New York State Department of Taxation and Finance

Instructions for Form IT-214

Claim for Real Property Tax Credit for Homeowners and Renters

IT-214-I

2007

General information

What is the real property tax credit?

The real property tax credit may be available to New York State residents who have household gross income of $18,000 or less, and pay either real property taxes or rent for their residences. If all members of your household are under age 65, the credit can be as much as $75. If at least one member of your household is age 65 or older, the credit can be as much as $375.

Do I qualify for this credit?

To qualify for the real property tax credit, you must meet **all** of these conditions for tax year 2007:

- Your household gross income was $18,000 or less.
- You occupied the same New York residence for six months or more.
- You were a New York State resident for all of 2007.
- You could not be claimed as a dependent on another taxpayer's federal income tax return.
- Your residence was not completely exempted from real property taxes.
- The current market value of all real property you owned, such as houses, garages, and land, was $85,000 or less.
- Additionally, you must meet all the conditions listed under **either** *Homeowners* or *Renters* below:

  Homeowners

  — You or your spouse paid real property taxes.

  — Any rent you received for nonresidential use of your residence was 20% or less of the total rent you received.

  Renters

  — You or a member of your household paid rent for your residence.

  — The average monthly rent you and other members of your household paid was $450 or less, not counting charges for heat, gas, electricity, furnishings, or board.

How do I claim the credit?

Complete Form IT-214, *Claim for Real Property Tax Credit for Homeowners and Renters*, and attach it to your New York State personal income tax return, either Form IT-150 or Form IT-201. If you don't have to file a New York return, but you qualify for this credit, just complete and file Form IT-214 to claim a refund of the credit.

Only one credit is allowed per household. If more than one household member qualifies for the credit, you may divide the credit. Each member of your household who qualifies for the credit has to file a separate Form IT-214 (see the line 33 instructions for division of the credit). However, if you and your spouse are filing a joint return, you must file a joint claim on Form IT-214.

You **cannot** file a claim for the real property tax credit for a taxpayer who died during 2007.

Where and when do I file Form IT-214?

If you are filing a New York State income tax return, the due date and mailing address are the same for Form IT-214. Simply attach Form IT-214 to your return.

If you are filing Form IT-214 by itself, send it to: **State Processing Center, PO Box 61000, Albany NY 12261-0001**. File your 2007 claim after January 1, 2008, but not later than April 15, 2011.

For tax years 2004 and later, you can still either amend a previous claim for the real property tax credit or file an original claim. If you need to amend a claim for tax year 2004 or 2005, write ***Amended*** at the top of a blank Form IT-214 for that year and complete the form with corrected information. To amend a claim for tax years 2006 and later, mark an ***X*** in the *Amended* box at the top of a blank Form IT-214 for that year and complete the form with corrected information. The deadlines for previous years are as follows:

Year	Last date to file:
2004	April 15, 2008
2005	April 17, 2009
2006	April 19, 2010

How to fill in Form IT-214

Please follow these guidelines:

- Use black ink only (no red or other color ink or pencils) to print or type all entries.
- Do not write in dollar signs, commas, or decimal points when making entries.
- You can round money entries to the nearest dollar (fifty cents or more is rounded up). If you do round numbers, you must be consistent and round all numbers.
- If you make an entry on a line, always fill in the cents area. If rounding or using a whole dollar amount, enter ***00*** in the cents boxes. Do not make any entry in areas that do not apply to you unless these instructions specifically direct you to do so; treat blank lines as zero.
- Mark an ***X*** to fill in boxes as appropriate. Do not use a check mark. Keep your Xs and numerals inside the boxes.

For example, if your entry for a line is $3,525.50, your money field should look like this:

10. 3,525.50

If you are **rounding all money items** on your return to the nearest dollar, it should look like this:

10. 3,526.00

Specific instructions

Step 1 — Enter identifying information

If you received a peel-off name-and-address label from the New York State Tax Department, place the label in the box at the top of your Form IT-214. Check the label. If any information is wrong, cross it out and make the corrections directly on the label. Space is limited so if your name contains more than 36 characters, and it is correct except for missing final characters, do not make a correction. If you do not have a label, write the following in the spaces provided:

- **Name:** First name, middle initial, and last name for you, and, if you are filing a joint return, your spouse.
- **Mailing address:** PO box or street address, city, state, and ZIP code where you wish to receive your mail (refund and correspondence).

