STATE OF NEW YORK

3505

2017-2018 Regular Sessions

IN SENATE

January 23, 2017

Introduced by Sen. YOUNG -- read twice and ordered printed, and when printed to be committed to the Committee on Investigations and Government Operations

AN ACT to amend the tax law, in relation to advance payments of the school tax relief credit

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

Section 1. Subparagraphs (B) and (C) of paragraph 10 of subsection (eee) of section 606 of the tax law, as amended by section 8 of part A of chapter 73 of the laws of 2016, are amended to read as follows:

(B) On or before September [~~fifteenth~~] **first** of each year, or as soon thereafter as practicable, the commissioner shall determine the eligibility of taxpayers for this credit utilizing the information available to him or her as obtained from the applications submitted on or before July first of that year, or such later date as may have been prescribed by the commissioner for that purpose, and from such other sources as the commissioner deems reliable and appropriate. For those taxpayers whom the commissioner has determined eligible for this credit, the commissioner shall advance a payment in the amount specified in paragraph three, four or six of this subsection, whichever is applicable. Such payment shall be issued by September [~~thirtieth~~] **fifteenth** of the year the credit is allowed, or as soon thereafter as is practicable. Nothing contained herein shall be deemed to preclude the commissioner from issuing payments after September thirtieth to qualified taxpayers whose applications were made after July first of that year, or such later date as may have been prescribed by the commissioner for such purpose. **Provided, however, for a qualified taxpayer that has applied for the advanced payment by July first of the tax year or is already eligible to receive an advanced payment prior to July first, if the advanced payment is not postmarked by the fifteenth of September or the amount of the advanced payment that is postmarked by the fifteenth of September is**

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

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less than the amount due the taxpayer then the qualified taxpayer shall receive an amount equal to the interest and penalty payment imposed by the school district for late payment of the school tax bill plus interest pursuant to paragraph (i) of section six hundred eighty-eight of this article.

(C) A taxpayer who has failed to receive an advance payment that he or she believes was due to him or her, or who has received an advance payment that he or she believes is less than the amount that was due to him or her, or who did not receive the advance payment by the date prescribed in subparagraph (B) of this paragraph may request payment of the claimed deficiency plus the amount of interest and penalty payment imposed by the school district for late payment of the school tax bill and interest pursuant to paragraph (i) of section six hundred eighty-eight of this article in a manner prescribed by the commissioner. Provided, however, if a taxpayer receives an advanced payment on or after October first, the taxpayer is not eligible for any interest or penalty imposed by the school district that is incurred five business days after the postmark of the advanced payment.

§ 2. Section 688 of the tax law is amended by adding a new paragraph (i) to read as follows:

(i) Notwithstanding any other provisions in this section, interest will be allowed on any advance payment allowed pursuant to paragraph (eee) of section six hundred six of this article that is not postmarked by the fifteenth of September or is less than the amount due the taxpayer for qualified taxpayers that has applied for the advance payment prior to July first of that tax year or is already eligible to receive an advance payment prior to July first.

§ 3. This act shall take effect immediately.