Office of Operations' 2023 Virtual Fall Conference

The Benefits of the Abandoned Property Law

Office of Unclaimed Funds



The Benefits of the Abandoned Property Law

Presenters

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Abandoned Property Law (APL)

- Enacted in 1943, describes abandoned property and holders of unclaimed funds
- Establishes the Comptroller as "custodian" of unclaimed funds
- Serves to safeguard lost or forgotten assets belonging to New York
 State residents
- Directs holders in the proper reporting of property deemed as abandoned or unclaimed
- Used for the benefit of the citizens of New York State until they are claimed



Core Functions Under the Abandoned Property Law

- Pay abandoned property claims \$406 million last FY
- Process reports of abandoned property from holders over 15,000 holders
- Ensure compliance with the Transferred \$711 million turned over to the State's general fund



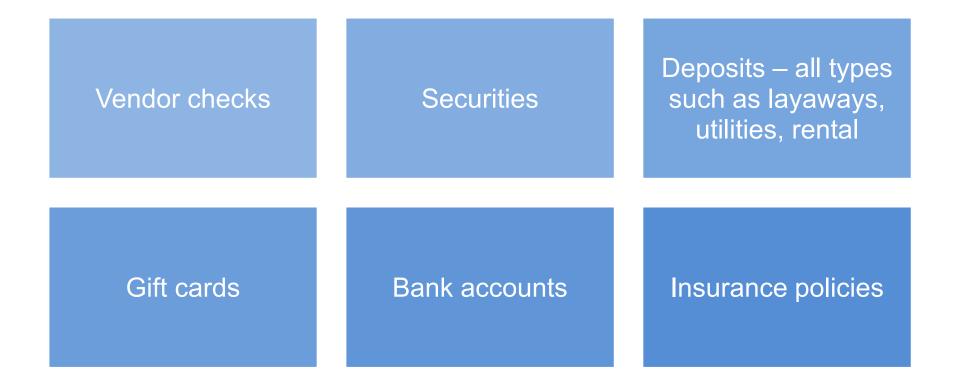


Key Services Under the Abandoned Property Law

- Raise public awareness about unclaimed property matters
- Provide guidance and expertise to holders
- Provide holders with filing options that facilitate the process
- Create and maintain a database of owners
- Seek out and return funds to rightful owners



Common Property Types Reported Under the Abandoned Property Law





The Benefits of the Abandoned Property Law

Who benefits from unclaimed property laws?

- Owners and citizens benefit!
 - Protection for the payee State has custody of the property but not ownership
 - State provides a central location for owners to search for their lost assets
 - There is no time limit for claims
 - State maintains the records indefinitely
 - The liability is transferred to the State
 - State has use of the funds for the benefit of all citizens



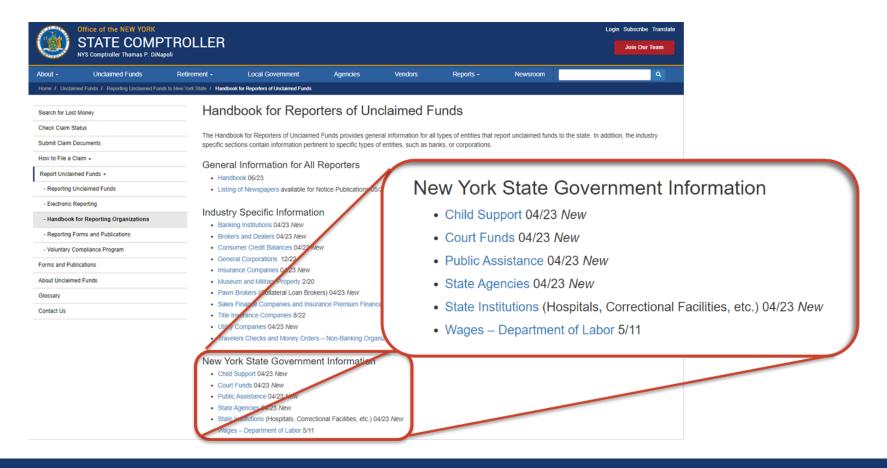


The Benefits of the Abandoned Property Law Section 1404 Liability Relief

- State assumes the care and custody of reported abandoned property
- Any person or entity delivering such property will be relieved and held harmless from any liability for claims