If you move, notify the U.S. Postal Service of the new address.

Street address: Next, enter the street address of the New York residence that qualifies you for this credit if it is different from your current mailing address or if your mailing address is a PO box. If not, enter the word ***same*** on the street address line.

Foreign addresses: Enter the information in the following order: city, province or state, and then country (all in the *City, village, or post office* box). Follow the country's practice for entering the postal code. **Do not abbreviate the country name.**

Social security number(s): Enter your social security number (SSN) in the spaces beside your name. If you are married filing a joint return, also enter your spouse's social security number.

New York State county of residence: If this information appears correctly on your label, you do not need to complete this line. If you do not have a label, or if the information is incorrect, enter the county in New York State where you lived on December 31, 2007.

If you live in New York City, enter one of the following county names:

If you live in	enter county
Bronx	***Bronx***
Brooklyn	***Kings***
Manhattan	***New York***
Queens	***Queens***
Staten Island	***Richmond***

Step 2 — Determine eligibility

Answer the questions on lines 1 through 4.

Line 5 — The management of your housing facility can tell you if the facility is completely exempt from paying real property taxes. If you mark the *Yes* box on line 5, you cannot claim this credit.

Line 6 — Generally, residents of nursing homes do not qualify for this credit because the nursing home is considered one household, and the residents' combined income and rent expense usually exceed the limits set for this credit. If you are a resident of a nursing home, you must attach a statement explaining how your household does not exceed the income level of $18,000 or the average monthly rent of $450.

Line 7 — If you, your spouse, or another household member was 65 or older on January 1, 2008, **and** are filing Form IT-214, enter that person's social security number in the boxes for the qualifying social security number at line 7.

Household members include all who share your residence and its furnishings, facilities, and accommodations, whether they are related to you or not.

However, tenants, subtenants, roomers, or boarders are not members of your household unless they are related to you in one of the following ways:

- a son, daughter, or a descendent of either;
- a stepson or stepdaughter;
- a brother, sister, stepbrother, or stepsister;
- a father, mother, or an ancestor of either;
- a stepfather or stepmother;
- a niece or nephew;
- an aunt or uncle; **or**
- a son-in-law, daughter-in-law, father-in-law, mother-in-law, brother-in-law, or sister-in-law.

No one can be a member of more than one household at one time.

Line 8 — List the name, social security number, and year of birth of everyone who lived in your household in 2007. List yourself and your spouse first; then list the other members of your household. If you need more space, list additional names and the requested information in the same format on a separate sheet and attach it to Form IT-214.

Step 3 — Determine household gross income

Note: If someone was a member of your household for only part of the tax year, include on lines 9 through 15 the income he or she received while a member of your household.

Line 9 — Federal adjusted gross income (FAGI) includes but is not limited to: wages, salaries, tips; taxable interest income; ordinary dividends; capital gain distributions; taxable amount of pensions and annuities; and taxable amount of social security benefits.

Enter the total FAGI for all members of your household from Form 1040A, line 22; Form 1040EZ, line 4; Form 1040, line 38; Form IT-150, line 11; or Form IT-201, line 19. If you or any member of your household does not have to file a federal or New York State return, use the instructions for the federal forms to calculate your federal adjusted gross income.

Line 10 — The most common New York State additions to FAGI are interest on federal and other states' bonds; public employees 414(h) retirement contributions; and NYC flexible benefit program contributions. **Form IT-150 filers:** See lines 12 through 14 of Form IT-150. **Form IT-201 filers:** See lines 20 through 23 of Form IT-201. For a full list of the additions, see the instructions for Form IT-201.

Line 11 — Enter on line 11 social security payments not included on line 9, including all payments received under the Social Security Act and veterans disability pensions, reduced by any Medicare premiums deducted from your benefit, reported on Federal Form SSA-1099, *Social Security Benefit Statement.*

Line 14 — Enter cash public assistance and relief (for example, cash grants to clients, emergency aid to adults, value of food vouchers received by clients, etc.). Do not include amounts received from the Home Energy Assistance Program (HEAP) or medical assistance for the needy.

