For office use only

New York State Department of Taxation and Finance

City of Yonkers Nonresident Fiduciary Earnings Tax Return

2004

Y-206

For the full year January 1, 2004, through December 31, 2004, or fiscal tax year beginning 0 4

and ending

Attach this return to the back of Form IT-205.

Name of estate or trust

Name and title of fiduciary

▼ Employer identification number

A. ☐ Mark an ***X*** in this box if the income reported on this return represents an allocated portion of income from services performed, or from sources, in and out of the city of Yonkers. Attach a detailed statement of the allocation *(see instructions below).*

Calculation of earnings tax

1	Net earnings from self-employment *(attach detailed statement; if a loss, write* **loss** *on line 1)*	1.	
2	Amount of line 1 paid or permanently set aside for charitable purposes *(attach schedule)*	2.	
3	Subtract line 2 from line 1	3.	
4	Amount of line 1 distributed or distributable to city of Yonkers residents *(attach schedule)*	4.	
5	Subtract line 4 from line 3	5.	
6	Gross wages and other employee compensation *(attach employee's wage and tax statement)*	6.	
7	Add lines 5 and 6	7.	
8	Allowable exclusion *(see instructions; use* Exclusion table *on back)*	8.	
9	Taxable amount of wages and net earnings from self-employment *(subtract line 8 from line 7)*	9.	
10	Total nonresident earnings tax *(multiply line 9 by .25% (.0025); enter here and on Form IT-205, line 27)* ▶	10.	.

Instructions

General information

Refer to the instructions for New York State Form IT-205, *Fiduciary Income Tax Return,* before completing this return. You can get forms and publications from our Web site, by fax, or by calling. See the *Need help?* section on the back page.

Claim of right credit - Form IT-257

If the estate or trust was eligible for a claim of right credit on its federal return, the estate or trust may also be eligible for a refundable credit against its city of Yonkers nonresident earnings tax on its New York State return. To claim this credit, file Form IT-257, *Claim of Right Credit,* and attach it to Form IT-205.

Who must file

The fiduciary of a nonresident estate or trust must file Form Y-206, *City of Yonkers Nonresident Fiduciary Earnings Tax Return,* if the estate or trust has income from wages or net earnings from self-employment in Yonkers. This form must be attached to Form IT-205, *Fiduciary Income Tax Return.* **More general instructions for who must file the nonresident fiduciary earnings tax return are in the fiduciary income tax return packet, Form IT-205-P, on the first page.**

Specific instructions

Print or type the name of the estate or trust and the name and title of the fiduciary in the spaces provided. Enter the federal employer identification number of the estate or trust.

Item A

If wages or net earnings from self-employment were earned partially in Yonkers, you must determine the amounts to be allocated to the city as follows:

Allocation of wages — If wage or salary income does not depend directly on the volume of business transacted, divide the number of days worked in Yonkers by the total number of days (excluding nonwork days, such as Saturdays, Sundays, holidays, sick leave, vacation, etc.) worked both in and out of the city during the year. Multiply the total wage or salary income for the year by this percentage. This is the amount of wages allocated to Yonkers.

Work days are days on which the individual who earned wages was required to perform the usual duties of employment. This does not ordinarily include activities carried on at home. Attach a schedule to the return showing how you figured this allocation.

If the income subject to the allocation depends entirely on the volume of business transacted, as in the case of a salesperson working on commission, do not allocate the wages based on the number of days worked in Yonkers. Instead, divide the volume of business transacted in Yonkers by the total volume of business transacted both in and out of the city by that person. Multiply the total income subject to allocation by this percentage. This is the amount of income allocated to Yonkers. The location where the services or sales activities were actually performed determines where business is transacted. Attach a schedule to the return showing how you figured this allocation.

If the income earned from personal services was allocated differently from that covered in the preceding paragraphs, attach a schedule showing complete details.

Allocation of net earnings from self-employment — If the business that produces the earnings has no regular place of business out of Yonkers, allocate all net earnings from self-employment to the city.

If the books and records fairly and equitably show net earnings from self-employment in Yonkers, figure the part to be allocated to the city from these books and records.

If the Yonkers net earnings cannot be determined from the books and records, make the allocation by multiplying total net earnings from self-employment by the average of the following three percentages:

1. The property percentage is computed by dividing (a) the average value of real and tangible personal property connected with net earnings from self-employment and located in Yonkers by (b) the average value of all real and tangible personal property connected with the net earnings from self-employment and located both in and out of the city. Include both owned and rented real property.

The average value of property is determined by (1) adding its adjusted basis at the beginning of the tax year to its adjusted basis at the end of the tax year and (2) dividing by two.

(continued)

Instructions *(continued)*

2. The payroll percentage is computed by dividing (a) the total wages, salaries, and other personal service compensation paid or incurred during the tax year to employees in connection with the net earnings from self-employment derived from a trade or business carried on in Yonkers by (b) the total of all wages, and compensation paid or incurred during the tax year to employees in connection with the net earnings from self-employment derived from a trade or business carried on both in and out of the city.

3. The gross income percentage is computed by dividing (a) the gross sales or charges for services performed by or through an agency located in Yonkers by (b) the total of all gross sales or charges for services performed in and out of the city. Allocate to Yonkers all sales negotiated or consummated, and charges for services performed by an employee, agent, agency, or independent contractor chiefly situated at, connected by contract or otherwise with, or sent out from, offices or other agencies of the trade or business situated in the city and from which the estate or trust is deriving net earnings from self-employment.