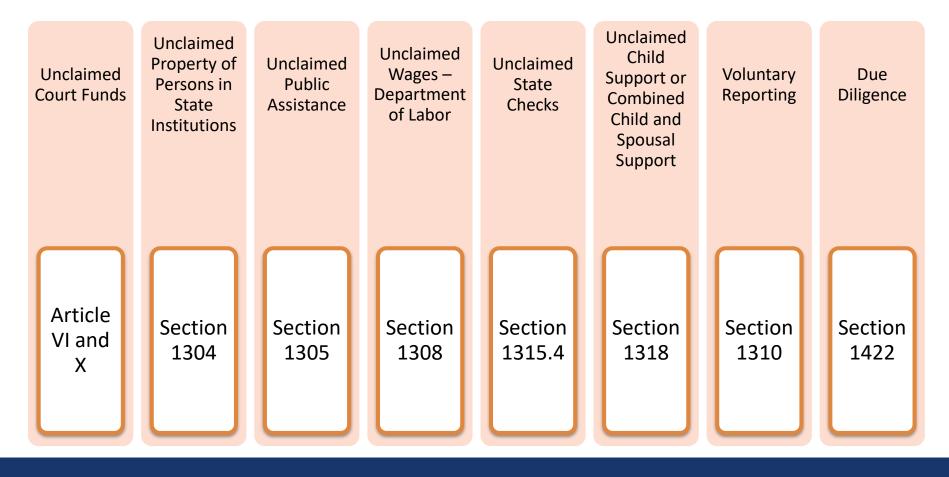


The Handbooks for Reporters of Unclaimed Funds





Unclaimed Funds Related to New York State Government





State Checks Process Flow Chart





Unclaimed Spousal and Child Support APL Section 1318 and SSL Section 111-h

Any amount representing support paid to a support collection unit (SCU) established by Social Services Law (SSL) §111-h shall be deemed abandoned property pursuant to subdivisions 5 and 6.

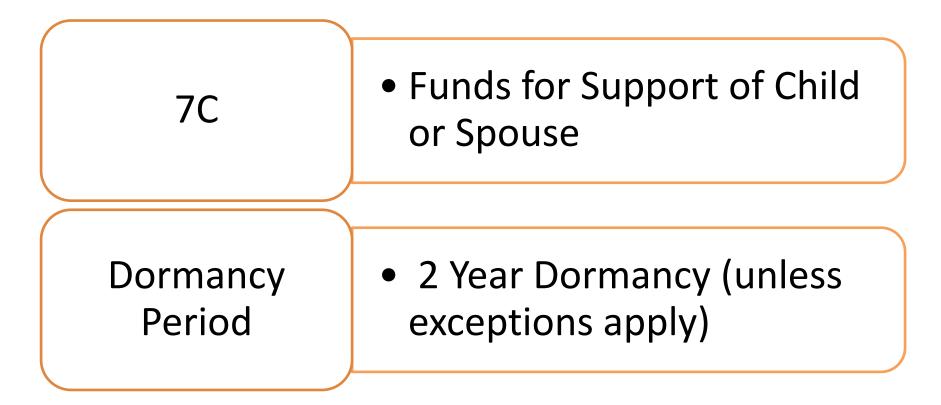
Who Reports Court Funds Under Section 1318?

Social Services Districts

•Support Collection Units (SCU)



Unclaimed Spousal and Child Support APL Section 1318 and SSL Section 111-h Properties Reported





SSL §111-h Support Collection Unit SCUs are responsible for annual transfers of undisbursed funds to the State Comptroller

Funds <u>with</u> Identifying Information

Two years of diligent efforts are required to locate the individual entitled to undisbursed funds.

Funds owed to deceased individuals

Where the funds are owed to an individual who is deceased and an estate cannot be located or the estate does not claim the funds, there is no requirement to wait two years before transferring the funds.

Funds <u>without</u> Identifying Information

If you can't attribute the funds to a specific account and such information cannot be determined, funds may be paid to the State Comptroller without performing two years of diligent efforts.





Unclaimed Spousal and Child Support APL Section 1318 and SSL Section 111-h

Important Dates



January 1 Cut-off Date



January 10 First Class Mailing Completed

	T	

February 10

Certified Mailing Completed

	~ —
	~ —
	~ —
	~ —
F.	

April 10

Final Report Details, Remittance and Verification and Checklist Due





Unclaimed Court Funds – <u>Article VI</u>

Monies paid into court, including the proceeds from the sale of tangible personal property and securities or other intangible property Monetary proceeds representing any legacy or distributive share due to an unknown person as specified in Section 2222 of the Surrogate Court Procedure Act

Who Reports Court Funds Under Article VI?

- •County Treasurer
- •Commissioner of Finance (New York City only)
- Each court individually:
 - –Surrogate's Court
 - –Family Court
 - -Supreme Court
 - -County Court
 - -District Court



Condemnation Awards – <u>Article X</u>

Monies held or owing for the payment of an award by a court in any condemnation proceeding

Who Reports Court Funds Under Article X?

