



Instructions for Form CT-5

Request for Six-Month Extension to File

Tax Law – Articles 9-A, 13, and 33

CT-5-I

Form CT-1, Supplement to Corporation Tax Instructions

See Form CT-1 for the following topics:

- Changes for the current tax year (general and by Tax Law Article)
- Business information (how to enter and update)
- Entry formats
 - Dates
 - Negative amounts
 - Percentages
 - Whole dollar amounts
- Are you claiming an overpayment?
- NAICS business code number and NYS principal business activity
- Limitation on tax credit eligibility
- Third-party designee
- Paid preparer identification numbers
- Is your return in processible form?
- Use of reproduced and computerized forms
- Electronic filing and electronic payment mandate
- Online services
- Web File
- Form CT-200-V
- Collection of debts from your refund or overpayment
- Fee for payments returned by banks
- Reporting requirements for tax shelters
- Tax shelter penalties
- Voluntary Disclosure and Compliance Program
- Your rights under the Tax Law
- Need help?
- Privacy notification

Requirements for a valid New York State extension

- Most corporation taxpayers are required to file their extensions electronically. Visit our website to learn more (see *Need help?*).
- You must file Form CT-5 and pay the properly estimated franchise tax and metropolitan transportation business tax (MTA surcharge) on or before the original due date of the tax return for which this extension is requested, as determined on *Worksheet for lines 1 and 6* in these instructions.
- The properly estimated franchise tax and MTA surcharge must either:
 - Equal or exceed the franchise tax and MTA surcharge shown on your tax return for the preceding tax year (if it was a tax year of 12 months); or
 - Equal or exceed 90% of the franchise tax and MTA surcharge as finally determined for the tax year for which this extension is requested.

The *preceding tax year* is the tax year occurring immediately before the tax year for which this extension is requested.

The *franchise tax* is the amount of tax computed after the deduction of any tax credits and before the addition of the MTA surcharge.

The franchise tax and MTA surcharge for the preceding tax year must be adjusted as necessary to correct errors in computation or in the application of tax rate or tax base.

Who may file Form CT-5

Corporations subject to tax under Tax Law Articles 9-A, 13, and 33 may file Form CT-5 to request a six-month extension of time to file the appropriate tax return and MTA surcharge return. **Do not use separate forms** if you are requesting an extension to file **both** the franchise tax and MTA surcharge returns. Use lines 1 through 5 to compute the estimated franchise tax. Use lines 6 through 10 to compute the estimated MTA surcharge. Submit only one payment of the combined amount for both franchise tax and MTA surcharge.

Corporations filing a combined franchise tax return only (Form CT-3-A or CT-33-A) **must use Form CT-5.3, Request for Six-Month Extension to File (for combined franchise tax return, or combined MTA surcharge return, or both)**, to request a six-month extension of time to file.

The designated agent (Article 9-A), or parent (Article 33), of a new or existing combined group will file one Form CT-5.3 to request a six-month extension of time to file for all corporations included in the combined group. However:

- Each taxpayer member corporation of a **new** combined group must **also** file a **separate** Form CT-5 to extend the time to file for the **first** period for which the new combined group actually files a combined return. On Form CT-5, under *Certain corporations filing as part of a combined group*, enter the EIN of the designated agent (Article 9-A), or parent (Article 33), on line B. Mark an **X** in the box on line C. Do **not** complete line A, line D, or lines 1 through 16. Complete your business information and file by the original due date of the combined return (see *Where to file*).
- Each taxpayer member corporation being **newly** added to an **existing** combined group must **also** file a **separate** Form CT-5 to extend the time to file the return for the **first** period for which they are actually included in the combined group's return. On Form CT-5, under *Certain corporations filing as part of a combined group*, enter the EIN of the designated agent (Article 9-A), or parent (Article 33), on line B. Mark an **X** in the box on line D. Do **not** complete line A, line C, or lines 1 through 16. Complete your business information and file by the original due date of the combined return (see *Where to file*).

Note: Non-taxpayer members of a combined group are **not** required to file a separate Form CT-5, regardless of whether or not they are included on Form CT-5.3.

Neither filing, nor the failure to file, a particular extension request in any way impacts who must be included in a combined group.

New York State S corporations

A corporation subject to tax under Article 9-A that has elected to be a New York S corporation by filing Form CT-6, *Election by a Federal S Corporation to be Treated As a New York S Corporation*, or that is a federal S corporation that has not made the New York S election but meets the requirements of Tax Law, Article 22, section 660(i) (and is therefore deemed to be a New York S corporation) must file Form CT-5.4, *Request for Six-Month Extension to File New York S Corporation Franchise Tax Return*, to request one six-month extension of time to file Form CT-3-S, *New York S Corporation Franchise Tax Return*. Additional extensions beyond six months will not be granted to New York S corporations.

Article 9 filers

Article 9 taxpayers must use Form CT-5.9, *Request for Three-Month Extension to File*, to request a three-month extension to file a franchise tax return and MTA surcharge return.

Exceptions:

- Providers of telecommunication services must use Form CT-5.9-E, *Request for Three-Month Extension to File*

Form CT-186-E, to request an extension to file Form CT-186-E, Telecommunications Tax Return and Utility Services Tax Return.

- Taxpayers subject to former Tax Law section 186 must use Form CT-5.6, Request for Three-Month Extension to File Form CT-186, to request an extension to file Form CT-186, Utility Corporation Franchise Tax Return, and Form CT-186-M, Utility Corporation MTA Surcharge Return.

Extensions of time for filing returns

A six-month extension of time for filing a franchise tax return or MTA surcharge return will be granted if Form CT-5 is properly filed and if properly estimated tax is paid on or before the original due date of the return.

