

NEW GAINS TAX- FILING PROCEDURES FOR TRANSFERORS
PURSUANT TO COOPERATIVE AND CONDOMINIUM PLANS

This memorandum is to serve notice that the new Gains Tax filing procedures for transfers pursuant to cooperative and condominium plans will soon take effect.

The new forms and instructions have been sent to printing and will be available in the near future.

In conjunction with the implementation of the new filing procedures, the Department will establish standards for estimating the consideration to be received on all such cooperative and condominium plans. These standards will be called the "Safe Harbor Estimates."

A Technical Services Bureau Memorandum will be issued with the new forms and instructions to explain the Safe Harbor Estimates in more detail.

The new filing procedures will be required to be used for all new initial Gains Tax cooperative and condominium submissions filed after the date the procedures are implemented. The current Option A and Option B methods of paying the tax will be eliminated for all such new submissions. The new method of paying the tax will basically be a modified form of the current Option B.

A new Transferor Questionnaire, Form DTF-701, will be required to be filed as an initial submission and for project updates. From this form, the Department will determine the amount of tax due per unit, per share, per square foot or per one percent of common elements allocated to each unit using the method of apportionment elected by the transferor and will notify the transferor accordingly.

In addition to this new form, another new form, Schedule of Original Purchase Price, Form DTF-700, will be filed as part of the initial filing and project updates. This form contains a list of costs normally incurred and allowable in determining original purchase price. If more space is needed to claim additional costs, a Supplemental Worksheet for Schedule of Original Purchase Price, Form DTF-703, may be used.

After the transferor is notified by the Department of the apportioned amount of tax due, the transferor will be required to file a new Unit Submission Questionnaire, Form DTF-702. On this form the transferor will merely indicate the actual consideration to be paid for the unit by the transferee(s); the number of unit(s), shares, square footage, or percent of common elements allocated to the unit(s) to be transferred; the tax determined by the Department and the tax due on the unit(s) to be transferred.

The Transferee Questionnaire, Form TP-581, currently in use will remain the same and still be required to be filed for each unit.

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Real Property
Transfer Gains Tax
April 1, 1986

If you know of someone who is not on the Department's Gains Tax mailing list but should receive copies of these new forms and instructions when they become available, they may get them at the district office serving their area or by writing:

New York State Tax Department
Forms Control
W. A. Harriman Campus
Albany, New York 12227

They may also order new forms and instructions by calling 1-800-462-8100.