 Payable by a public corporation or other corporation possessing powers of condemnation



Court Funds Articles VI and X

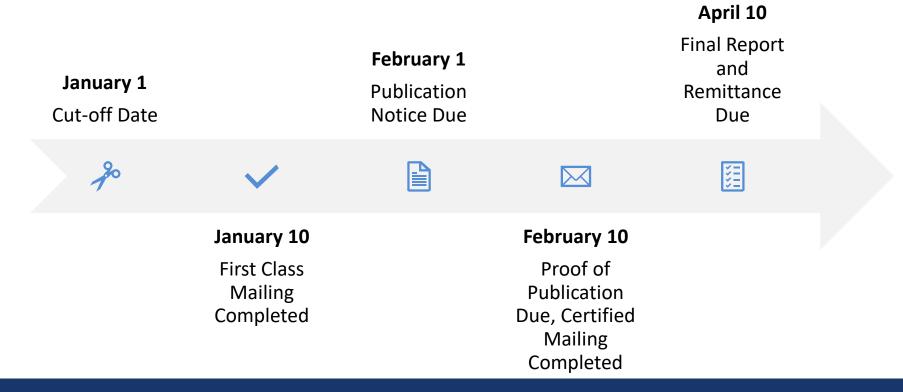
Properties Reported Under Article VI

Properties Reported Under Article X

7A	• Trust Funds	7D	 Condemnation
7B	 Bail Funds (exonerated only) 		Awards
7X – Other	 Other miscellaneous items 	Dormancy	 3 years after confirmation by
Dormancy Period	 3 years from the date of receipt 	Donnancy	the court

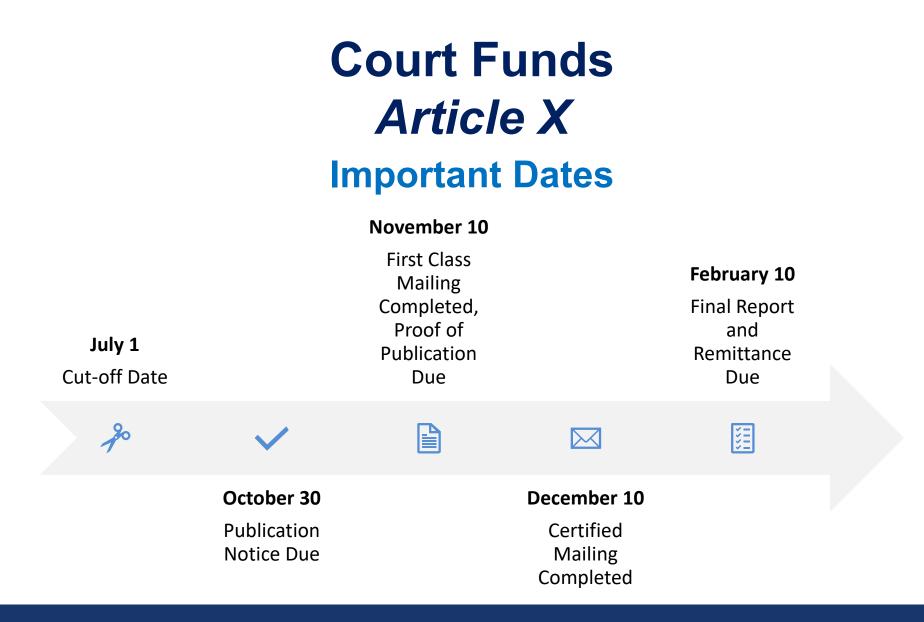


Court Funds Article VI Important Dates











Court Funds Publication Requirement *Articles VI and X* Notes Exceptions

- Check Section 601 or 1002 of the Law
 for exact requirements
- Publication of notice due February 1 and October 10
- File proof by affidavit to the Comptroller on or before February 10 and November 10
- Pro rata costs may be deducted from account value

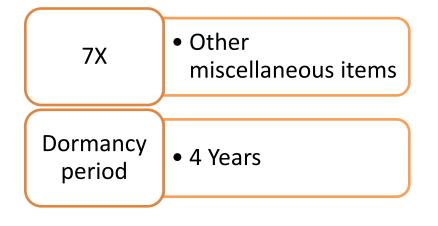
- Name or address is unknown or outside the United States
- Under \$50
- Special circumstances such as celebrities, corporations, or if the publication may impose harm to the owner
- Total amount to be published in newspaper is under a threshold (2 NYCRR 117.1(a))





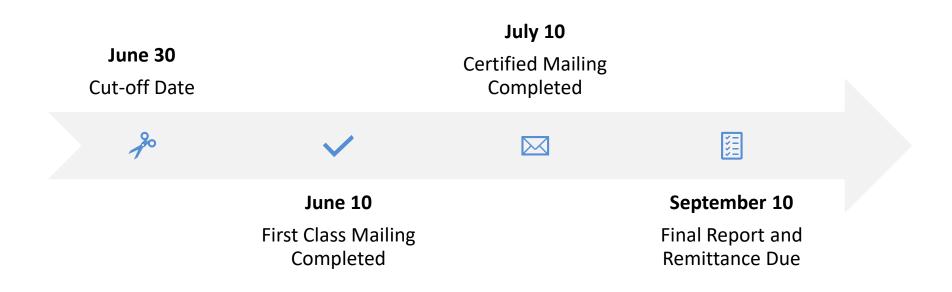
Public Assistance – <u>Section 1305</u>

§152-b of New York's Social Services Law provides that any surplus funds remaining after the recovery of cost for public assistance and care shall be credited to the estate or person entitled to the funds.