Line 15 — Other income may include:

- nontaxable interest received from New York State, its agencies, instrumentalities, public corporations, or political subdivisions;
- workers' compensation;
- support money, including foster care support payments;
- income earned abroad exempted by section 911 of the Internal Revenue Code (IRC);
- nontaxable strike benefits; **and**
- the gross amount of loss-of-time insurance (for example, an accident or health insurance policy and disability benefits received under a no-fault automobile policy, etc.).

Do not include food stamps, medicare, medicaid, scholarships, grants, surplus food, or other relief in kind. Do not include payments made to veterans under the Federal Veterans' Dioxin and Radiation Exposure Compensation Standards Act because of exposure to herbicides containing dioxin (agent orange), or pursuant to certain agent orange product liability litigation. Also do not include payments made to individuals because of their status as victims of Nazi persecution as defined in federal Public Law 103-286.

Line 17 — From Table 1 below, enter the rate that applies to your household gross income (line 16).

Table 1

If the amount on line 16 is:	Your rate is:
$3,000 or less	.035
$3,001 to $5,000	.040
$5,001 to $7,000	.045
$7,001 to $9,000	.050
$9,001 to $11,000	.055
$11,001 to $14,000	.060
$14,001 to $18,000	.065

Step 4 — Compute real property tax

A *residence* is a dwelling that you own or rent, and up to **one acre** of land around it. It must be located in New York State. If your residence is on more than one acre of land, only the amount of real property taxes or rent paid that applies to the residence and **only one acre** around it may be used to figure the credit. (If you do not know how much rent or real property tax you paid for the one acre surrounding your residence, contact your local assessor.) Each residence within a multiple dwelling unit may qualify. A condominium, a cooperative, or a rental unit within a single dwelling is also a residence.

A trailer or mobile home that is used only for residential purposes is also a residence if the trailer or mobile home is assessed for real property tax purposes.

Lines 19 through 22 are for renters only; homeowners skip to line 23.

Line 19 Renters: Enter the **total** rent that you and all members of your household paid during 2007; do not include any subsidized part of your rental charge. If any part of your residence was rented by someone who was not a member of your household, do not include the rent paid by this individual on line 19.

Line 20 — *Adjusted rent* is the rent paid after subtracting any charges for heat, gas, electricity, furnishings, and board.

If you moved from one rented residence to another rented residence, calculate the adjusted rent for each residence. Add the total adjusted rent for all rented residences and enter on line 20.

Line 22 — Only 25% of your adjusted rent is considered real property taxes paid. Multiply the amount on line 20 by 25% (.25).

Lines 23 through 27 are for homeowners only; renters skip to Step 5.

Line 23 Homeowners: Enter any real property taxes paid for your residence by you or your spouse during 2007 to a county, city, town, village, or school district. In computing the amount of **school district property taxes paid**, include only the amount of school district property taxes paid that exceeds the amount of any local property tax rebate you received in 2007. Do not include any penalty and interest charges.

Real property taxes paid are all current, prior, and prepaid real property taxes, special ad valorem levies and assessments levied upon a residence owned or previously owned by a qualified taxpayer (or spouse, if the spouse occupied the residence for at least six months) and paid during the tax year.

Real property taxes paid also include any real estate taxes allowed (or which would be allowable if the taxpayer had filed a return on a cash basis) as a deduction for tenant-stockholders in a cooperative housing corporation under IRC section 216.

If any part of your residence was owned by someone who was not a member of your household, include only the real property taxes paid that apply to the part you and other qualified members of your household own.

If your residence was part of a larger unit, include only the amount of real property taxes paid that can be reasonably applied to your residence.

If you owned and occupied more than one residence during the tax year, add together the prorated part of real property taxes paid for the period you occupied each residence.

Line 24 — Enter any special assessments, but do not include any penalty and interest charges.

