



Instructions for Form IT-215

Claim for Earned Income Credit (NY State and City of NY)

General information

New for 2004

New York City full-year residents and New York City part-year residents may now claim a new **city of New York earned income credit** (CNY EIC). This credit is in addition to the New York State earned income credit (NYS EIC). If you qualify, see the instructions below to compute your CNY EIC.

Who qualifies

To qualify for the **New York State earned income credit** you must:

- have claimed the federal earned income credit for tax year 2004; **and**
- file (or have filed) a New York State return for 2004.

To qualify for the new **city of New York earned income credit** you must:

- have been a full-year or part-year resident of New York City for 2004;
- have claimed the federal earned income credit for 2004; **and**
- file (or have filed) a New York State income tax return for 2004.

Note: Because of the different methods in computing the two credits (NYS EIC and CNY EIC), if you qualify for the CNY EIC, you will end up with a CNY EIC amount even if you do not end up with a NYS EIC amount (line 16 of Form IT-215 is 0). Be sure to complete **Worksheet C, City of New York earned income credit**, on page 3 to compute your CNY EIC. Also, be sure to attach Form IT-215 to your income tax return.

If you are a resident or part-year resident, you may qualify for a refund of any earned income credit in excess of your tax liability. Nonresidents of New York State **do not** qualify for a refund of the New York State earned income credit.



Free e-file? You may qualify for free e-filing of your New York State tax return. Log onto our

Web site at www.nystax.gov and click on **Electronic Services** for more information.

How to claim the credit

In order to claim the **New York State earned income credit** (NYS EIC) you must:

- complete Form IT-215 using the information from your federal return, worksheets, and, if applicable, the federal earned income credit line instructions; **or**
- complete, if you file Form IT-100, the *Claim for earned income credit for IT-100 filers* on the back of Form IT-100.

In order to claim the **city of New York earned income credit** (CNY EIC), you must:

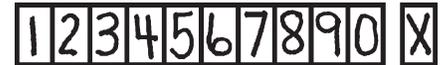
- complete Form IT-215, using the information from your federal return, worksheets, and, if applicable, the federal earned income credit line instructions;
- complete **Worksheet C, City of New York earned income credit**, on page 3; **and**
- complete, if you file Form IT-100, the *Claim for earned income credit for IT-100 filers* on the back of Form IT-100, and we will compute both the New York State and the city of New York earned income credits for you.

Filing in your claim form

Form IT-215 has been designed to let us use the latest scanning and image-processing equipment. Rectangular boxes and white entry areas have been printed on the form to guide you in making your handwritten entries. This will enable our scanning equipment to read your return more accurately and let us process it more efficiently. Please spend a moment reviewing the method below for making your entries:

- Please keep your name and address entries within the spaces provided. For example, your first name and middle initial should not go past the vertical line separating them from your last name, and your last name should start to the right of the vertical line. Similarly, your mailing address, ZIP code, etc., should be kept within the boxes provided.
- Please print (use black ink only; no red or other color ink or pencils please) or type all **X** marks and money amounts in the boxes or spaces provided.
- Do not use dollar signs, commas, decimal points, dashes, or any other punctuation marks or symbols.

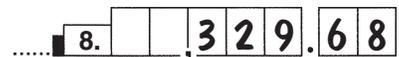
— Write your numerals like this:



— Carefully enter your money amounts so that the whole **dollar amount** ends in the box immediately to the **left** of the cents decimal and the **cents amount** starts in the box immediately to the **right** of the cents decimal.

— Make your money amount entries in the boxes allowing one numeral for each area.

Example: If your entry for line 8 is \$329.68, your money field entry should look like:



— **Leave blank** any spaces and boxes that do not apply to you.

Line instructions for all filers

All resident, nonresident, and part-year resident filers complete lines 1 through 17 as applicable. (**Form IT-100 filers** - Do not file Form IT-215 unless you have already filed your Form IT-100 for 2004.)

All part-year New York State resident filers must also complete lines 18 through 26.

Line 1 — You must have claimed the federal earned income credit for 2004 in order to claim the New York State and city of New York earned income credits.

Line 2 — You cannot claim the New York State and city of New York earned income credits if your investment income is more than \$2,650. For most people, investment income is the total amount of:

- taxable interest (from line 8a of federal Form 1040 or 1040A);
- tax-exempt interest (from line 8b of federal Form 1040 or 1040A);
- ordinary dividends income (from line 9a of federal Form 1040 or 1040A); and
- capital gain net income from line 10 of Form 1040A or line 13 of Form 1040 (if more than zero).

