



Department of Taxation and Finance

Claim for Special Additional Mortgage Recording Tax Credit

Tax Law – Article 9, Sections 183, 184, 185, and 186
Articles 9-A and 33

CT-43
(4/16)

All filers must enter tax period:

beginning ending

Legal name of corporation	Employer identification number
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Read instructions on page 2.

Attach this form to your franchise tax return.

1a Special additional mortgage recording tax due and paid during current tax year that qualifies for the credit.....	•	1a	
1b Special additional mortgage recording tax due and paid during current year from a flow through entity that qualifies for the credit (see instructions).....	•	1b	
2 Unused special additional mortgage recording tax credit from preceding period (see instr.)...	•	2	
3 Total available tax credit (add lines 1a, 1b, and 2)	•	3	

Computation of special additional mortgage recording tax credit used and available to be carried forward

4 Tax (see below*).....	4		
5 Tax credits claimed before the special additional mortgage recording tax credit (see instructions).....	5		
6 Subtotal (subtract line 5 from line 4)	6		
7 Minimum tax (see below**).....	7		
8 Limitation on credit used (subtract line 7 from line 6; if less than zero, enter 0)	• 8		
9 Special additional mortgage recording tax credit used this period (see instructions).....	• 9		
10 Unused special additional mortgage recording tax credit available for carryforward (subtract line 9 from line 3).....	• 10		

Refund or credit and carryforward of special additional mortgage recording tax credit (Article 9-A taxpayers only)

11 Amount of recording tax included on lines 1a and 1b for recording of residential mortgages only (see instructions).....	11		
12 Amount of special additional mortgage recording tax credit eligible for refund or credit (see instructions).....	12		
13 Balance to be refunded (enter the amount from line 12 to be refunded; see instructions)	• 13		
14 Balance to be credited as an overpayment (subtract line 13 from line 12; see instructions)...	• 14		
15 Amount of carryforward (subtract lines 13 and 14 from line 10)	• 15		

If you filed:	* Enter on line 4 any net recaptured tax credits plus the amount from:	** Enter on line 7 the minimum tax shown below:
Form CT-3	Part 2, line 2	amount from CT-3, Part 2, line 1c
Form CT-3-A.....	Part 2, line 2	amount from CT-3-A, Part 2, line 1c
Form CT-3-S.....	Line 23.....	amount from CT-3-S, line 23
Form CT-33	Line 11	250
Form CT-33-A.....	Line 15.....	amount from CT-33-A, line 4 plus line 12
Form CT-33-NL.....	Line 5.....	250
Form CT-183	Line 4.....	75
Form CT-184	Line 3 or line 4.....	0
Form CT-185	Line 6.....	10
Form CT-186	Line 5.....	125

A If you are claiming this credit as a corporate partner, mark an X in the box.....

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Instructions

General information

You may claim as a credit against your franchise tax certain special additional mortgage recording tax you paid.

A tax credit is not allowed for the special additional mortgage recording tax paid on **residential** mortgages (defined below) if the real property is located in Erie County or any of the counties within the Metropolitan Commuter Transportation District (MCTD). The MCTD includes the counties of New York, Bronx, Queens, Kings, Richmond, Dutchess, Nassau, Orange, Putnam, Rockland, Suffolk, and Westchester.

Former Article 32 taxpayers that have a carryover of the credit from the tax year immediately preceding the current tax year may include such carryover in the computation of credit used and carried forward.

A *residential mortgage* is defined as a mortgage of real property that has been or will be principally improved by one or more structures containing a total of not more than six **residential** dwelling units, each with its own separate cooking facilities.

Article 9-A taxpayers who paid the special additional mortgage recording tax on residential mortgages in any tax year beginning on or after January 1, 2015, may elect to treat the unused portion of special additional mortgage recording tax credit attributable to such mortgages as an overpayment of tax to be credited or refunded, instead of as a carryforward. Any carryforward of the credit from a prior period is **not** eligible to be refunded.

New York S corporations taxable under Article 9-A may apply this credit against the franchise tax, or carry it forward, or treat it as an overpayment of tax as discussed above. Credit earned by the S corporation **does not flow through** to the shareholders to be claimed against their personal income tax liability.

When claiming this credit, you must add back to your entire net income the amount of the special additional mortgage recording tax used as a deduction in the computation of federal taxable income. (See TSB-M-87(7)C, *Special Additional Mortgage Recording Tax Credit Disallowed on Certain Real Property*, and TSB-M-87(10)C, *Special Additional Mortgage Recording Tax Credit Disallowed on Certain Real Property Located in Erie County*, for more information.)

For corporations filing franchise tax return Form CT-3, CT-3-A, CT-3-S, CT-33, or CT-33-A, the gain or loss on the sale of real property on which the special additional mortgage recording tax credit was claimed must be increased, in the case of a gain, or decreased, in the case of a loss, when all or any portion of the credit was used in the basis for computing federal gains.

Line instructions

Complete the beginning and ending tax period boxes in the upper right corner on page 1.

Line 1b – Enter any amount of special additional mortgage recording tax credit received from a flow-through entity. Attach a statement showing the name, employer identification number (EIN), and amount of credit received from each entity.

Line 2 – Former Article 32 taxpayers: If you have a carryover of credit from the tax year immediately preceding the current tax year, include the amount of that carryover on this line.

Line 5 – If you are claiming more than one tax credit for this year, enter the amount of credit(s) you want to apply against your franchise tax due before the application of the special additional mortgage recording tax credit. Otherwise, enter **0**.

You must apply certain credits before the special additional mortgage recording tax credit. Refer to the instructions of your franchise tax return to determine the order of credits that applies.

CT-3-S filers: Include any credits from Form CT-501, *Temporary Deferral Nonrefundable Payout Credit*, line 7, that you want to apply against the tax due before the special additional mortgage recording tax credit.

Article 9-A taxpayers: Refer to Form CT-600-I, *Instructions for Form CT-600, Ordering of Corporation Tax Credits*.

If you are included in a combined return, include any amount of tax credit(s), including special additional mortgage recording tax credit(s), being claimed by other members of the combined group that you want to apply before your special additional mortgage recording tax credit.

CT-33 and CT-33-A filers, including unauthorized insurance corporations: Do not enter on this line any amount of empire zone (EZ) wage tax credit(s), zone equivalent area (ZEA) wage tax credit(s), or EZ capital tax credit(s) you may be claiming. If you are included in a combined return, do not include any amount of these credits being claimed by other members of the combined group.

Line 9 – Enter the lesser of line 3 or line 8. Transfer this amount to your franchise tax return.

Article 9-A taxpayers only: To claim a credit or refund of the special additional mortgage recording tax credit, complete lines 11 through 15.

Line 11 – Enter only that amount from lines 1a and 1b that represents special additional mortgage recording tax due and paid during the **current** tax year for recording of **residential** mortgages.

Line 12 – Enter the lesser of line 10 or line 11.

Lines 13 and 14 – Transfer these amounts to your franchise tax return.

Include the line 13 amount on Form CT-3, Part 2, line 29; Form CT-3-A, Part 2, line 30; or Form CT-3-S, line 49.

Include the line 14 amount on Form CT-3, Part 2, line 30; Form CT-3-A, Part 2, line 31; or Form CT-3-S, line 48.

Need help? and Privacy notification

See Form CT-1, *Supplement to Corporation Tax Instructions*.

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