No late filing or late payment penalties will be imposed if you file your return by the extended due date and pay the balance of the tax due with your return.

Interest applies to any tax not paid by the original due date of the return.

When to file

File Form CT-5 on or before the due date of your tax return.

Type of corporation

Due date of extension

Businesses filing Form CT-13.....	4½ months following the end of the tax period
Employee trusts (as described in IRC section 401(a)).....	3½ months following the end of the tax period
Taxable DISCs.....	8½ months following the end of the tax period
All others.....	3½ months following the end of the tax period

If you cannot file within the six-month extended period, you may request two additional three-month extensions by filing Form CT-5.1, Request for Additional Extension of Time to File, for each extension.

Where to file

Mail Form CT-5 to: NYS CORPORATION TAX
PO BOX 15180
ALBANY NY 12212-5180

Private delivery services

See Publication 55, Designated Private Delivery Services.

Reporting period

Use this tax form for calendar year 2021, fiscal years that begin in 2021 and end in 2022, and tax years of less than 12 months that begin on or after January 1, 2021, but before January 1, 2022.

You can also use the 2021 form if:

- you have a tax year of less than 12 months that begins and ends in 2022, and
- the 2022 form is not yet available at the time you are required to file the form.

In this case you must show your 2022 tax year on the 2021 form and take into account any tax law changes that are effective for tax years beginning after December 31, 2021.

All filers must complete the beginning and ending tax period boxes in the upper right corner on page 1 of the form.

Line instructions

Line A – Make your check or money order payable in U.S. funds. We will accept a foreign check or foreign money order only if payable through a United States bank or if marked **Payable in U.S. funds**.

Lines 1 and 6 – Use *Worksheet for lines 1 and 6* to properly estimate the franchise tax and the MTA surcharge.

Worksheet for lines 1 and 6

Complete Parts 1 and 2. However, if the corporation was not subject to franchise tax for the preceding tax year or if the preceding tax year was less than 12 months, skip Part 1 and complete only Part 2. See the instructions below.

Part 1 – Preceding tax year (if it was a tax year of 12 months)

- A. Franchise tax from preceding tax year ... A. _____
- B. MTA surcharge from preceding tax year ... B. _____

Part 2 – Current tax year

- C. Franchise tax estimated to be due for the current tax year C. _____
- D. MTA surcharge estimated to be due for the current tax year D. _____

Enter on lines 1 and 6 either:

- The tax from the preceding tax year (lines A and B); or
- The tax from the current tax year (lines C and D).

Exception: The combination of lines A and D may be used on lines 1 and 6 when the corporation filed a 12-month franchise tax return for the preceding tax year, but became subject to the MTA surcharge for the tax year for which this extension is requested.

Worksheet instructions

Part 1

Line A – Enter the amount of franchise tax (computed after the deduction of any credits and before the addition of the MTA surcharge) shown on the franchise tax return for the preceding tax year, if it was a tax year of 12 months.

Line B – Enter the amount of MTA surcharge shown on the MTA surcharge tax return for the preceding tax year, if it was a tax year of 12 months. Enter 0 if you are not subject to the MTA surcharge for the tax year for which this extension is requested.

Part 2

Line C – Determine the franchise tax (computed after the deduction of any tax credits and before the addition of the MTA surcharge) for the tax year for which this extension is requested. Multiply the franchise tax by an amount not less than 90% and enter the result (see *Requirements for a valid New York State extension*).

Line D – Determine the MTA surcharge for the tax year for which this extension is requested. Multiply the MTA surcharge by an amount not less than 90% and enter the result (see *Requirements for a valid New York State extension*). Enter 0 if not subject to the MTA surcharge for the tax year for which this extension is requested.

Lines 5 and 10 – Do not enter amounts less than zero on these lines.

Line 11 – Add lines 5 and 10. If zero or less, enter 0.

Note: An estimated overpayment of franchise tax (when line 4 is greater than line 1) **cannot** be applied against an estimated balance due of MTA surcharge (when line 6 is greater than line 9) on line 10. An estimated overpayment of MTA surcharge (when line 9 is greater than line 6) **cannot** be applied against an estimated balance due of franchise tax (when line 1 is greater than 4) on line 5. Lines 5 and 10 **cannot** show amounts less than zero.

Composition of prepayments

If you need more space, write **see attached** in this section, and attach a separate sheet showing all relevant prepayment information. Include the amount(s) in line 16, column(s) A and B.

Line 12 – Determine the amount to enter by completing the *Worksheet for line 12* below.

Worksheet for line 12

From the Form CT-300 used to report the MFI for the tax period for which this extension is being filed (**Note:** For calendar-year 2021 filers, such Form CT-300 was due March 15, 2021):

- 1 Enter the portion of line A (*Payment enclosed*) that represents the applicable (New York State or MTA surcharge) MFI paid (generally, the amount in the applicable column of line 6 of such Form CT-300) **1** _____

- 2 Enter the portion of line 5, column A (or column B, as applicable) actually applied toward satisfying the amount on either line 2, or line 4, as applicable (generally, the lesser of the amount in line 5, column A (or column B, as applicable), or the amount on line 2, (or line 4, as applicable)) of such Form CT-300. This is your 2020 *anticipated overpayment applied*. **2** _____

- 3 Add the amounts on lines 1 and 2, and enter the total here and on line 12 in the applicable column. **3** _____

Line 14 – Include overpayments credited from prior years. You may also include from last year’s return any amount of refundable tax credits you chose to be credited as an overpayment.

Signature

If an outside individual or firm prepared the document, all applicable entries in the paid preparer section must be completed, including identification numbers (see *Paid preparer identification numbers* in Form CT-1). Failure to sign the document will delay the processing of any refunds and may result in penalties.