For additional information on what qualifies as investment income, see **federal** Publication 596, *Earned Income Credit*.

Line 3 — File Form IT-215 with your original 2004 New York State income tax return. If you have already filed your original return, you may file Form IT-215 by itself. If you haven't previously filed your income tax return for this year, you **must** file one with this claim.

Line 4 — If you claimed qualifying children on your 2004 federal EIC, list the same children (up to two) in the spaces provided on line 4 of Form IT-215. If you claimed more than two qualifying children on your 2004 federal EIC, enter the required information for two qualifying children in the spaces provided on the form and attach a statement to your return with the required identifying information for each additional child. Be sure to include your name and social security number on your attachment.

Caution: To be eligible to claim the New York State and city of New York earned income credits, you must provide a correct and valid social security number (SSN) for each child listed on line 4.

If you have applied for a social security number by filing federal Form SS-5 with the Social Security Administration, but you have not received it by April 15, 2005:

- 1) File Form IT-370 requesting an automatic extension of time to file until August 15, 2005. (This extension does not give you any extra time to pay any tax owed. You should pay any New York taxes you expect to owe to avoid interest or penalty charges. For more information, see Form IT-370, *Application for Automatic Extension of Time to File for Individuals.*) **or**
- 2) File your return on time without claiming the earned income credits and do not attach Form IT-215. After receiving the SSN, file Form IT-215 and claim the credits.

Be sure to mark an **X** in the box under the heading *Full-time student* if your child was born before 1986 and was a full-time student under 24. Mark an **X** in this box **only** if you marked the **Yes** box on your 2004 federal Schedule EIC, line 4a.

Be sure to mark an **X** in the box under the heading *Person with disability* if your child was born before 1986 and was permanently disabled during any part of 2004. Mark an **X** in this box **only** if you marked the **Yes** box on your 2004 federal Schedule EIC, line 4b.

If you marked the box *Person with disability*, and your qualifying person is 24 years of age or older, **you must attach a letter from a physician stating that the person is disabled**. When we receive a letter from your qualifying person's doctor stating that your qualifying person is, by definition, permanently and totally disabled, we will keep that statement on file, and you will not have to provide this information again.

Line 6 — Complete *Worksheet A* below to determine the amount to enter on line 6.

Worksheet A	
Wages, salaries, tips, etc.	
1. Enter the amount from federal Form 1040EZ, line 1; Form 1040A, line 7; or Form 1040, line 7;	
OR	
if you are a member of the clergy or a church employee who checked the Yes box in step 5, line 1, of the federal Form 1040 instructions for lines 65a and 65b, enter the amount from the first space of step 5, line 2, of the Form 1040 instructions	
1. _____	
2. Enter the amount, if any, from federal Form 1040EZ, line 8b; Form 1040A line 41b; or Form 1040, line 65b .. 2.	
3. Add lines 1 and 2. Enter here and on Form IT-215, line 6.	3.

Line 7 — If you received a taxable scholarship or fellowship grant that was not reported on a federal Form W-2, if you were paid an amount as an inmate in a penal institution for work, or if you received an amount as a pension or annuity from a nonqualified deferred compensation plan or a nongovernmental section 457 plan (this amount may be shown on your wage and tax statement(s) federal Form W-2, box 11), enter the amount from your federal Form 1040A instructions for line 41a, or from your federal Form 1040 instructions for line 65a, the amount in the second space (the *subtract* line) of step 5, line 2.

Line 8 — *Business income or loss* applies only to **federal** Form 1040 filers. Enter the amount of business income or loss from your federal Form 1040 instructions, *Earned Income Credit Worksheet B*, the total of lines 1e, 2c and 3. **Do not use a minus sign or brackets**

to show a loss. Mark an **X** in the appropriate box on line 8 to indicate if the amount reported is a profit or a loss. Be sure to enter your employer identification number (EIN) for your business. If you have income or loss from more than one business, enter the EIN representing your primary business activity. If your primary business activity doesn't have an EIN, enter your social security number.

Line 10 — This amount can be found on the appropriate line of your **federal** return. However, if you owe the federal alternative minimum tax, enter the amount of the federal earned income credit, as originally computed in the *EIC Worksheet* in your federal instructions **before** any reduction for the alternative minimum tax.

Line 11 — For 2004, the New York State earned income credit is 30% (.30) of the federal earned income credit reduced by any household credit allowed. The rate has already been filled in for you.

Line 12 — This amount represents your New York State earned income credit **before** it has been reduced by the amount of household credit allowed.