Line 26 Option for homeowners age 65 or older: If you are a homeowner age 65 or older, you may elect to include real property taxes not paid due to the exemption from tax under the Real Property Tax Law (RPTL) section 467. However, if you choose to include this amount on line 26, your credit before limitation will be 25% (instead of 50%) of your eligible real property taxes. Complete the Worksheet below to see if including the exemption amount on this line will result in a greater tax credit.

If you do not know the amount exempted from tax, contact your local assessor. Do not include the veterans' tax exemption or the STAR exemption on this line.

Worksheet

a) Enter the amount from line 25 of Form IT-214 ..... a. _____

b) Enter the RPTL section 467 exemption amount... b. _____

c) Add lines a and b ..... c. _____

d) Enter the amount from line 18 of Form IT-214... d. _____

e) Subtract line d from line c..... e. _____

f) Multiply line e by 25% (.25) ..... f. _____

g) Subtract line d from line a..... g. _____

h) Multiply line g by 50% (.5) ..... h. _____

If line f is larger than line h, enter the RPTL section 467 exemption amount on line 26.

If line h is larger than line f, leave line 26 blank.

Step 5 — Compute credit amount

Line 28 — If you **rented** your residence for all of 2007, enter the amount from line 22.

If you **owned** your residence for all of 2007, enter the amount from line 27.

If you **owned** your residence **for part of the tax year and rented** your residence **for part of the tax year**, add the amount from line 27 to the amount from line 22. Enter the total on line 28.

The amount on line 28 must be greater than zero to claim this credit. Do not submit this form if line 28 is zero or less.

Line 31 — If you entered an amount on line 26 for the exemption for taxpayers 65 and older, multiply line 30 by 25% (.25). If you made no entry on line 26, multiply line 30 by 50% (.5) and enter the result.

Line 32 — The credit cannot be more than the amount listed in the chart below that applies to your household. Select your household limitation from the proper column, and enter the credit limit on line 32.

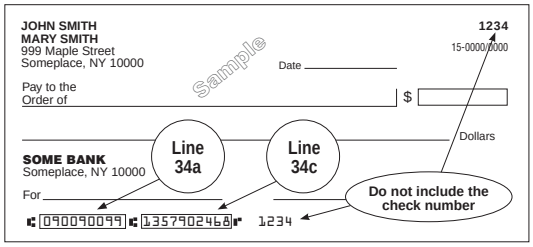
If the amount on line 16 is:	**and you entered a qualifying SSN on line 7, enter on line 32:**	**and you entered no qualifying SSN on line 7, enter on line 32:**
$1,000 or less	$375	$75
1,001 to 2,000	358	73
2,001 to 3,000	341	71
3,001 to 4,000	324	69
4,001 to 5,000	307	67
5,001 to 6,000	290	65
6,001 to 7,000	273	63
7,001 to 8,000	256	61
8,001 to 9,000	239	59
9,001 to 10,000	222	57
10,001 to 11,000	205	55
11,001 to 12,000	188	53
12,001 to 13,000	171	51
13,001 to 14,000	154	49
14,001 to 15,000	137	47
15,001 to 16,000	120	45
16,001 to 17,000	103	43
17,001 to 18,000	86	41

Line 33 — If more than one member of your household is filing Form IT-214, you can divide the line 33 amount equally among all filers, or you can divide the amount any way you want if you each agree to the amount of your share and attach a copy of the agreement to your Form IT-214. Enter only your share of the credit on line 33 (and on your return if you have to file one). If you are married and filing a joint Form IT-214, do not divide the credit.

Step 6 — Finish your claim

Complete lines 34a through 34c if you want us to deposit your real property tax credit directly into your bank account instead of sending you a check. Do not complete these lines if you are filing Form IT-214 with your New York State income tax return. Instead, complete the lines for direct deposit on the return that you are filing.

You can contact your financial institution to make sure your deposit will be accepted and to get your correct routing and account numbers. If we cannot make the direct deposit for any reason, we will send the check to the mailing address on your claim form.



