



Instructions for Form CT-602

Claim for EZ Capital Tax Credit

CT-602-I

General information

Sections 210.20, 1456(d) and 1511(h) of the Tax Law allow an empire zone (EZ) capital tax credit to be applied against the taxes imposed by Articles 9-A, 32, and 33.

The EZ capital tax credit is equal to 25% of the sum of the following investments and contributions made during the tax year that are certified by the Commissioner of Empire State Development:

- Qualified investments made in, or contributions in the form of donations made to, one or more empire zone capital corporations established pursuant to the General Municipal Law, section 964;
- Qualified investments in certain certified empire zone businesses; and
- Contributions of money to community development projects as defined in regulations issued by the Commissioner of Empire State Development.

The term *qualified investment* means (1) the contribution of property to a corporation in exchange for original issue capital stock or other ownership interest, (2) the contribution of property to a partnership in exchange for an interest in the partnership, and (3) similar contributions to a business entity not in a corporate or partnership form in exchange for an ownership interest in that entity.

The following limitations apply to the capital tax credit:

- The credit and carryover of such credit may not reduce the tax imposed by Article 9-A to less than the greater of the tax on minimum taxable income or the fixed dollar minimum; the credit and carryover of the credit may not reduce the tax imposed by Articles 32 and 33 to less than the minimum tax of \$250.
- The total amount of credit allowable to a taxpayer for all years may not exceed \$300,000, and the total credit allowed for each of the three categories of qualified investments and contributions may not exceed \$100,000.
- The credit and carryover of such credit may not exceed 50% of the tax imposed by Article 9-A, section 209 or Article 32, section 1455, without regard to any credit.
- For a life insurance corporation, the credit and carryover of such credit may not exceed 50% of the **lesser** of the following:
 - the tax computed pursuant to section 1505(a) of the Tax Law; **or**
 - the **greater** of:
 - the sum of the taxes imposed under sections 1501 and 1510 of the Tax Law; **or**
 - the amount of tax computed pursuant to section 1505(b) of the Tax Law.
- For life insurance corporations, this credit may not be deducted from the limitation on tax computed pursuant to section 1505(a)(2) of Article 33.
- For a non-life insurance corporation, the credit and carryover of such credit may not exceed 50% of the taxes imposed under section 1502-a, computed without regard to any credit provided for under Article 33.

This credit is not refundable; however, any amount of credit or carryover of credit not deductible in the current tax year may be carried over to be deducted from the tax for succeeding tax years.

Attachments required

Empire State Development Corporation issues Form Z10, *Eligibility to Apply for a Zone Capital Tax Credit*, to taxpayers. Form Z10

authorizes the taxpayer to receive an EZ capital tax credit against the taxpayer's New York State franchise tax. Therefore, attach Form Z10 to Form CT-602, *Claim for EZ Capital Tax Credit*, when applying for the EZ capital tax credit.

Line instructions

Corporations — Complete all schedules.

New York S corporations — Complete only Schedules A, B, C, and F.

Schedule A — Investments in and donations to EZ capital corporations

Line 1 — Enter the total consideration paid for original issue stock purchased during the tax year from one or more EZ capital corporations established pursuant to the General Municipal Law, section 964.

Line 2 — Enter the donations made during the tax year to one or more EZ capital corporations established pursuant to the General Municipal Law, section 964.

Line 5 — Multiply line 3 by line 4. Corporate partners then add any amount received from a partnership and enter the total. Provide the name and identifying number of the partnership on a separate sheet.

New York S corporations — transfer this amount to Form CT-34-SH, line 15a.

Line 6 — Enter the total of original issue stock purchased and donations that are itemized in Schedule A. Submit supporting documentation from the capital corporation indicating the name of the corporation, the dollar amount of the stock purchased, and a statement that the stock is original issue or the dollar amount of donations and the date received.

Schedule B — Investments in certified EZ businesses

Line 7 — Enter the amount of qualified investments made in certified EZ businesses during the tax year. A *certified EZ business* is one certified pursuant to Article 18-B of the General Municipal Law that, during the 12-month period immediately preceding the month of the investment, employed full time within the state an average of 250 or fewer individuals (excluding general executive officers). The average number of individuals is computed pursuant to section 210.19(b)(3), section 1456(e)(2)(C), or section 1511(g)(2)(C) of the Tax Law.

Qualified investments do not include investments made by or on behalf of an owner of the business, including but not limited to a stockholder, partner, sole proprietor, or any related person (as described in Internal Revenue Code (IRC) section 465(b)(3)(C)).

Line 9 — Multiply line 7 by line 8. Corporate partners then add any amount received from a partnership and enter the total. Provide the name and identifying number of the partnership on a separate sheet.

New York S corporations — transfer this amount to Form CT-34-SH, line 15b.

Line 10 — Enter the total amount of qualified investments made in certified EZ businesses that are itemized in Schedule B. Submit supporting documentation from the certified EZ business indicating the name of the business and the dollar amount of the qualified investment.

Schedule C — Monetary contributions to EZ community development projects

Line 11 — Enter the amount of monetary contributions made to EZ community development projects. For a definition of *community development project*, see 5 New York Code Rules and Regulations 10.2(c).

Line 13 — Multiply line 11 by line 12. Corporate partners then add any amount received from a partnership and enter the total. Provide the name and identifying number of the partnership on a separate sheet.

New York S corporations — transfer this amount to Form CT-34-SH, line 15c.

