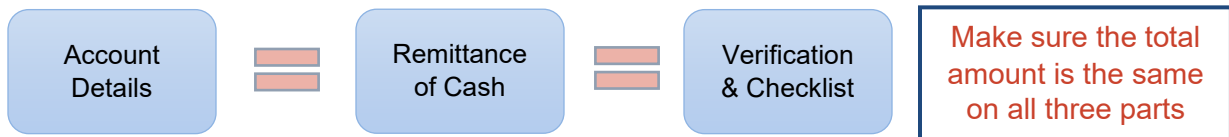


## Unclaimed Property Relating to State Institutions – Reference Sheet

Schedule of Events for APL Section 1304	
90 Days Prior to Report and Remittance	First class mailing completed
60 Days Prior to Report and Remittance	Certified mailing completed
6 Months After Discharge, Escape or Death	Final report, including owner details, remittance, and Verification and Checklist is received in our office

**How to Report** - Include the following when reporting:

1. Account details of the funds you are transferring in an approved format.
2. Remittance of cash.
3. Verification and Checklist (Electronic VCL or Form AC2709).



Visit our website at: [osc.ny.gov/unclaimed-funds/reporters](https://osc.ny.gov/unclaimed-funds/reporters) for more details including forms and contact information.

### Applicable Property Types

NAUPA II Property Type	Property Type Description	Dormancy Period
CT21	Other	6 months (see below)
ZZZZ	Late filing interest	

## Unclaimed Property Relating to State Institutions

---

This document is supplemental to the [Handbook for Reporters of Unclaimed Funds](#) and contains information which corresponds to §1304 of New York's Abandoned Property Law (APL). For more information, refer to [§1304](#) of the statute.

This document includes the following sections:

<a href="#">Unclaimed Property</a>	3
<a href="#">Statutory Considerations in Addition to §1304</a>	3
<a href="#">Mailing Requirements</a>	3
<a href="#">Remittance</a>	4
<a href="#">Schedule of Events</a>	4

## Unclaimed Property

---

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. 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.

## Statutory Considerations in Addition to Section 1304

---

### Due Diligence

#### *APL § 1422*

The APL requires that, at least 90 days prior to submitting its final report, the holder send a notice by first-class mail to each owner whose name is expected to appear on that report unless the address for the owner is unknown or the holder can demonstrate that the address it maintains for the owner is not the owner's current address.

In addition, at least 60 days prior to submitting its final report, the holder must send a notice by certified mail (return receipt requested) to each owner whose name is expected to appear on that report with abandoned property valued in excess of \$1,000 unless contact with the owner has been established, the first class mailing was returned as undeliverable, or the mailing address is outside the United States.

### Electronic Contact

#### [2 NYCRR § 125.1](#)

Certain types of electronic contact can be used to satisfy the written communication requirements in the APL to prevent the property from being deemed abandoned. This includes email communication from the entitled owner of the property that matches the registered email address on record with the holder or a verifiable login by the owner using a website or mobile application made available by the holder.

### Section 128 of New York's Finance Law

New York's Finance Law provides guidance in the proper handling of the belongings of discharged, escaped or deceased persons who previously resided in state institutions. This provision of the Finance Law works in conjunction with §1304 of the APL, setting forth the requirements for reporting under this heading.

## Mailing Requirements

---

### First-class and Certified Mailings

Section 1422 of the APL requires that all organizations do the following:

- At least 90 days prior to their final report/remittance date, send a notice by first-class mail to each owner whose name is expected to appear in that report, unless:
  - The owner's address is unknown,
  - The holder can demonstrate that the address it maintains for the owner is not the owner's current address, or
    - Note – if you use an address validation service and find a new address for the owner, you may send the mailing to the new address, but you should not change the original address on your report or books and records.
  - The items you are reporting are valued at \$20 or less and you are reporting them in the aggregate, in which case the owner's name will not appear in the report, therefore you are not required to mail a notice.

And

- At least 60 days prior to their final report/remittance date, send a notice by certified mail, return receipt requested, to each owner whose name is expected to appear in that report with abandoned property valued in excess of \$1,000, unless:
  - Owner has established contact,
  - The first-class mailing returned as undeliverable, or
  - The last known address is outside of the United States.

## Costs

You may deduct the mailing costs for certified mail. Deduct such charges from each item for which you are mailing the notice, or one item if you are rolling similar items for a specific owner into one item. You may not make a bulk deduction against the final remittance. You cannot offset the costs for completing the first-class mailing requirements.

## Multiple Items

Where feasible, if you are reporting more than one item for the same owner, one letter should address all the items you are reporting.

## Multiple Owners

For cases in which multiple owners of an item have different addresses, you must send a notice to each owner. You may deduct the additional costs of mailing a certified notice to more than one address.

## Remittance

---

Submit your remittance at the time you file a report. The remittance should be equal to the sum of the values of the accounts you are reporting to the Office of the State Comptroller. Pay your remittance by ACH debit, electronic transfer or check.

### ACH Debit

If a [file upload or Manual Online Report](#) was completed, pay electronically with [ACH Debit](#) after uploading your file or by using this link.

### Electronic Funds Transfer

Electronic funds transfer alternatives are available to make payment of the amount due for your report of abandoned property. Find instructions including the account and routing number information in the [Electronic Funds Transfer Instructions](#).

### Checks

Make checks payable to Comptroller, State of New York. You should mail it to the following address:

New York State Office of the State Comptroller  
Office of Unclaimed Funds  
Remittance Control, 2<sup>nd</sup> Floor  
110 State Street  
Albany, NY 12236

Include the letters 'OUF' and the holder organization's FEIN in the memo and advice areas of your check if you send your report account details using one of our electronic reporting methods. This will help us apply your funds correctly.

In accordance with OUF's internal control procedures, send all payments to the above address. Do not send any checks to our New York City office.

## Schedule of Events

---

### 90 Days Prior to Report and Remittance

By this date:

- Send a notice by first-class mail to each person or entity whose name appears on your report of abandoned property and request a signed written statement from the owner that acknowledges the property's existence. This requirement does not apply to those accounts that meet the exclusionary provisions of §1422.
- Advise and educate internal staff about the due diligence notices for effective processing when the rightful owner contacts your organization.
- Reactivate all accounts of owners who respond to the notice or otherwise establish contact. Do not include these accounts in your report.

## 60 Days Prior to Report and Remittance

By this date:

- If an owner has not responded to the first-class mailing, or if the first-class mailing was not returned as undeliverable and the value of all unclaimed funds held for the owner exceeds \$1,000, you are required to send a second notification via certified mail, return receipt requested, if the address for the owner is within the United States.
  - You may charge the cost of the certified mailing against the property's value.
- Reactivate all accounts of owners who respond to the mailing. Do not include these accounts in your report.
  - Note: we consider a return receipt to be customer contact if the receipt bears the signature of the account owner. Verify return receipt signatures against the other signature records you may have for the owner.

The law states that unclaimed property belonging or credited to a discharged, deceased, or escaped person previously in an institution under the jurisdiction of the Department of Social Services, the Department of Health, the Department of Mental Hygiene, the Executive Department or the Department of Correctional Services is abandoned property, if unclaimed by the person or the person's legal representative for six months after the discharge, escape or death of such person.

You need to review your records and collect data related to any account/item that may be dormant and subject to reporting.

## 6 Months After Discharge, Escape or Death

- Compile the data in one of our reporting formats, so that you may submit it as your final report.
- Finalize the report.
- Arrange for payment.
- Submit the report, payment, and a Verification and Checklist.