

Automatic Six-Month Extension of Time to File a New York State Personal Income Tax Return

The Commissioner of Taxation and Finance has adopted amendments to Part 157 of the personal income tax regulations that increase the length of time for which taxpayers may receive an automatic extension of time to file a New York State personal income tax return. The amendments increase the automatic extension period from four to six months for individuals and from three to six months for partnerships and fiduciaries of estates and trusts. As a result, taxpayers are not required to file a second application for an additional extension of time to receive the full six months allowed by section 657(a) of the Tax Law. The amendments apply to tax years that begin on or after January 1, 2005.

The Internal Revenue Service has recently announced that the federal government will also increase its automatic extension period to six months for individuals, partnerships, and fiduciaries for any 2005 tax year returns due in 2006.

Individuals

For tax years that begin on or after January 1, 2005, the Tax Department will grant an automatic six-month extension of time to file a New York State income tax return beyond its original due date to any individual who files a proper application on or before the original due date, provided the individual estimates and remits with the application full payment of any New York State, New York City, and Yonkers income tax due or any state or local sales or use tax remaining unpaid. Proper application is made by:

- filing Form IT-370, *Application for Automatic Six-Month Extension of Time to File for Individuals*;
- submitting a copy of a properly prepared federal Form 4868, *Application for Automatic Extension of Time to File U.S. Individual Income Tax Return*, provided the individual expects to receive a refund or anticipates having no amount of New York State, New York City, or Yonkers income tax due or any state or local sales or use tax remaining unpaid; or
- using one of the electronic options discussed at the end of this memorandum.

For most individuals the filing date will be extended from April 15th to October 15th. This is the maximum amount of time allowed by the Tax Law. Therefore, the previously required second step of filing Form IT-372, *Application for Additional Extension of Time to File for Individuals*, or a copy of approved federal Form 2688, *Application for Additional Extension of Time to File U.S. Individual Income Tax Return*, to get an additional two-month extension has been eliminated, and Form IT-372 is obsolete.

Partnerships and fiduciaries

For tax years that begin on or after January 1, 2005, the Tax Department will grant an automatic six-month extension of time to file a New York State income tax return beyond its original due date to any partnership or fiduciary that files a proper application on or before the original due date, provided the fiduciary estimates and remits with the application full payment of any New York State, New York City, and Yonkers income tax due or any state or local sales or use tax remaining unpaid. Proper application is made by:

- filing Form IT-370-PF, *Application for Automatic Six-Month Extension of Time to File for Partnerships and Fiduciaries*;
- submitting a copy of a properly prepared federal Form 7004, *Application for Automatic 6-Month Extension of Time to File Certain Business Income Tax Information, and Other Returns*, provided the fiduciary expects to receive a refund or anticipates having no amount of New York State, New York City, or Yonkers income tax due or any state or local sales or use tax remaining unpaid; or
- using one of the electronic options discussed at the end of this memorandum.

For partnerships and fiduciaries that are filing based on a calendar year, the filing date will be extended from April 15th to October 15th. For partnerships and fiduciaries that file based on a tax year other than the calendar year, the filing date will be extended from the fifteenth day of the fourth month to the fifteenth day of the tenth month following the close of the tax year. These periods are the maximum amounts of time allowed by the Tax Law. Therefore, the previously required second step of filing Form IT-372-PF, *Application for Additional Extension of Time to File for Partnerships and Fiduciaries*, or a copy of approved federal Form 8800, *Application for Additional Extension of Time to File U.S. Return for a Partnership, REMIC, or for Certain Trusts*, to get an additional three-month extension period has been eliminated, and Form IT-372-PF is obsolete.

Electronic application options

Instead of using hard-copy versions of the forms described in this memorandum to apply for an extension of time to file a New York State income tax return, individuals, partnerships, and fiduciaries may electronically apply by:

- completing a Web application for no charge on the Tax Department's Web site at www.nystax.gov, under *Electronic Services* (available on the Web site from late March until the April return due date); or
- using tax preparation software or a paid preparer who uses tax preparation software that contains an option to e-file the application.

Filing an electronic application may save the taxpayer time and money. Also, unlike a hard-copy application, the Tax Department will send confirmation that the request for extension was received.