



NEW YORK STATE SENATOR

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## Important Information for the 2012 Personal Income Tax Filing Season

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| ISSUE: **INCOME TAX**

Below find information regarding some new developments at the Department of Taxation and Finance for the 2012 personal income tax filing season. The new initiatives reflect statutory changes enacted in 2011 as well as Governor Cuomo's mandate that State agencies deliver services more effectively and at lower cost to taxpayers.

### **Tax Forms and e-file Requirements for Individual Taxpayers:**

Over 75% of New York's taxpayers file electronically or use software to prepare and mail their returns. Consequently, we no longer mail paper tax forms automatically. Forms are available at [www.tax.ny.gov](http://www.tax.ny.gov), at local libraries, or by calling (518) 457-5421. We can also provide your offices with a supply of tax forms at your request.

Legislation contained in the Enacted Budget for SFY 2011-12 set forth a new mandate to achieve greater use of e-filing. Under the new statute, individual taxpayers who prepare their personal income tax returns using tax software are generally required to file electronically. A taxpayer who is required to e-file and fails to do so may be subject to a penalty and will not be eligible to receive interest on any overpayment until the return is filed electronically. Taxpayers who are unable to file their returns electronically because they do not have internet access will not be subject to this new penalty. Furthermore, in 2010, legislation was enacted that prohibits tax software companies from charging a separate fee for the electronic filing of a tax return, making it easier for taxpayers to comply with this mandate.

### **A New Way to Receive State Tax Refunds:**

In addition to either direct deposit or paper check, taxpayers may now request to receive their tax refunds on a debit card. Prepaid debit cards provide us with an efficient, cost-effective way to disburse tax refunds. The federal government and more than 40 states have similar programs. These cards deliver value to cardholders and save government agencies – and taxpayers – money. In fact, this year, the U.S. Treasury began implementing an all-electronic mandate for federal benefit payments, including Social Security and SSI.

While direct deposit remains the fastest and easiest way for taxpayers to get their tax refunds, the prepaid card is particularly useful for taxpayers without bank accounts. The state-administered prepaid card enables these taxpayers to avoid expensive check-cashing fees. There's no charge to the taxpayer for using the card to make in-network ATM cash withdrawals or purchases, or to receive their refund in cash at any MasterCard-affiliated bank in one bank teller transaction. For additional information regarding the new debit card program, please visit [www.tax.ny.gov/pit/file/debit\\_cards.htm](http://www.tax.ny.gov/pit/file/debit_cards.htm)

**Same-sex Married Couples - Tax Return Filing Obligations:**

The Marriage Equality Act, which took effect on July 24, 2011, provides that all marriages – both same-sex and different-sex couples – be treated equally under the laws of New York. For tax years 2011 and after, same-sex married couples who are married as of the last day of the tax year must file New York personal income tax returns using a married filing status, even though their marital status is not recognized for federal income tax purposes. Additional information is available at [www.tax.ny.gov/pit/marriage\\_equality\\_act.htm](http://www.tax.ny.gov/pit/marriage_equality_act.htm)

**Taxpayers With Income Below a Certain Level May be Eligible for Free-File This Year:**

For 2012, taxpayers with incomes below \$57,000 may be eligible to prepare and file both their Federal and State income taxes for free. Please encourage your constituents who are eligible for Free File to access it through our website at [www.tax.ny.gov](http://www.tax.ny.gov). This assures that they can take advantage of free file for both their federal and state tax returns. Free tax preparation services are also available at Voluntary Income Tax Assistance (VITA) sites and Tax Counseling for the Elderly sites across the State.

**Elimination of the IT-150 Short Form:**

Full-year residents will no longer need to determine whether they must complete the IT-150 Resident Income Tax Return or IT-201 Resident Income Tax Return (long form). All full-year resident taxpayers will now use the IT-201. Taxpayers who use software or professional tax preparers will likely not experience any change in their filing experience.

**Online Services Accounts:**

In January 2011, we implemented an improved online account view for the more than 600,000 businesses and individuals who were registered to use our secure portal. By October, the number of accounts had grown to more than one million. The new features include the ability to view the history of tax filings, to get copies of many previously filed returns, to respond on-line to Department notices and to sign up for e-mail alerts.