Special rule for real estate — Income and deductions from the rental of real property and gain and loss from the sale, exchange, or other disposition of real property are not subject to allocation but are considered entirely derived from or connected with the place where the property is located.

Calculation of earnings tax

The estate or trust is not liable for Yonkers earnings tax on nonresidents in an amount greater than it would be required to pay if it were a Yonkers resident estate or trust subject to the city's income tax surcharge on resident estates or trusts. Use Form IT-205 and instructions to determine the tax liability as if a resident estate or trust.

Example: *If the estate or trust had losses that entered into the computation of its taxable income computed* ***as if*** *a resident, or if it would qualify to claim the Yonkers claim of right tax credit when computing its tax as if a resident, then the city income tax surcharge computed as a resident may be* ***lower*** *than the actual Yonkers nonresident earnings tax computed. The fiduciary would therefore be allowed to pay the amount of tax computed as a city resident. If the amount of income tax surcharge computed as a Yonkers resident is less than its Yonkers nonresident earnings tax, attach a separate schedule to Form Y-206 showing the computation. Enter the computed Yonkers resident income tax surcharge on line 10 of Form Y-206.*

Line 1 Net earnings from self-employment — Net earnings from self-employment is defined in the fiduciary income tax return packet, IT-205-P, under *City of Yonkers nonresident fiduciary earnings tax.* Enter the net earnings for the tax year. This is the amount reported on federal Form 1040, Schedule SE, *Self-Employment Tax,* Section A, line 4, or Section B, line 4c, minus the deduction for wages or salaries paid or incurred for the tax year that was disallowed according to Internal Revenue Code (IRC) section 280C. See the preceding instructions if allocation is required. Attach a detailed statement showing the computation of the net earnings, including the gross income from the underlying trade or business and the deductions prescribed in IRC section 1402(a).

Line 2 — Enter any amount included on line 1 that was paid or permanently set aside for charitable purposes in accordance with IRC section 642(c).

Line 4 — Enter any amount included on line 1 that was distributed or distributable to Yonkers residents in accordance with IRC section 651 or 661.

Line 6 Gross wages and other employee compensation — The definitions of wages and other employee compensation are in the fiduciary income tax return packet, Form IT-205-P, under *City of Yonkers nonresident fiduciary earnings tax.* Enter on line 6 the wages and other employee compensation earned during the tax year. See the preceding instructions if allocation is required.

Line 8 Allowable exclusion — The estate or trust is allowed an exclusion against the total wages and net earnings from self-employment received during the tax year.

If a trust changed its residence to or from Yonkers during its tax year or if an estate or trust had a tax period of less than one year, then that estate or trust has to prorate its allowable exclusion. To do this, count any period of more than one-half month as a full month; do not count any period of one-half month or less. Then use the *Exclusion table* below to find the amount of the estate's or trust's allowable exclusion.

Exclusion table

	Total of wages and net earnings* (sum of lines 1 and 6)		
Number of months**	over $ 0 but not over $10,000	over $10,000 but not over $20,000	over $20,000 but not over $30,000
12	$3,000	$2,000	$1,000
11	2,750	1,833	917
10	2,500	1,667	833
9	2,250	1,500	750
8	2,000	1,333	667
7	1,750	1,167	583
6	1,500	1,000	500
5	1,250	833	417
4	1,000	667	333
3	750	500	250
2	500	333	167
1	250	167	83

* If the total of wages and net earnings exceeds $30,000 for the year, there is no exclusion amount.

** Number of months of Yonkers nonresidence or of short tax year

Line 10 Total nonresident earnings tax — Enter the tax on line 10 and on Form IT-205, line 27. Attach Form Y-206 to the back of Form IT-205.

Privacy notification

The Commissioner of Taxation and Finance may collect and maintain personal information pursuant to the New York State Tax Law, including but not limited to, sections 171, 171-a, 287, 308, 429, 475, 505, 697, 1096, 1142, and 1415 of that Law; and may require disclosure of social security numbers pursuant to 42 USC 405(c)(2)(C)(i).

This information will be used to determine and administer tax liabilities and, when authorized by law, for certain tax offset and exchange of tax information programs as well as for any other lawful purpose.

Information concerning quarterly wages paid to employees is provided to certain state agencies for purposes of fraud prevention, support enforcement, evaluation of the effectiveness of certain employment and training programs and other purposes authorized by law.

Failure to provide the required information may subject you to civil or criminal penalties, or both, under the Tax Law.

This information is maintained by the Director of Records Management and Data Entry, NYS Tax Department, W A Harriman Campus, Albany NY 12227; telephone 1 800 225-5829. From areas outside the United States and outside Canada, call (518) 485-6800.

Need help?

Internet access: *www.nystax.gov*
Access our Answer Center for answers to frequently-asked questions; check your refund status; check your estimated tax account; download forms, publications; get tax updates and other information.

Fax-on-demand forms: Forms are available 24 hours a day, 7 days a week. 1 800 748-3676

Telephone assistance is available from 8:00 A.M. to 5:00 P.M. (eastern time), Monday through Friday.

To order forms and publications:	1 800 462-8100
Refund status:	1 800 443-3200
Personal Income Tax Information Center:	1 800 225-5829
From areas outside the U.S. and outside Canada:	(518) 485-6800
Hearing and speech impaired (telecommunications device for the deaf (TDD) callers only):	1 800 634-2110