Public Assistance Section 1305 Important Dates

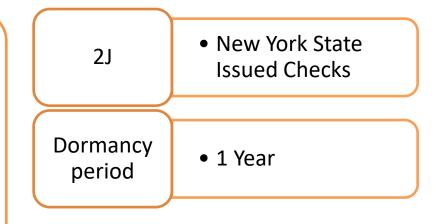






Uncashed Checks Issued by State Agencies – <u>Section 1315.4</u>

Any amount representing an unpaid check or draft issued by the State of New York remaining unpaid after 1 year from the issue date, or a debit or payment card issued on behalf of the State of New York for the purpose of paying a tax refund, which has not been activated for 1 year from the date of issuance in accordance with Section 102 of the State Finance Law shall be deemed abandoned property and shall be paid to the State Comptroller.



Guide to Financial Operations, Chapter XIV, Section 1 – Outstanding Check Outreach and Escheatment



Unclaimed Lottery Prizes <u>APL Section 1315.3</u> and TAX Section 1614(b)

Article 34, §1614(b) of New York State's Tax Law provides that the Division of Lottery may determine a prize has been abandoned when:

18 months has elapsed since the issuance of the prize check; and

The check either:

 ✓ has been returned by the US Postal Service as undeliverable and claimant can't be located, or

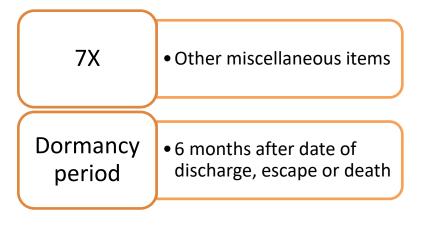
✓ has yet to be presented for payment.





Persons in Certain State Institutions Section 1304

Unclaimed property subject to §1304 of the APL includes any properly inventoried monies or intangible personal property and the proceeds from the sale of tangible personal property remaining upon the discharge, escape or death of a formerly institutionalized person in certain state institutions. The necessary reporting and payment activities are to be completed in accordance with the stipulations set forth in §128 of New York's State Finance Law.







State Institutions APL Section 1304 and SFL Section 128 Important Dates



Final Report and Remittance Due 6 Months After Date of Discharge, Escape or Death

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90 days before report

First Class Mailing Completed

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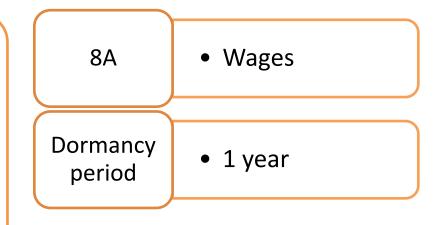
60 days before report

Certified Mailing Completed



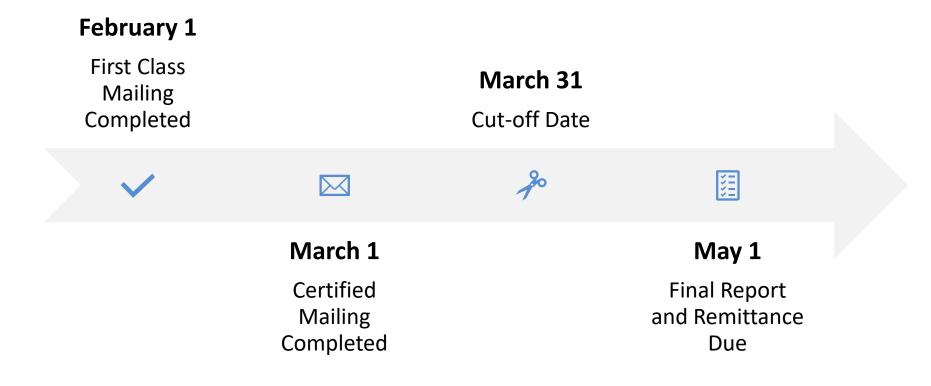
Department of Labor – Wages <u>Section 1308</u>

Includes any monies that are held and owing by the Department of Labor (DOL), received from or for the account of an employer as compensation for services performed by employees or former employees of said employer





Department of Labor Wages Section 1308 Important Dates







Voluntary Disposition of Miscellaneous Property not Otherwise Subject to the APL Section 1310

Provides that: Any person or entity who holds any intangible personal property, including the proceeds of a sale of tangible property, which is not otherwise subject to the provisions of the APL or any other law regarding the disposition of unclaimed property belonging to any other person, and which has remained unclaimed for a period of two years by the person or persons appearing to be entitled to receive such property, may request in writing, that the Comptroller consent to receive payment or delivery of such property.



Voluntary Disposition of Miscellaneous Property not Otherwise Subject to the APL

Who May Report Under Section 1310?