If the amount on line 12 is more than 0, and you are a full-year city of New York resident or a part-year city of New York resident, be sure to complete **Worksheet C, City of New York earned income credit**, on page 3 to compute your CNY EIC. Enter the amount of your CNY EIC on Form IT-215, line 27.

- **Form IT-100 filers, stop;** the Tax Department will compute your New York State earned income credit for you.

Lines 13, 14, and 15 — Form IT-200 filers, continue with line 13. Form IT-201 or IT-203 filers, complete **Worksheet B** on the back of Form IT-215. Then continue with line 13.

Line 16 — If you are attaching this claim to your original 2004 New York State income tax return and you answered *No* at line 3:

For filing status ①, ②, ④, or ⑤

- **Residents** - Transfer the line 16 amount to Form IT-200, line 31, or Form IT-201, line 60.
- **Nonresidents** - Transfer the line 16 amount to Form IT-203, line 41.
- **Part-year residents** - Transfer the line 16 amount to Form IT-203, line 41, **and continue on** line 18.

(continued)

For filing status ③, Married filing separate return

- The line 16 amount represents both spouses' combined (total) New York State earned income credit. You must complete line 17 and indicate the amount of line 16 that you are claiming.

If you have previously filed your 2004 New York State income tax return and you answered *Yes* at line 3:

For filing status ①, ②, ④, or ⑤

- **Residents, nonresidents, and part-year residents** - mail your completed Form IT-215 to:

STATE PROCESSING CENTER
PO BOX 61000
ALBANY NY 12261-0001

For filing status ③, Married filing separate return

- The line 16 amount represents both spouses' combined (total) New York State earned income credit. You must complete line 17 and indicate the amount of line 16 that you are claiming.

Line 17 — Complete this line **only** if your filing status is ③, *Married filing separate return*. See the instructions for Form IT-200, IT-201, or IT-203 to determine your filing status.

If you are attaching this claim to your original return and answered *No* at line 3, show the portion of line 16 that you are claiming as your share of the New York State earned income credit, and follow the appropriate instructions below. Remember, while the New York State credit can be split in any manner you and your spouse agree to, the combined amount of both spouses' New York State credits cannot be more than the amount on line 16.

- **Residents** - Transfer the line 17 amount to Form IT-200, line 31, or Form IT-201, line 60.
- **Nonresidents** - Transfer the line 17 amount to Form IT-203, line 41.
- **Part-year residents** - Transfer the line 17 amount to Form IT-203, line 41, **and continue on** line 18.

If you have already filed your 2004 New York State income tax return and answered *Yes* at line 3:

- **Residents, nonresidents, and part-year residents** - Mail your completed Form IT-215 to:

STATE PROCESSING CENTER
PO BOX 61000
ALBANY NY 12261-0001

Part-year New York State residents only

Lines 18 through 26 need to be completed **only** by part-year NY State residents claiming the NY State earned income credit who are filing, or have previously filed, Form IT-203, *Nonresident and Part-Year Resident Income Tax Return*, for this year. The amounts for these lines can be found on the appropriate lines of Form IT-203 or Form IT-203-B, *Other New York State and City of New York Taxes and Tax Credits*, or their instructions.

(continued)

Worksheet C

City of New York earned income credit
(Worksheet C instructions are on page 4)

- 1 Amount of federal EIC claimed (from Form IT-215, line 10; see instructions on page 4) 1. , .
- 2 New York City EIC rate 5% (.05) 2. . **0 5**
- 3 Allowable New York City EIC (multiply line 1 by line 2) 3. .
- If your New York City filing status is *Married filing separate return*, also complete line 4 below.
 - Part-year city of New York residents must also complete lines 5 through 9 below.
 - All others enter the line 3 amount on Form IT-215, line 27; also enter on Form IT-200, line 35, or on Form IT-201, line 64.
- 4 If your New York City filing status is *Married filing separate return*, the NYC EIC credit on line 3 above can be divided between spouses in any manner you wish.
Enter on line 4 the amount of credit you are claiming. 4. .
- Part-year city of New York residents must also complete lines 5 through 9 below.
 - All others enter the line 4 amount on Form IT-215, line 27; also enter on Form IT-200, line 35, or on Form IT-201, line 64.

