CT-45
(8/96)

New York State Department of Taxation and Finance

Claim for Eligible Business Facility Tax Credit

Tax Law — Articles 9-A, 32 and 33

Calendar year filers enter tax year:

Other filers enter tax period:

beginning

ending

Name	Employer identification number	File number

Please read instructions on back.

File Form CT-45 with your franchise tax return (Form CT-3, CT-32 or CT-33).

Attach copy of Form CT-45.1, *Certificate of Eligibility.*

Computation of Tax Credit

1 Value of eligible property (*from Form CT-45.1*)		**1**	
Average value of New York property:			
2 Real property owned	**2**		
3 Real property rented	**3**		
4 Tangible personal property owned	**4**		
5 Tangible personal property rented	**5**		
6 Total (*add lines 2 through 5*)		**6**	
7 Percentage of eligible property (*divide line 1 by line 6*)		**7**	%
8 Amount of eligible wages (except general executive officers)(*from Form CT-45.1*)	**8**		
9 Wages, salaries and other compensation paid to New York employees (except general executive officers)	**9**		
10 Percentage of eligible wages (*divide line 8 by line 9*)		**10**	%
11 Add lines 7 and 10		**11**	%
12 Tax credit percentage (*see instructions*)		**12**	%
13 Tax before credit or state tax surcharge (*from Form CT-3, CT-32, or CT-33*)		**13**	
14 Tax credit (*multiply line 13 by line 12 and enter the results on the tax credit line of your franchise tax return*)		**14**	●

- Please see instructions on back -

Instructions

General Information

The eligible business facility tax credit is allowed only for taxable years beginning before January 1, 2000.

If you are a calendar year filer, enter the tax year for which you are completing this form in the box for calendar year filers located in the upper right corner.

If you are a fiscal year filer, complete the beginning and ending tax period boxes in the upper right corner.

A credit against the tax imposed by Articles 9-A, 32 and 33 is allowed to any corporation owning or operating an eligible facility that has received initial approval of an application for a *Certificate of Eligibility* (Form CT-45.1) from the Job Incentive Board.

The Commissioner of Taxation and Finance is empowered to issue, renew, extend, revoke or modify the *Certificate of Eligibility* upon review of Form CT-45.2, *Affidavit of Compliance*, filed by the taxpayer.

Address your questions about this program to:

NYS TAX DEPARTMENT
CORPORATION TAX BUREAU
BUILDING 9 ROOM 408
W A HARRIMAN CAMPUS
ALBANY NY 12227

The total credits allowed may not exceed the total original cost of the eligible investment as shown on the *Certificate of Eligibility*.

The tax credit may not reduce the tax to less than the following:

– Article 9-A — The higher of the tax on minimum taxable income or the fixed dollar minimum tax, plus the state tax surcharge.

– Articles 32 and 33 — The minimum tax of $250 plus the state tax surcharge.

If a *Certificate of Eligibility* is revoked or modified, the taxpayer must report the revocation or modification in its tax return for the year in which the revocation or modification occurs. Any additional tax resulting from the recomputation of the tax credit may be assessed within three years after the filing of the tax return.

Corporations taxable under Article 9-A may elect under Tax Law section 210.12(f) to claim an investment tax credit in place of the eligible business facility tax credit by filing Form CT-46, *Claim for Investment Tax Credit and Employment Incentive Credit*.

Computation of Tax Credit

Line 1 — Enter value of eligible property shown on your *Certificate of Eligibility*.

Line 2 — Enter the average book value of your real property owned within New York State.

Line 3 — Enter the value of rented real property located within New York State. The value of the rented property is computed at eight times the net annual rental rate (the annual rental rate less any annual rate received from subrentals).

Line 4 — Enter the average book value of your tangible personal property located within New York State. For periods beginning after July 1, 1976, do not include inventory as part of tangible personal property (Chapter 924, Laws of 1976, amending Article 9-A, section 210.11(b)(1)).

Line 5 — Enter the value of rented tangible personal property located within New York State. The value of the rented tangible personal property is computed at eight times the net annual rental rate (the annual rental rate less any annual rate received from subrentals).

Line 7 — Determine the percentage of eligible property by dividing line 1 by line 6.

Line 8 — Enter the amount of eligible wages, salaries and other personal service compensation of employees (except general executive officers) from your *Certificate of Eligibility*.

Line 9 — Enter total wages, salaries and other personal service compensation paid to all New York employees (except general executive officers).

Line 10 — Determine the percentage of eligible wages by dividing line 8 by line 9.

If no compensation was paid to employees in New York other than general executive officers, enter "0" on line 10.

Line 12 — Determine the tax credit percentage by dividing the total from line 11 by two. If the percentage on line 10 is zero, use the eligible property percentage on line 7 as the tax credit percentage.

Line 13 — Enter the amount of franchise tax before any tax credits or state tax surcharge.

Line 14 — Tax credit for the current tax year:

Article 9-A taxpayers

Multiply line 13 by line 12. Enter this amount or the portion of this amount that will reduce the franchise tax for the current tax year to the higher of the tax on minimum taxable income or the fixed dollar minimum tax, plus the state tax surcharge that applies.

Article 32 and 33 taxpayers

Multiply line 13 by line 12. Enter this amount or the portion of this amount that will reduce the tax for the current tax year to the minimum tax of $250 plus the state tax surcharge that applies.