- Cities
- Villages
- Schools
- Fire Departments
- Many more

When Does This Apply?

- Person or entity holds intangible personal property
- Not otherwise subject to the provisions of the APL or any other law regarding unclaimed property
- Remained unclaimed for two years

What Action Can Be Taken?

- Holder may request in writing that the Comptroller consent to receive payment or delivery of such property.
- Email or letter accepted: <u>NYSRPU@osc.ny.gov</u>
- See regulations for request requirements at 2 NYCRR §124.2
- No applicable Calendar of Events deadlines



Checks Issued by State Agencies

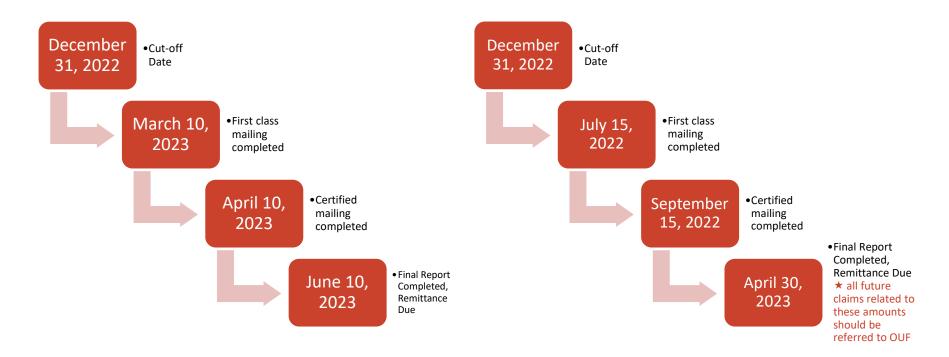
- General Checking Account Treasury and OSC
 - Signed by the Commissioner of Taxation and Finance and the Comptroller
 - o Vendor Checks
 - o SSI-SSP (Supplemental Security Income-State Supplemental Payments) Checks
 - o State Payroll Checks
- Comptroller's Refund Account OSC
 - Signed by the Comptroller only
 - \circ Refund Checks
- Agency Held Accounts (non-SFS) Agency
 - Signed by Agency Head
 - \circ Petty Cash



Uncashed State Checks Reporting Timeline

Statutory – on or before:

Process in practice for uncashed checks issued from SFS – on or before:





Overview of Uncashed State Checks Reporting Process

Track check status

- Uncashed 1 year from original issue date as of December 31
- Example: Check issued June 1, 2022, is reportable June 10, 2024

Conduct outreach

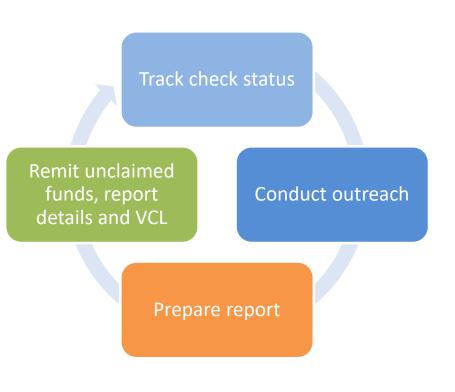
- Notice by first class mail (at least 90 days before report due date)
- Notice by certified mail (in excess of \$1,000, at least 60 days before report due date)
- Track responses and re-issuance
- Mark returned mail

Prepare report

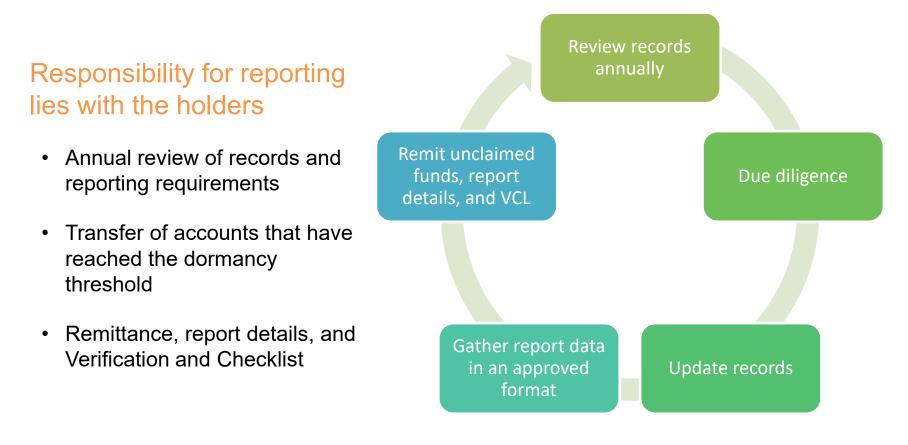
- Owner details (payee name, address)
- Account details (check amount, date)
 - Refer to Guide to Financial Operations, Chapter XII, Section 6.D.2 – Paying a Single Payment Vendor