Note: *The routing and account numbers may appear in different places on your check.*

Line 34a — Enter your bank's 9-digit routing number. If the first two digits are not 01 through 12, or 21 through 32, the direct deposit will be rejected and a check sent instead. On the sample check above, the routing number is 090090099. If your check states that it is payable through a bank different from the one where you have your checking account, **do not** use the routing number on that check. Instead, contact your bank for the correct routing number to enter on line 34a.

Line 34b — Mark an ***X*** in the box for the type of account, checking or savings.

Line 34c — Enter the account number where you want your real property tax credit deposited. If you mark *Checking* on line 34b, enter the account number shown on your checks. (On the sample check above, the account number is 1357902468. **Do not** include the check number.) If you mark *Savings* on line 34b, you can get your savings account number from a preprinted savings account deposit slip, your passbook or other bank records, or from your bank. The account number can be up to 17 characters (both numbers and letters). Include hyphens but omit spaces and special symbols. Enter the number from left to right and leave any unused boxes blank.

The department will **not** notify you that your refund of real property tax credit has been deposited. Any refund to which you may be entitled will be reflected in your bank statement. However, if the amount we deposit is different from the amount of real property tax credit you claimed on your Form IT-214, we will send you a written explanation of the adjustment within two weeks from the date your refund of your real property tax credit is deposited.

For information relating to collection of debts and disclaiming of spouse's debt, see the instructions for Form IT-150 or Form IT-201.

Sign Form IT-214 and attach it to the return you are filing. If you are not filing a return, mail Form IT-214 to:

STATE PROCESSING CENTER
PO BOX 61000
ALBANY NY 12261- 0001

Private delivery services — If you choose, you may use a private delivery service, instead of the U.S. Postal Service, to mail in your return and tax payment. However, if, at a later date, you need to establish the date you filed your return or paid your tax, you cannot use the date recorded by a private delivery service unless you used a delivery service that has been designated by the U.S. Secretary of the Treasury or the Commissioner of Taxation and Finance. (Currently designated delivery services are listed in Publication 55, *Designated Private Delivery Services*. See *Need help?* below for information on ordering forms and publications.) If you have used a designated private delivery service and need to establish the date you filed your return, contact that private delivery service for instructions on how to obtain written proof of the date your return was given to the delivery service for delivery. If you use any private delivery service, whether it is a designated service or not, address your return to: State Processing Center, 101 Enterprise Drive, Kingston NY 12401.

If you pay someone to prepare Form IT-214, the paid preparer must also sign it and fill in the other blanks in the paid preparer's area. If someone prepares Form IT-214 for you and does not charge you, that person should not sign it.

Note to paid preparers — When signing a taxpayer's New York State income tax return, you must enter the same identification number that you used on the taxpayer's federal income tax return. If you did not prepare a federal income tax return for the taxpayer, you must use your PTIN if you have one; otherwise, use your social security number. For additional information, see Publication 58, *Information for Income Tax Return Preparers.*

Privacy notification — The Commissioner of Taxation and Finance may collect and maintain personal information pursuant to the New York State Tax Law, including but not limited to, sections 5a, 171, 171-a, 287, 308, 429, 475, 505, 697, 1096, 1142, and 1415 of that Law; and may require disclosure of social security numbers pursuant to 42 USC 405(c)(2)(C)(i).

This information will be used to determine and administer tax liabilities and, when authorized by law, for certain tax offset and exchange of tax information programs as well as for any other lawful purpose.

Failure to provide the required information may subject you to civil or criminal penalties, or both, under the Tax Law.

This information is maintained by the Director of Records Management and Data Entry, NYS Tax Department, W A Harriman Campus, Albany NY 12227; telephone 1 800 225-5829. From areas outside the United States and outside Canada, call (518) 485-6800.

Need help?

Internet access: *www.nystax.gov*
Access our Answer Center for answers to frequently asked questions; check your refund status; check your estimated tax account; download forms, publications; get tax updates and other information.

Fax-on-demand forms: Forms are available 24 hours a day, 7 days a week. 1 800 748-3676

Telephone assistance is available from 8:00 A.M. to 5:00 P.M. (eastern time), Monday through Friday.

To order forms and publications:	1 800 462-8100
Refund status:	1 800 443-3200
Personal Income Tax Information Center:	1 800 225-5829
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