



Instructions for Form CT-667

Empire State Independent Film Production Credit

CT-667-I

General information

You are eligible for this credit if you or your business:

- is subject to tax under Tax Law Article 9-A (franchise tax on general business corporation)
- paid or incurred qualified production cost in the production of a qualified film, and
- received a certificate of tax credit from the Governor's Office of Motion Picture and Television Development.

The New York State Governor's Office of Motion Picture and Television Development allocates the amount of the credit. For more information, including how to apply, visit Empire State Development New York State Independent Film Production Tax Credit Program at www.esd.ny.gov.

Credit calculation

The credit is based on qualified production cost incurred in producing a qualified film. You may qualify for additional credit if you incur certain qualifying expenses or conduct production activities on a qualified film in certain counties, as determined by the Governor's Office of Motion Picture and Television Development.

You **cannot**:

- use this credit to reduce the tax due to less than the fixed dollar minimum tax,
- use any production costs used in calculating this credit in the calculation of any other credit, or
- apply this credit against the metropolitan transportation business tax (MTA surcharge).

If you do not use the full amount of the credit against your tax liability this year, you may request a refund or apply the overpayment to next year's tax. The Tax Department will not pay interest on the refund or overpayment.

You are required to recapture any previous credit due to a revocation of a certificate of tax credit.

How to claim the credit

Claim the tax credit in the tax year when the qualified film is completed. You **must** submit a copy of your certificate with your return.

New York S corporations: You must calculate the credit and file this form with Form CT-3-S, *New York S Corporation Franchise Tax Return*. However, the S corporation may not use the credit against its own tax liability. Instead, the S corporation must pass the credit through to its shareholders to use against their personal income tax liabilities on their New York State personal income tax returns.

Combined filers: A taxpayer filing as a member of a combined group may claim the credit, which is calculated on a separate basis but applied against the combined tax.

Line instructions

Certificate information

A **separate** Form CT-667 **must** be completed for each certificate you receive, whether it is as the entity that earned the credit, or as a partner in an entity that earned the credit.

Note: If you received multiple copies of the same certificate from different entities, complete a separate Form CT-667 to report your share of credit from each entity, even though the certificate number is the same.

Line A: Mark an **X** in the appropriate box to determine the parts of this form you need to complete. If you are claiming this credit **both** as a corporation that earned the credit **and** as a corporate partner receiving a share of the credit, mark an **X** in the Yes box and complete all appropriate schedules on one Form CT-667.

Lines C through F: If you do not enter the correct information, your credit may be denied. Corporate partners must get this information from their partnership.

Additional forms: If you are required to file more than one Form CT-667, submit additional Forms CT-667, completing lines C through F and the necessary schedules. Include your name and taxpayer identification number on each form. On the indicated lines of the first Form CT-667, include the totals from all additional Forms CT-667. Place the extra forms behind the first Form CT-667 and submit them with your return.

Schedule A: Calculation of credit

Line 1: Enter the credit amount listed on the certificate of tax credit issued by the Governor's Office of Motion Picture and Television Development. The amount entered cannot exceed the amount shown on the certificate. If needed, see *Additional forms*.

Line 3: Enter your share of the credit amount listed on the certificate of tax credit your partnership received from the Governor's Office of Motion Picture and Television Development. If needed, see *Additional forms*.

Line 6: If the Governor's Office of Motion Picture and Television Development has revoked a previously claimed independent film production credit which you earned directly or from a partnership, the amount revoked must be added back to your tax in the tax year the revocation become final. Enter the revoked amount as a negative number using a minus sign (-).

Line 7:

Subtract line 6 from line 5:

- If the amount is positive, enter it here and complete Schedule B.
- If the amount is negative, enter it with a minus sign (-). Do **not** complete Schedule B; instead enter the amount in the appropriate box of the *Summary of tax credits* on your franchise tax return.

New York S corporations: Transfer the amounts from lines 5 and 6 to the applicable line of Form CT-34-SH, *New York S Corporation Shareholders' Information*

Schedule, and provide your shareholders with their share of these lines. The shareholders will file Form IT-667, *Empire State Independent Film Production Credit*, to claim this credit on their New York State personal income tax returns. Do **not** complete Schedule B.

Schedule B: Calculation of credit used, refunded, or credited as an overpayment to the next tax year

Line 8: Enter the amount from Form CT-3 or CT-3-A, Part 2, line 2, **plus** any net recapture tax credits.

Line 9: If you are claiming more than one tax credit for this year, enter the total amount of credits you claimed before applying this credit; otherwise enter **0**. You **must** apply tax credits in a specific order.

Article 9-A filers: For the correct order of credits, see Form CT-600-I, *Instructions for Form CT-600, Ordering of Corporation Tax Credits*.

Combined filers: Include the total amount of all tax credits you **and** other members of the combined group are claiming—including the Empire State Independent Film Production Credit—that you want to apply before you apply this credit.

Line 11: Enter your fixed dollar minimum tax from Form CT-3 or the designated agent's fixed dollar minimum tax from Form CT-3-A.