Submit report and remittance



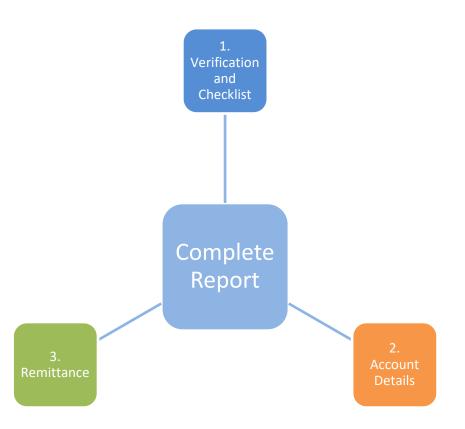


Overview of Unclaimed Funds Reporting Process





Three Parts of a Complete Report





Three Parts of a Complete Report: Verification and Checklist (VCL)

- A summary of the report details and remittance
 - E-VCL online submission
 - Reports submitted via Secure File Upload do not require a paper VCL
 - If submitting paper VCL (Form AC2709)
 - An officer of the reporting organization must sign the VCL



• The signing officer must have the authority to attest to the fact the report is true, and complete to the best of their knowledge



Three Parts of a Complete Report: Verification and Checklist (VCL) (Cont'd)

- Each report must have its own VCL
 - Use E-VCL for Secure File Uploaded reports, no paper needed
 - Use paper VCL for reports not submitted online
- A VCL includes:
 - Organization Name
 - Federal Employer ID Number
 - Contact Name
 - Signature
 - Property Types
 - Summary Totals





Three Parts of a Complete Report: Owner and Property Details

- Providing good data in both the "owner information" and "property description" parts of the record:
 - facilitates the processing of your report,
 - increases the likelihood of locating owners, and
 - significantly eases and expedites the claim process for a claimant







Guide to Financial Operations (GFO) Chapter X, Section 3.A.1 and Chapter XII, Section 6.D.2

Agencies should enter the Vendor Name in SFS on the voucher or vendor file using the following standard formats:

- Use CAPITAL LETTERS for the entity's legal name.
- Do not enter a Doing Business As (DBA) name.
- Use First Name Middle Initial Last Name format for individuals and use a space between each.

example: JOHN J SMITH

• Do not use any punctuation or special characters except when "&" is part of the entity's legal name.

example: PETERSON BACHMAN & CAREY LLC

example: IBM INC

• If the entity's legal name contains initials, enter the initials with no spaces or punctuation in between the initials

- Compress last names that contain a. space example: Enter DE BONIS as DEBONIS
- Replace hyphens with a space

example: Enter WATSON-ERRICK as WATSON ERRICK

- Never include prefix titles for individuals, such as Dr., Ms., Mr., etc.
- Only use "THE" if it is part of the entity's legal name, except when it is the first word of the legal entity name.

example: SAVE THE CHILDREN, or THE BELL GROUP as BELL GROUP

Aggregate Reporting Section 1419 Owner and Property Details

Provides that: the holder of property which must be reported and delivered to the State Comptroller as abandoned property need not specify the name, address or other information identifying the owner of any such property amounting to \$20 or less in the report provided to the State Comptroller when such property is delivered to the State Comptroller, and shall instead report abandoned property in amounts of \$20 or less in the aggregate; provided, however, that the foregoing provision shall not be construed to relieve any holder of abandoned property from its responsibility to deliver all abandoned property, in any amount, to the State Comptroller.



Aggregate Reporting

★ Aggregate Reporting – OTDA ★

- Annual report of claimed items
- OUF does not permit aggregate reporting for items received pursuant to APL 1318
- Truly unknown when the unit wants to use aggregate reporting, obtain OTDA approval prior to reporting
- Contact:
 - Tiffany Gardner at <u>Tiffany.Gardner@OTDA.ny.gov</u>



Three Parts of a Complete Report Remittance

- Electronic Funds Transfer (Instructions)
- Remittance by check made to the New York State Comptroller, Mail to:

New York State Comptroller Office of Unclaimed Funds Attn: Remittance Control Unit – 2nd Floor 110 State Street Albany, NY 12236







Extensions Section 1412

If you are unable to comply with any reporting requirement in a timely manner, you may request an extension of time to complete the activity and the Comptroller may, but is not required to, grant an extension.



Extensions

- Requests should:
 - Contain the reason for the request
 - Contain an estimated time frame for completion of the activity
 - Be submitted at least 30 days in advance of the final report due date

- Send a remittance of:
 - 75% of the total estimated amount due, or
 - 75% of last year's filing by original deadline

Extension Request





Three Parts of a Complete Report Summary





Definition

 Required effort by the company to contact the rightful owner of unclaimed funds before it is sent to the State



Definition

 Reaching out to apparent owners of unclaimed funds

Why?

- Makes the payee whole
- Minimizes poor customer service
- Maintains goodwill
- It's the law!