Part-year city of New York residents only

- 5 New York City earned income credit (from line 3 or line 4 above) 5. .
- 6 Enter the amount from Form IT-360.1, line 20, **Column B**; also enter this amount on Form IT-215, line 28B. 6. , .
- 7 Enter the amount from Form IT-360.1, line 20, **Column A**; also enter this amount on Form IT-215, line 28A. 7. , .
- 8 Divide line 6 by line 7 (carry the result to four decimals; cannot exceed 1.000) 8. .
- 9 Part-year New York City resident EIC (multiply line 5 by line 8). **Enter this amount on Form IT-215, line 27; also enter on Form IT-201, line 64, or on Form IT-203-B, line 67.** 9. .
Also complete line 28 on Form IT-215.

The NY State earned income credit must first reduce your tax liability to zero before the remaining excess NY State earned income credit is eligible to be refunded. The amount to be refunded will be based on the ratio of resident period income to the combined income from both the resident and nonresident periods.

Line 25 — Divide line 23 by line 24 and round the result to the fourth decimal place. (Do not enter more than 100% (1.0000) even if your actual result is more than 100%.) If the result is zero percent (0%), you have no remaining excess earned income credit available to be refunded. Do not complete line 26.

Line 26 — If line 25 is greater than 0%, multiply line 22 by line 25. If you answered *No* at line 3, transfer the line 26 amount to Form IT-203-B, line 52, and attach Form IT-215 to your Form IT-203. This amount represents the refundable portion of your part-year NY State resident earned income credit.

A paid preparer must also sign your return.

If you pay someone to prepare your return, the paid preparer must also sign and fill in the other blanks in the paid preparer's area of your return. A person who prepares your return and does not charge you should not fill in the paid preparer's area.

Instructions for completing Worksheet C, City of New York earned income credit, on page 3:

Line 1 — You must have claimed the federal earned income credit for 2004 and have completed Form IT-215 in order to claim the **city of New York earned income credit**. Because of the different methods in computing the two credits (NYS EIC and CNY EIC), if you qualify for the CNY EIC, you will end up with a CNY EIC amount even if you do not end up with a NYS EIC amount (line 16 of Form IT-215 is 0).

Line 4 — Complete this line only if your city of New York filing status is *Married filing separate return*. See the instructions for Form IT-200, IT-201, or IT-203 to determine your filing status.

Remember that while the city of New York earned income credit can be split in any manner you and your spouse agree to, the combined amount of both spouses' city of New York credits cannot be more than the amount on line 3. **If you are a full-year city of New York resident, enter this amount on Form IT-215, line 27; also enter on Form IT-200, line 35, or on Form IT-201, line 64. If you are a part-year city of New York resident, continue with line 5.**

Lines 6 and 7 — Part-year city of New York residents must also enter this amount on Form IT-215, line 28.

Where to file — If you have previously filed your 2004 New York State income tax return and you answered *Yes* at line 3, mail your completed Form IT-215 to:

**STATE PROCESSING CENTER
PO BOX 61000
ALBANY NY 12261-0001**

Private delivery services

If you choose, you may use a private delivery service, instead of the U.S. Postal Service, to file your return and pay tax. However, if, at a later date, you need to establish the date you filed your return or paid your tax, you cannot use the date recorded by a private delivery service **unless** you used a delivery service that has been designated by the U.S. Secretary of the Treasury or the Commissioner of Taxation and Finance. (Currently designated delivery services are listed in Publication 55, *Designated Private Delivery Services*. See *Need help?* below for information on ordering forms and publications.) If you have used a designated private delivery service and need to establish the date you filed your return, contact that private delivery service for instructions on how to obtain written proof of the date your return was given to the delivery service for delivery. If you use **any** private delivery service, whether it is a designated service or not, address your return to: State Processing Center, 101 Enterprise Drive, Kingston NY 12401.

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.
Refund status: 1 800 443-3200
(Automated service for refund status is available 24 hours a day, 7 days a week.)
To order forms and publications: 1 800 462-8100
Personal Income Tax Information Center: 1 800 225-5829
From areas outside the U.S. and outside Canada: (518) 485-6800



Hotline for the hearing and speech impaired: If you have access to a telecommunications device for the deaf (TDD), contact us at 1 800 634-2110. If you do not own a TDD, check with independent living centers or community action programs to find out where machines are available for public use.



Persons with disabilities: In compliance with the Americans with Disabilities Act, we will ensure that our lobbies, offices, meeting rooms, and other facilities are accessible to persons with disabilities. If you have questions about special accommodations for persons with disabilities, please call 1 800 225-5829.



**e-file ... check it out!
It's easy, fast and safe!**

And if you qualify, you can e-file for FREE!

Log on to www.nystax.gov for more information.