

STATEMENT OF NECESSITY

DEPARTMENT OF TAXATION AND FINANCE

Specific reasons underlying the finding of necessity: The Commissioner is required, pursuant to Tax Law section 209-B(1)(f), to annually adjust the rate of the metropolitan transportation business tax surcharge for taxable years beginning on or after January 1, 2016. The rate is to be adjusted as necessary to ensure that the receipts attributable to the surcharge will meet and not exceed the financial projections for each state fiscal year, as reflected in the enacted budget for that fiscal year.

This rule is being re-adopted on an emergency basis in order to have the rates for tax year 2020 in place by January 1, 2020, to enable taxpayers to properly estimate the taxes due for tax year 2020 and reflect these estimated taxes in their financial statements and to avoid a gap in the effectiveness of the rule.