Dormancy Period

Definition

- A specified period in which the property owner does not act on their property
- Also known as the abandonment period

• The duration of dormancy periods varies depending upon the property type.







When Does the Dormancy Period Begin?

- Dormancy begins on the date of last activity by the owner
- Notification of death of the payee is confirmed
 - No activity generated by the payee
 - Payee has not indicated an interest in the funds



Due Diligence Activity that Resets the Dormancy Period

- Written communication
- Electronic contact
- Other indication of interest



Due Diligence What is NOT considered activity?

- Notices mailed to the payee not returned as undeliverable (RPO)
- Multiple payments with newer issue dates each check stands on its own



Due Diligence Due Diligence Requirement

- Abandoned Property Law §1422 requires:
 - Notice by first class mail (at least 90 days before report due date)
 - Notice by certified mail (funds in excess of \$1,000, at least 60 days before report due date)
 - Exceptions include known bad addresses, new contact from the owner and known privacy issues
 - In some industries, holders are required to publish in newspapers based on what property types are unclaimed



Content

- Inform about property, pending dormancy and reporting to the State
- How to claim or re-establish an account
- Provide a deadline
- Provide contact information to claim or ask questions
- Provide contact information for claiming funds from the State later

Tips

- \rightarrow Make it easy to understand and the purpose obvious and clear
- → Use words on the envelope like: "Action Needed" or "Response Required"
- \rightarrow Allow time for a response
- → Provide multiple ways to contact for information or questions
- → Indicate what will happen if the response is not received



Due Diligence Due Diligence Checklist

• Verify the owner:

 \square does not have multiple uncashed checks

 \square has not written concerning the check

 \square has not indicated an interest in the check



Due Diligence Best Practices

- Research outstanding items
- Make address change forms available update systems promptly
- Communicate with OWNERS



eLearning Videos and Resources Due Diligence

eLearning Videos and Resources

The videos here provide explanation and guidance on reporting procedures. Check back often for new videos and links to resources. If there are additional topics that would be useful to you, submit those ideas to NYSVCU@osc.ny.gov.



Resources from this Video

- Due Diligence
- NYS Abandoned Property Law
- · Industry Handbooks
- Glossary
- U.S. Securities and Exchange Commission
- Contact Reports Processing Unit at NYSRPU@osc.ny.gov





Due Diligence What Do I Do?

- Answer: It depends.
 - NYS Tax Department and OSC perform outreach and reporting for checks written from SFS and State Payroll
 - Agencies are responsible for outreach and reporting for any checks written from agency sole custody accounts
 - Agencies must perform check re-issuance requests as a part of the outreach process for checks issued out of SFS and Payroll checks



What Do I Do? Answer: It depends.

Outreach	
Checks Issued from SFS and Payroll	Sole Custody Checks
 NYS Tax Department and OSC perform outreach and reporting for checks written out of SFS and State Payroll. 	 Agencies are responsible for outreach and reporting for any checks written from agency sole custody accounts.
Agencies submit check reissuance requests as part of outreach.	



Outreach Process for Uncashed State Checks

- OSC performs the outreach for refunds issued out of the Comptroller's Refund Account and for payroll checks
- The NYS Tax Department Treasury performs the outreach for Vendor, Employee Expense and SSI/SSP checks issued out of the General Checking account
- Originating agencies are the point of contact for the payee to request reissuance for checks issued out of SFS (Vendor, Employee Expense, SSI-SSP and Comptroller's Refund checks)
- Outreach letters for uncashed checks issued in 2022 were mailed in July 2023 and again in September 2023 and will be escheated to OUF on or before June 10, 2024, according to the APL; however, in practice checks will be escheated by April 30, 2024

See also: Operational Advisory Numbers 8 and 9 and State Agencies Bulletin Number 1858.1



	STATE OF NEW YORK			
	NOTIFICATION AND CLAIM TO OWNER OF UNCASHED NEW YORK STATE CHE	ECK(S) July 14, 2021		
N	Corrected Ac	ldress:		
	TEST PAYEE NAME 1 - "A" WARRANT XXXXXXXXXXXXXXXXXXXXXXXXXX TEST PAYEE NAME 2 - OVER \$1000 XXXXXXXXXXXXXXXXXXXXXXXXXX TEST ADDRESS 1 XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX			
	TEST ADDRESS 2 XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX			
	Payee:			
	Our records indicate the below referenced check(s) were issued by New York State to the payee noted ab cashed. If you have these check(s) in your possession, please cash them immediately, no later than April			
	If you do not have these check(s) in your possession, complete steps 1 through 5 to request replac steps are not completed, replacement checks may not be issued. Return this entire letter by <u>Augus</u>	ement check(s). If all at 20, 2021.		
	1. Is your address correct?YESNO If no, correct your address above.			
	Put an 'X' to the left of each payment for which you, or someone for whom you are authorized to make or entitled and would like a replacement check issued.	laim on behalf of, are		
	Check # Issue Date Amount Check # Issue Date	Amount		



