year and the 'old balance,' must be reported to the IRS as a distribution from a qualified plan to the extent that the loan exceeds this amount.

**Multiple Loans:** Loans that cause the loan account (total of all outstanding loans plus the new loan) to exceed \$50,000, less the difference between the highest total outstanding balance during the past year and the total old balance (total of all outstanding loans prior to new loan), must be reported to the IRS as a distribution from a qualified plan to the extent that the loan account exceeds this amount.

Any portion of the distribution amount that cannot be offset by your after-tax contribution will be reported to the IRS as ordinary income.

**2. Loans under \$50,000:**

If there is no outstanding loan or a separate multiple loan is granted, and the new loan results in the total 'outstanding balance' being more than the greater of (a) \$10,000 or (b) 50 percent of the present value of your accrued non-forfeitable benefit, the amount over that figure will be reported to the IRS as ordinary income for the current year. If you are not vested, the present value of your accrued non-forfeitable benefit is equal to your contribution balance. If you are vested, the present value of your accrued non-forfeitable benefit is an actuarially determined amount. For refinanced loans, the 'outstanding balance' is the total of **both** the loan balance at the time the new loan is granted **and** the refinanced loan amount (which includes the loan balance at the time the new loan is granted).

**3. If you go off the payroll,** or your loan payments stop prematurely, contact the Call Center to make arrangements to repay your loan directly. If you do not make payments on your loan at least once every three months, or do not complete repayment within five years from the date the loan is issued, your loan will default. When a loan defaults, the outstanding balance, minus any previously taxed amount, must be reported to the IRS as ordinary income.

**4. If you are under age 59½** at the time any part of your loan becomes reportable, you may be subject to an additional **10 percent penalty tax.** The Federal Internal Revenue Code imposes this penalty tax on amounts deemed to be a distribution prior to your actual retirement.