



NEW YORK STATE SENATOR

John J. Flanagan

Senator Flanagan Votes To Require Quicker Refunds For New York State Taxpayers

JOHN J. FLANAGAN April 13, 2011

| ISSUE: **TAXES**

Senator John Flanagan (2nd Senate District) voted for legislation that would speed up the delivery of tax refunds owed to taxpayers by the state. The legislation addresses excessive delays of up to two months from when taxpayers file their return to when they may actually see the refund from the New York State Department of Taxation and Finance.

“There are laws in this state that require taxpayers to pay their taxes on time and there should be an equal responsibility that forces the state to adhere to that same standard. Any refund the state owes a taxpayer is money that the taxpayer has a right to and they deserve to get that money in a clear time frame.

Tax refunds belong to the taxpayers and the state must respect that fact,” stated Senator Flanagan. “Our residents already pay too much in taxes and this legislation is a great step forward in protecting their rights in this process.”

Traditionally, the state Department of Taxation and Finance has held returns requesting refunds until April, even if taxpayers filed their return in mid-February. The legislation that Senator Flanagan supported would require the state to pay tax refunds within 30 days of the receipt of a taxpayer’s return, unless there is a discrepancy in the return.

In cases where there is a discrepancy, the department would provide written notice to the taxpayer and a date when the discrepancy would be resolved. If the state fails to take these steps, it would be required to pay interest of six percent per year on the refund to the taxpayer.

Senator Flanagan also supported legislation that would direct Suffolk County to refund penalties and interest incurred by property owners who were late due to a town’s failure to issue written notification that had been provided in previous years. The refunds would only be provided to those who subsequently paid the taxes in full, including interest and penalties by December 31, 2009.

This legislation would only apply to the 2008-2009 tax year when some Suffolk County towns eliminated the mailing of tax bills; some taxpayers – particularly seniors - who relied on the customary notification mailer did not pay their taxes in a timely manner.

“Many residents in our community who were consistent on-time taxpayers were confused by the lack of mailings and there should be some mechanism to clarify an unfair situation. Honest taxpayers should be held harmless in a situation that caused confusion and this legislation will simply do that,” added Senator Flanagan.

Both bills have been sent to the Assembly.