



# Change of Resident Status – Special Accruals

Tax Law – Sections 639 and 1307

# IT-260.1

(9/10)

Complete this agreement in triplicate and forward **by registered mail** along with your securities, completed Form IT-201, IT-203, or IT-205, and other required forms to the address shown on the right of this form.

**INCOME TAX AUDIT ADMINISTRATOR I  
INCOME/FRANCHISE DESK AUDIT BUREAU  
W A HARRIMAN CAMPUS  
ALBANY NY 12227**

If filing a joint return, use both names.

Whereas, I, (name) \_\_\_\_\_, of (address as shown on return) \_\_\_\_\_, have changed my status for New York State and/or New York City personal income tax purposes from that of a resident to that of a nonresident on (date) \_\_\_\_\_, and

Whereas, I elect, pursuant to sections 639(a), 639(d), 639(e), 639(h), 1307(b), and 1307(e) of the Tax Law, to file my New York personal income tax return for the period prior to my change of residence on the cash receipts basis, and

Whereas, the tax, as determined pursuant to sections 639(a), 639(d), 639(e), 639(h), 1307(b), 1307(c), 1307(e), and 1307(f) for the taxable year, or portion of the taxable year prior to my change of residence would have been increased by the amount of \$ \_\_\_\_\_ if such election had not been made, and

Whereas, I hereby deposit with you the following described security:

**1. Certificated U.S. Treasury bonds:**

Due	Registration or certificate number	Par or face value	Market value (as of date of filing with Tax Department)

Attached and made part of this agreement is a properly completed U.S. Treasury Form PDF 1832, *Special Form of Assignment for U.S. Registered Definitive Securities*, assigning said securities to the New York State Department of Taxation and Finance.

**2. Certificated New York State bonds or bonds of any political subdivision thereof:**

Description	Due	Registration or certificate number	Par or face value	Market value (as of date of filing with Tax Department)

Attached and made part of this agreement is a properly completed New York State Form AU-217, *Assignment Separate from Bond*, assigning said securities to the New York State Department of Taxation and Finance.

**3. Bank passbooks and/or certificates of deposit:**

Bank/financial institution	Amount	If certificate of deposit, maturity date

Attached and made part of this agreement is a letter prepared on the letterhead of the bank/financial institution and signed by an officer thereof: a) identifying the passbooks or certificates of deposit by account number and confirming that withdrawal of principal from the passbook or certificate of deposit will not be permitted without written consent from the New York State Department of Taxation and Finance; and b) stating that any right of set-off which the bank/financial institution may possess against the taxpayer resulting from a defaulted obligation of such taxpayer shall be subordinate to the interest of the department in the passbook or certificate of deposit offered as collateral.

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**4. Standby letter of credit:**

Issuer or confirming bank	Amount	Expiration date

Attached and made part of this agreement is the irrevocable standby letter of credit made payable to the New York State Department of Taxation and Finance.

**5. Form W-2G, Certain Gambling Winnings:**

Attached and made part of this agreement is a copy of completed federal Form W-2G, which shows that New York State taxes were withheld on the lottery payments.

Now, therefore, I agree that (1) I will include in my New York personal income tax returns in subsequent taxable years (or periods) all income and gain accrued prior to my change of residence, as if I had not changed my resident status and will pay the tax thereon when due; (2) the period of limitation within which tax may be assessed, set forth in Tax Law section 683, is hereby extended as provided by paragraph (2) of subsection (c) of such section, and I hereby agree that the tax due may be assessed for any taxable year (or periods) at any time within three years after the tax return relating to the last taxable year during which income or gain accruing prior to my change of residence is actually received has been filed; and (3) if the New York State Department of Taxation and Finance determines (a) that I have failed to include in my New York personal income tax return for any taxable year (or period) any item of income or gain that is required to be included therein under the terms of this agreement, or to pay any tax required to be paid, or (b) that the security filed herewith has or will become inadequate to properly secure payment of the tax, the full amount of income which is accruable under sections 639(a), 639(e), 639(h), 1307(b), 1307(c), 1307(e), and 1307(f) of the Tax Law shall be accrued to the portion of the taxable year prior to the change of residence and the additional tax for such period, as recomputed, shall become due immediately. If such tax is not paid within 30 days after notice of such determination described in (a) above has been mailed to me by ordinary mail, or if the security that has been determined, as described in (b) above, to be inadequate to secure payment of the tax is not replaced with adequate security acceptable to the department within 30 days after notice of such determination has been mailed to me by ordinary mail, the New York State Department of Taxation and Finance may sell, assign, transfer, withdraw or otherwise dispose of said security and apply the proceeds to any unpaid portion of the tax deferred by reason of the election and any interest and penalties due thereon. The balance of such proceeds, if any, shall be paid to me.

The above described security is deposited with the understanding that: (1) in case no disposition is made thereof under the terms of this agreement, such security will be returned to me at such time as the department determines it is no longer needed as security by reason of the full or partial payment of the tax deferred as a result of the election under sections 639(d), 639(h), 1307(b), 1307(c), 1307(e), and 1307(f); and (2) any interest accruing on said security shall belong to me; and (3) in the case of certificated bonds, in coupon form, the coupons will be detached and forwarded to me as they become due.

Signature of taxpayer	Date
Spouse's signature (if joint return)	

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