



Important Notice

August 2003

Announcement Regarding the Northeast Blackout of August 2003

As a result of the power Blackout that began on August 14, 2003, Governor George E. Pataki has declared a State disaster emergency for all of New York State.

Governor Pataki has directed the Department of Taxation and Finance to extend tax filing and payment deadlines for taxpayers as a result of the Blackout.

This notice confirms that tax filing, payment, and other deadlines for the period August 14, 2003 through August 22, 2003, have been extended to August 22, 2003 for all taxpayers. Taxpayers do not need to apply for a waiver or an extension. Taxpayers should mark "BLACKOUT" on the top center of the front page of any late filed return, extension, declaration of estimated tax, estimated tax voucher, or other document. This relief should not be viewed as a new due date. It is an interest and penalty waiver provision.

Examples of taxpayers eligible for the relief include:

- any taxpayer whose records necessary to meet tax filing, paying or other deadlines are not available due to the Blackout;
- taxpayers who have difficulty in meeting tax filing, payment or other deadlines because of disruptions in the transportation and delivery of documents by mail or private delivery services, or due to disruptions in communications services (e.g., telephone, facsimile, or electronic mail), resulting from the Blackout; and
- taxpayers whose tax practitioners were, due to the Blackout, unable to complete work to meet tax filing, payment and other deadlines on behalf of their clients.

The Commissioner of Taxation and Finance has postponed deadlines for the period August 14 through August 22, 2003, for:

- filing any returns, including, but not limited to, those for withholding taxes, sales and use taxes, corporate taxes and quarterly combined withholding, wage reporting and unemployment returns;
- filing any requests for extensions, or additional extensions, of time to file;
- paying any tax or installment of tax, including installment payments on estimated income taxes, sales and use taxes and withholding taxes;
- filing for credit or refund, or for re-determination of a deficiency, or application for review of a decision;
- allowing a credit or a refund;
- assessing tax;
- giving or making a notice or demand for payment of tax;
- collecting tax by levy or otherwise;
- bringing suit by New York State for any tax liability;
- making of elections; and
- any other act required or permitted under the Tax Law or specified in the New York State Tax Regulations.

Any deadlines for performance of the above required acts for the period August 14, 2003 through August 22, 2003, **have been extended to** August 22, 2003. Interest at the appropriate underpayment rate must be paid on tax payments received after the extended due date of August 22, 2003.

New York State Personal Income Tax - Article 22

Filing of Income Tax Returns — Individuals, fiduciaries, or partnerships whose due date for filing a return (including extensions) falls within the period August 14, 2003 through August 22, 2003, may file such returns on or before August 22, 2003, and will not be subject to any late filing, late payment, or underpayment penalties or interest for the period August 14, 2003 through August 22, 2003. Taxpayers who cannot meet the extended filing date of August 22, 2003, and who have not filed a previous extension request, may apply for a further extension of time by filing Form IT-370, *Application for Automatic Extension of Time to File for Individuals*, or Form IT-370-PF, *Application for Automatic Extension of Time to File for Partnerships and Fiduciaries*, as appropriate, on or before August 22, 2003, together with payment of the properly estimated amount of tax due. If you cannot meet the extended filing date of August 22, 2003, and have already filed Form IT-370, or Form IT-370-PF, you may apply for an additional extension of time by filing Form IT-372, *Application for Additional Extension of Time to File for Individuals*, or IT-372-PF, *Application for Additional Extension of Time to File for Partnerships and Fiduciaries*, as appropriate, on or before August 22, 2003.

Estimated tax payments — Fiscal year taxpayers whose installment payment of estimated income tax is required to be made August 15, 2003, may make such installment payment on or before August 22, 2003. Such taxpayers who make any required installment payment on or before August 22, 2003, will be deemed to have made their installment payment on the original due date and will not be subject to underpayment penalty.

Withholding taxes — Employers who are required to file and make payment(s) from August 14, 2003 through August 22, 2003, for personal income tax withheld from their employees may file and make payment(s) of such personal income tax withheld with Form NYS-1, *Return of Tax Withheld*, on or before August 22, 2003. Employers who file Form NYS-1 with remittance by the applicable extended due date will be deemed to have filed and made such payments on the original due date, and will not be subject to late filing and late payment penalties or interest.

New hire reporting — Employers who are required to file and report newly hired employees for the period August 14, 2003 through August 22, 2003, may file and report such newly hired employee information on or before August 22, 2003. Employers who file these new hire reports by the extended filing deadline will be deemed to have filed their reports by the original due date(s) and will not be subject to the new hire reporting failure penalty.

