

New York State Department of Taxation and Finance
Taxpayer Services Division
Technical Services Bureau

TSB-M-82 (7)-I-(Rev.)
Income Tax
August 23, 1983

This memorandum supercedes
TSB-M-82-(7)-I dated 1/4/83,
which should be destroyed.

1982 Legislation

Tax Surcharge for New York City Resident Individuals and
Resident Estates and Trusts

Chapter 185 of the laws of 1982, enacted June 15, 1982, added section 1304-A to Article 30 of the New York State Tax Law providing for a tax surcharge on the City of New York resident tax. This surcharge is to be added to the City of New York resident tax which is to be computed on personal income, minimum income, separate tax on the ordinary income portion of lump sum distributions and separate tax relating to higher education funds, for individuals with total New York income (as defined in section 612 of chapter 60) over \$15,000. For 1982 only, include the surcharge on the City of New York separate tax upon a PASS fund termination on line 19 of Form IT-201-ATT and attach a schedule showing your computation. This surcharge is also applicable to the City of New York resident tax on estates and trusts with New York taxable income (as defined in section 618 of chapter 60) over \$15,000.

The tax surcharge is computed based on the following percentages for taxable years beginning in:

	<u>1982</u>	<u>1983</u>	<u>1984</u>
Not over \$15,000	0	0	0
Over \$15,000 but not over \$20,000	2½%	5%	2½%
Over \$20,000	5%	10%	5%

The credits otherwise allowable under T46-121.0 of the Administrative Code of the City of New York, credit for trust beneficiary receiving accumulation distribution, shall not be allowed as a credit against this surcharge.

Change of resident status involving individuals - The applicable percentage for computing the surcharge is determined on the total amount of New York State adjusted gross income reported during the period of New York State residence. However, the tax surcharge is imposed only on the New York City resident taxes.

The Administrative Code of the City of New York, Title T has been amended by adding T46-101.4 for this tax surcharge to conform with the amendments made by the Tax Law. This amendment was enacted on June 24, 1982.