- 3. Are you authorized and claiming these payment(s) on behalf of someone other than yourself? ___YES ___NO IMPORTANT NOTE: If you are claiming on behalf of someone who is deceased, you must enclose an original copy of the death certificate.
- 4. Sign the below attestation:

issuance of replacement checks payable as originally drawn, if I/we have no original checks should the original checks at any time hereafter come into m agree to reimburse the State of New York for any loss or damage by reason	of my knowledge the above described checks were not received or cashed by me. In consideration of the replacement checks payable as originally drawn, if I/we have not done so already, I/we agree to destroy the cks should the original checks at any time hereafter come into my/our possession or control, and I/we further mburse the State of New York for any loss or damage by reason of the issuance of the replacements check for cation is made herein. I/We hereby affirm the above to be true under the penalties of perjury.		
Signature of Payee(s) or Representative	Date		
Return this ENTIRE letter to: New York Statewide BU NYS-OSC OSC Payroll Deductions Maildrop 8-2 110 State Street Albany NY 12236 518/474-4042			
you are unable to contact the Agency using the information above, pleas	e contact the SFS Helpdesk at 1-855-233-83		

If these check(s) are not cashed, they will be considered abandoned property and shall be turned over to the Office of Unclaimed Funds at the Office of the State Comptroller. After April 30, 2022, you must contact the Office of Unclaimed Funds http://www.osc.state.ny.us/ouf/index.htm to claim these funds. NYS01 A 5000001



Replacement Checks

General Checking – Vendor, Employee Expense ("A" Checks) and SSI-SSP Checks (SSP Checks)

The process for replacing checks via outreach letter requests will be consistent with the current SFS check replacement procedures. Signed outreach letters that are returned will serve as authorization for reissuance of a check to the payee.



If a payee returns a form indicating an address change, the address must be updated in SFS prior to submitting the outreach letter or TD346 Form to Treasury.

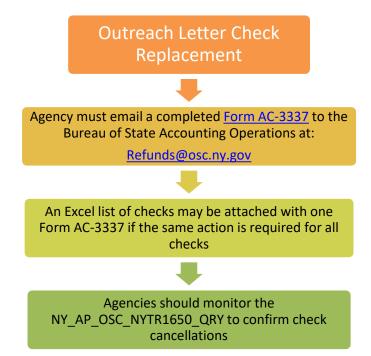


New York State Comptroller THOMAS P. DINAPOLI



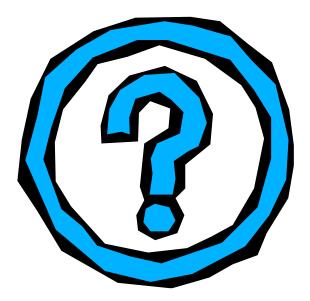
Replacement Checks Comptroller's Refund Account – "P" Checks

The process for replacing checks via outreach letter requests will be consistent with the current SFS check replacement procedures.





Questions





New York State Comptroller THOMAS P. DINAPOLI

Contact Us

 Email for Reports and Voluntary Reporting: Online Form

- <u>NYSRPU@osc.ny.gov</u>



Resources

Office of Unclaimed Funds

- Office of Unclaimed Funds website
- Handbook for New York State Government Agencies
 - Child Support
 - Court Funds
 - Public Assistance
 - State Agencies
 - <u>State Institutions</u>
 - Unclaimed Wages
- Electronic Reporting
- <u>eLearning</u>



Resources

Guide to Financial Operations

- Chapter X, Section 3.A.1 Online Vendor Add Portal
- <u>Chapter XII, Section 6.D.2 Paying a Single Payment Vendor</u>
- <u>Chapter XII, Section 9.C Reissuing or Cancelling a Vendor, Employee or SSI/SSP</u>
 <u>Check</u>
 - Reissuing or Cancelling a Vendor, Employee Expense, or SSI/SSP Check Flowchart
- <u>Chapter XII, Section 9.G Reissuing or Cancelling a Refund Check</u>
- <u>Chapter XIV, Section 1 Outstanding Check Outreach and Escheatment</u>
- Chapter XV, Section 10 Uncashed Checks



Resources

Operational Advisories, Payroll Bulletins and Forms

- Payroll Bulletin Number 1684 New Form to Stop and Reissue a New York State
 Payroll Check
- Payroll Bulletin Number 1858.1
- <u>2020 Operational Advisory State Check Outreach</u>
- 2020 Operational Advisory Current Year Escheatment
- Form TD-346 Request for Stop Payment, Replacement Check, Photocopy of Check or Forgery Affidavit (General Checking)
- Form AC-3340 Request for Payroll Check Stop Payment Form (Payroll Checks)
- Form AC-3337 Request for Stop Payment, Check Reissue, Check Copy or Forgery Claim for the Comptroller's Refund Account (P and W Checks)