New York State Corporation Taxes - Articles 9, 9-A, 13, 32, 33, and 33-A

Filing Corporate/Franchise Tax Returns – Taxpayers whose due date falls within the period August 14, 2003 through August 22, 2003, and which are unable to file by this date may file and pay any tax due on or before August 22, 2003. Such returns filed on or before August 22, 2003, will not be subject to any late filing or late payment penalties or interest for the period August 14, 2003 through August 22, 2003. A taxpayer who cannot meet the extended filing date of August 22, 2003, and who has not previously filed all allowable requests for extension and the due date for filing an allowable request for extension falls from August 14, 2003 through August 22, 2003, may file its request for extension on or before August 22, 2003. Extensions filed on or before August 22, 2003, will have the same effective date as if they had been filed on the original due date for that extension. The tax due on any return filed under such extension will not be subject to any late filing or late payment penalties or interest for the period August 14, 2003 through August 22, 2003.

Estimated tax payments -Taxpayers who cannot file their declarations of estimated tax or make installment payments of estimated tax required to be made on August 15, 2003, may file such declarations and make such installment payments on or before August 22, 2003. Such taxpayers who file the declaration and make any required installment payments on or before August 22, 2003, will be deemed to have filed such declarations and made such installment payments on the original due date and will not be subject to underpayment penalties.

Hazardous Waste Assessments - Section 27-0923 of the Environmental Conservation Law - Taxpayers who cannot meet filing deadlines for the period August 14, 2003 through August 22, 2003, may file and pay any tax due by August 22, 2003. The tax due on any return filed under such extension will not be subject to any late filing or late payment penalties or interest for the period August 14, 2003 through August 22, 2003.

Sales and Use Taxes - Articles 28 and 29 - Taxpayers whose reports or returns are due during the period August 14, 2003 through August 22, 2003, may file and pay any tax due on or before August 22, 2003. The tax due on any return filed under such extension will not be subject to any late filing or late payment penalties or interest for the period August 14, 2003 through August 22, 2003.

Alcoholic Beverage Tax, Cigarette Tax, Tobacco Products Tax, Gasoline Tax, Petroleum Business Tax and Highway Use Tax - Articles 18, 20, 12-A, 13-A, 21- Taxpayers whose returns or reports are due during the period August 14, 2003 through August 22, 2003, may file and pay any tax due on or before August 22, 2003. The tax due on any return filed under such extension will not be subject to any late filing or late payment penalties or interest for the period August 14, 2003 through August 22, 2003.

Fuel Use Tax (IFTA) - Article 21-A - Taxpayers whose returns or reports are due during the period August 14, 2003 through August 22, 2003, may file and pay any tax due on or before August 22, 2003. Interest will not be due on any fuel use tax due to New York State for the period from August 14, 2003 through August 22, 2003. However, interest may be due on tax due to other jurisdictions.

New York is in the process of contacting the other IFTA jurisdictions to get permission to waive any interest that may be due to them as a result of the late filing of a report. Upon their approval, New York will waive interest due to other jurisdictions. If the interest due on a late-filed report is waived by a jurisdiction, no interest will be imposed for the period August 14, 2003 through August 22, 2003.

Estate Tax - Article 26 - Taxpayers who cannot meet filing or paying deadlines for the period August 14, 2003 through August 22, 2003, may file or pay on or before August 22, 2003. The tax due on any return filed under such extension will not be subject to any late filing or late payment penalties or interest for the period August 14, 2003 through August 22, 2003. Taxpayers who cannot meet the extended due date of August 22, 2003, for filing and/or paying the estate tax may apply for an additional extension of time by filing Form ET-133, *Application for Extension of Time to File and/or Pay Estate Tax*, on or before August 22, 2003. The granting of an extension of time to file the estate tax return beyond this special extension does not further extend the time for payment of the estate tax. Any extension of time to pay the estate tax beyond August 22, 2003, will bear interest from August 22, 2003, to the date of payment. Interest at the appropriate underpayment rate must be paid on all payments received after the extended due date of August 22, 2003.

Real Estate Transfer Tax - Article 31 - Taxpayers who cannot meet filing and paying deadlines for the period August 14, 2003 through August 22, 2003, are required to file and pay on or before August 22, 2003. Taxpayers who file and pay their transfer tax by the extended due date will be deemed to have filed and made such payments on the original due date and will not be subject to penalties or interest.

Electronic Funds Transfer (PromptTax) Payments - PromptTax filers who wish to avail themselves of the special filing and payment provisions presented above should call the Helpline at 1 800 338-0054.

All Other Taxes - Abatements of penalties on all other late filings of returns or late payments not made by the date required by law and not covered by this announcement will be handled on a case-by-case basis.