S T A T E O F N E W Y O R K

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:

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 Sections 972, 973 and 976 of the real property tax law are REPEALED and a new section 972 is added to read as follows:

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OR LOCAL BOARD OF A COUNTY, CITY, TOWN, VILLAGE, SPECIAL DISTRICT OR SCHOOL DISTRICT SHALL ALLOW, UNLESS SUCH LAW IS REPEALED BY LOCAL LAW OR RESOLUTION, TAXPAYERS TO PREPAY BY MONTHLY INSTALLMENTS FOR EACH TAX NOTICE WITH TAXES ESTIMATED TO BE MORE THAN ONE HUNDRED DOLLARS.

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

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

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

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

3. INTEREST. IF AN INSTALLMENT IS NOT PAID ON OR BEFORE THE DATE IT IS DUE, INTEREST SHALL BE ADDED AS PROVIDED BY SECTION NINE HUNDRED SEVENTY-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.

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4. ELIGIBLE PROPERTY. THE PROGRAM SHALL APPLY TO ALL TYPES OF PROPERTY.

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

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

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

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

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

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

S 5. This act shall take effect on the first of January next succeeding the date on which it shall have become a law.