

10075

I N A S S E M B L Y

March 3, 2010

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

AN ACT to amend the real property tax law, in relation to authorizing the prepayment of estimated tax by installment method; and repealing certain provisions of such law relating thereto

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. Sections 972, 973 and 976 of the real property tax law are
2 REPEALED and a new section 972 is added to read as follows:

3 S 972. PREPAYMENT OF ESTIMATED TAX BY INSTALLMENT METHOD. 1.
4 ADOPTION. NOTWITHSTANDING ANY PROVISIONS OF THIS CHAPTER, OR ANY OTHER
5 GENERAL, SPECIAL OR LOCAL LAW TO THE CONTRARY, THE LEGISLATIVE BODY OR
6 LOCAL BOARD OF A COUNTY, CITY, TOWN, VILLAGE, SPECIAL DISTRICT OR SCHOOL
7 DISTRICT SHALL ALLOW, UNLESS SUCH LAW IS REPEALED BY LOCAL LAW OR RESOL-
8 UTION, TAXPAYERS TO PREPAY BY MONTHLY INSTALLMENTS FOR EACH TAX NOTICE
9 WITH TAXES ESTIMATED TO BE MORE THAN ONE HUNDRED DOLLARS.

10 2. PAYMENT SCHEDULE. A TAXPAYER SHALL MAKE PAYMENTS BASED UPON AN
11 ESTIMATED TAX EQUAL TO THE ACTUAL TAXES LEVIED UPON THE SUBJECT PROPERTY
12 IN THE PRIOR YEAR. MONTHLY INSTALLMENT PAYMENTS SHALL BE MADE BASED ON
13 THE LOCAL TAXING BODIES' FISCAL YEAR AND ACCORDING TO THE FOLLOWING
14 SCHEDULE:

15 (A) MONTHLY PAYMENTS SHALL BE BASED ON ONE-TWELFTH OF THE TOTAL AMOUNT
16 OF ESTIMATED TAXES AND SHALL BE DUE NO LATER THAN THE FIRST OF EACH
17 MONTH.

18 (B) AN ADJUSTMENT MADE PURSUANT TO A DETERMINATION OF ACTUAL TAX
19 LIABILITY SHALL BE APPLIED TO THE TAXPAYERS' MONTHLY INSTALLMENTS UPON
20 ENACTMENT OF THE LOCAL TAXING BODIES' BUDGET.

21 (C) FOR PURPOSES OF THIS SECTION, WHEN AN INSTALLMENT DUE DATE FALLS
22 ON A SATURDAY, SUNDAY, OR LEGAL HOLIDAY, THE DUE DATE FOR THE INSTALL-
23 MENT SHALL BE THE NEXT WORKING DAY, IF THE INSTALLMENT IS DELIVERED TO A
24 DESIGNATED COLLECTION OFFICE OF THE TAX COLLECTOR.

25 3. INTEREST. IF AN INSTALLMENT IS NOT PAID ON OR BEFORE THE DATE IT IS
26 DUE, INTEREST SHALL BE ADDED AS PROVIDED BY SECTION NINE HUNDRED SEVEN-
27 TY-FIVE OF THIS TITLE OR SECTION THIRTEEN HUNDRED FORTY OF THIS CHAPTER.

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

LBD15257-02-0

1 4. ELIGIBLE PROPERTY. THE PROGRAM SHALL APPLY TO ALL TYPES OF PROPER-
2 TY.

3 S 2. Subdivision 2 of section 974 of the real property tax law, as
4 added by chapter 953 of the laws of 1962, is amended to read as follows:

5 2. Such statement shall recite that such owner may elect, pursuant to
6 section nine hundred seventy-five of this chapter, to pay the taxes set
7 forth in the statement in installments, [as provided in the local law
8 enacted by the county] pursuant to section nine hundred seventy-two of
9 this [chapter] TITLE.

10 S 3. Subdivision 2 of section 975 of the real property tax law, as
11 amended by section 13 of part B of chapter 389 of the laws of 1997, is
12 amended to read as follows:

13 2. If the owner is eligible to participate in the installment
14 program, and elects to do so, he or she shall pay to the collecting
15 officer the amount set forth in such statement and designated as "first
16 installment". The amount of each succeeding installment shall be paid
17 to the [county treasurer] COLLECTING OFFICER on or before the date spec-
18 ified in [the local law enacted by the county pursuant to] section nine
19 hundred seventy-two of this [chapter] TITLE.

20 S 4. Subdivision 6 of section 975 of the real property tax law, as
21 added by chapter 953 of the laws of 1962, is amended to read as follows:

22 6. The [county] treasurer of a county [which has enacted a local law
23 pursuant to section nine hundred seventy-two of this chapter], CITY,
24 TOWN, VILLAGE, SPECIAL DISTRICT OR SCHOOL DISTRICT may promulgate and
25 amend suitable rules and regulations prescribing the necessary forms for
26 carrying into effect the provisions of this title and of article thir-
27 teen of this chapter relating to the installment payment of taxes.

28 S 5. This act shall take effect on the first of January next succeed-
29 ing the date on which it shall have become a law.