Line 14 — Enter the total amount of monetary contributions made to EZ community development projects that are itemized in Schedule C. Submit supporting documentation indicating the name(s) of the community development project(s) and the amount of the monetary contributions.

Schedule D — Limitations of EZ capital tax credit

Line 15

- Form CT-3 — Enter the tax from line 78.
- Form CT-3-A — Enter the tax from line 77.
- Form CT-32 — Enter the tax from line 5.
- Form CT-32-A — Enter the tax from line 5.
- Form CT-33 — Enter the lesser of line 9a or line 10.
- Form CT-33-A — Enter the lesser of line 10 or line 14.
- Form CT-33-NL — Enter the tax from line 5.

Line 18 — Enter the EZ capital tax credit that was allowed in previous tax years, less any recaptured credit. This amount is the result of adding the amounts from line 18 and line 20 from your prior year Form CT-602.

Line 19 — Subtract line 18 from line 17. The result represents the amount of credit that may still be claimed in each of the categories.

Line 20 — For column A, enter the amount from line 19 or Schedule A, line 5, whichever is less.

For column B, enter the amount from line 19 or Schedule B, line 9, whichever is less.

For column C, enter the amount from line 19 or Schedule C, line 13, whichever is less.

Line 21 — Enter the tax from either Form CT-3, line 78; Form CT-3-A, line 77; Form CT-32, line 5; Form CT-32-A, line 5; Form CT-33, line 9a; Form CT-33-A, line 10; or Form CT-33-NL, line 5.

Line 22 — Tax credits must be applied in a certain order. Refer to the instructions of your franchise tax return to determine the correct order. For Article 9-A only, refer to Form CT-600-I, *Instructions for Form CT-600 — Ordering of Corporation Tax Credits*, for the order of credits.

If you are claiming more than one tax credit for this year, enter the amount of credit(s) you wish to apply against your franchise tax due before the application of the EZ capital tax credit. Otherwise enter "0." Article 33 filers enter "0," as under Article 33 no tax credits may be applied before the EZ capital tax credit.

Also, if filing as a member of a combined return, include any amount of tax credit(s), including EZ capital tax credit(s), being claimed by other members of the combined group that you wish to apply before your EZ capital tax credit. Article 33 combined filers include only the amount of EZ capital tax credit(s) being claimed by other members of the combined group that you wish to apply before your EZ capital tax credit.

Schedule E — Computation of EZ capital tax credit and carryover

Line 30 — If line 29 is greater than line 28, subtract line 28 from line 29. This is your net EZ capital tax credit recapture. Enter the amount here and add to the amount reported on Form CT-3, line 78; Form CT-3-A, line 77; Form CT-32, line 5; Form CT-32-A, line 5; Form CT-33, line 9c; Form CT-33-A, line 11b; or Form CT-33-NL, line 5. Do not complete lines 31 and 32 if you have a net EZ capital tax credit recapture.

Line 31 — Enter the amount from line 16, line 25, or line 30, whichever is least, here and on Form CT-3, line 100a; Form CT-3-A, line 101a; Form CT-32, line 6; Form CT-32-A, line 6; Form CT-33, line 104; Form CT-33-A, line 119; or Form CT-33-NL, line 49.

Line 32 — Subtract line 31 from line 30 to arrive at your EZ capital tax credit to be carried forward to future years. You will need to refer to this figure when completing Form CT-602 in 2004.

Schedule F — Recapture of EZ capital tax credit

If a taxpayer sells, transfers, or otherwise disposes of stock, a partnership interest, or other ownership interest arising from the making of a qualified investment, or if a contribution or investment is recovered by the taxpayer that was the basis for the allowance of the credit, and the disposal or recovery occurs during the tax year or within 36 months from the close of the tax year when the credit was allowed, the difference between the credit taken and the credit allowed must be added back.

Column C — For recapture purposes, the amount of the credit to be added back must be the portion of the credit attributable to the stock, or other ownership interest disposed of, or the payment or contribution recovered, multiplied by the following percentages:

- 100%, if the disposition or recovery occurs within the tax year or within 12 months of the close of the tax year in which the credit was allowed;
- 67%, if the disposition or recovery occurs more than 12 months, but not more than 24 months, after the end of the tax year in which the credit was allowed; **or**
- 33%, if the disposition or recovery occurs more than 24 months, but not more than 36 months, after the end of the tax year in which the credit was allowed.

Line 33 — Add column D amounts. Enter here and on line 29. New York S corporations should include the total from line 33 on Form CT-34-SH, line 18, and provide shareholders with their share of the recaptured credit. However, New York S corporations recapturing credit amounts originated in a New York C corporation year must include any such amounts on the applicable line of your New York S corporation franchise tax return.

Corporations: When you compute your EZ capital tax credit in future periods, you will use this line 33 amount to complete the appropriate columns of Form CT-602, Schedule D, Part II.

Shareholders of New York S corporations: When you compute your EZ capital tax credit in future periods, you will use your share of this line 33 amount to complete the appropriate columns of Form IT-602, Schedule F, Part II.

Need help?

 **Internet access:** www.nystax.gov
(for information, forms, and publications)

 **Fax-on-demand forms:** 1 800 748-3676

 **Business Tax Information Center:** 1 800 972-1233
From areas outside the U.S. and outside Canada: (518) 485-6800

Hearing and speech impaired (telecommunications device for the deaf (TDD) callers only): 1 800 634-2110