



# NYC GENERAL CORPORATION TAX CLAIM FOR CREDIT OR REFUND

## 8

▲ DO NOT WRITE IN THIS SPACE - FOR OFFICIAL USE ONLY ▲

For CALENDAR YEAR \_\_\_\_\_ or FISCAL YEAR beginning \_\_\_\_\_ and ending \_\_\_\_\_

Print or Type

Name \_\_\_\_\_

Address (number and street) \_\_\_\_\_

City and State \_\_\_\_\_ Zip Code \_\_\_\_\_

Business Telephone Number \_\_\_\_\_

EMPLOYER IDENTIFICATION NUMBER

\_\_\_\_ - \_\_\_\_\_

NYC RETURN WAS FILED ON: (✓)

NYC-4S  NYC-3L  NYC-3A

	COLUMN 1 As Originally Reported	COLUMN 2 Net Change (Increase or Decrease)	COLUMN 3 Correct Amount
1. Net income allocated to New York City .....			● 1.
2. Tax at _____% (see instructions).....			● 2.
3. Total capital allocated to New York City .....			● 3.
4. Tax at _____% (see instructions).....			● 4.
5a. Alternative tax base .....			5a.
5b. Alternative tax (see instructions) .....			● 5b.
6. Minimum tax (see instructions).....			● 6.
7. Subsidiary capital .....			● 7.
8. Tax at _____% (see instructions).....			● 8.
9. Tax (line 2, 4, 5b, or 6, whichever is largest, plus line 8) .....			● 9.
10. Minimum tax for subsidiaries .....			● 10.
11. Total tax (line 9 plus line 10) .....			● 11.
12. Less: UBT Paid Credit .....			● 12.
13. Tax after UBT Paid Credit (Line 11 less Line 12) ..			● 13.
14. 25% first installment of estimated tax for next tax period (see instructions) .....			● 14.
15. Sales Tax Addback.....			● 15.
16. Tax before credits (line 13 plus lines 14 and 15)			● 16.
17. Credits (from Forms NYC-9.5, 9.6, 9.8, 9.9, ECS)			● 17.
18. Net tax (line 16 less line 17) .....			● 18.
19. Prior payments (see instructions) .....			● 19.
20. Amount on line 19, col. 1 previously refunded (see instructions) .....			● 20.
21. Amount on line 19, col. 1 previously credited to next tax period (see instructions)			● 21.
22. Subtract lines 20 and 21 from line 19 .....			● 22.
23. Overpayment. Line 22, col. 3 less line 18, col. 3 (see instructions) .....			● 23.
24. Amount on line 23 to be refunded .....			● 24.
25. Credit: amount on line 23 to be applied to .....			● 25.

▲ ENTER TAX PERIOD ▲

### CERTIFICATION OF AN ELECTED OFFICER OF THE CORPORATION

I hereby certify that this return, including any accompanying rider, is, to the best of my knowledge and belief, true, correct and complete.  
I authorize the Dept. of Finance to discuss this return with the preparer listed below. (see instructions) .....YES

**SIGN HERE** → Signature of officer \_\_\_\_\_ Title \_\_\_\_\_ Date \_\_\_\_\_

**PREPARER'S USE ONLY** → Preparer's signature \_\_\_\_\_ Preparer's printed name \_\_\_\_\_ Check if self-employed  Date \_\_\_\_\_

Preparer's Social Security Number or PTIN ● \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_

Firm's Employer Identification Number ● \_\_\_\_\_ - \_\_\_\_\_

▲ Firm's name (or yours, if self-employed) \_\_\_\_\_ ▲ Address \_\_\_\_\_ ▲ Zip Code \_\_\_\_\_

**MAIL THIS FORM TO:**  
NYC DEPARTMENT OF FINANCE  
P.O. BOX 5050  
KINGSTON, NY 12402-5050

## GENERAL INFORMATION

For information regarding depreciation deductions for property placed in service outside New York after 1984 and before 1994, see Finance Memorandum 99-4 "Depreciation for Property Placed in Service Outside New York After 1984 and Before 1994".

For information regarding depreciation deductions for "qualified property," "qualified New York Liberty Zone property" and "qualified New York Liberty Zone leasehold improvements" placed in service after September 10, 2001, see Finance Memorandum 02-3 "New York City Tax Consequences of Certain Retroactive Federal and New York Tax Law Changes" (revised).

For tax years beginning on or after January 1, 2004, the City has decoupled from certain provisions regarding the treatment of SUVs. See Administrative Code sections 11-602.8(a)(13), 11-602.8(b)(17), 11-602.8(k), (o) and (p). See also Finance Memorandum 05-1-R dated September 22, 2005 "Application of IRC §280F Limits to Sport Utility Vehicles".

The relocation and employment assistance program (REAP) has been modified and a new REAP program established for Lower Manhattan, effective July 1, 2003.

### CORRECT NYC FORMS TO USE

To do the following:	Use form:
Amend Form NYC-4S, NYC-3L or NYC-3A, as originally filed or as later adjusted by an amended return. <b>PLEASE NOTE THAT FORM NYC-8 CANNOT BE USED TO FILE AN AMENDED RETURN</b> (An amended return must be filed within 90 days after filing an amended federal or New York State return.)	NYC-4S NYC-3L NYC-3A
Claim a refund or credit of General Corporation Tax	NYC-8 <i>or</i> indicate the amount on the original or amended return
Report a change or correction of federal or New York State taxable income or other tax base made by the Internal Revenue Service or the New York State Department of Taxation and Finance	NYC-3360 (Report of Federal/State change)
Claim a refund or credit based on a net operating loss carryback	
- If total amount of credit or refund exceeds \$5,000	NYC-8
- If total amount of credit or refund does not exceed \$5,000	NYC-8CB (Claim for Refund of General Corporation Tax from Carryback of Net Operating Loss) <i>or</i> NYC-8
Claim for refund based on capital loss	NYC-8
Claim for refund based on disclaimer of liability	NYC-8 attach completed NYC-245

### FILING REQUIREMENTS FOR CREDIT OR REFUND

1. A separate Form NYC-8 must be filed for each period for which a credit or refund is claimed.
2. This claim must be filed within *three* years from the time the return was filed or *two* years from the time the tax was paid, whichever expires later, or, if no return was filed, with-

in *two* years from the time the tax was paid. If the claim is filed within the three-year period after filing the return, the amount of the credit or refund cannot exceed the portion of the tax paid within the three years immediately preceding the filing of the claim plus the period of any extension of time for filing the return. If the claim is not filed within the three-year period, but is filed within the two-year period, the amount of credit or refund cannot exceed the portion of the tax paid during the two years immediately preceding the filing of the claim.

3. If the period for assessing the tax has been extended by agreement between the taxpayer and the Department of Finance, the claim for refund or credit must be made within six months after the expiration of the period.
4. If a timely petition for the redetermination of a deficiency has been filed, no separate claim for credit or refund need be filed for that year.
5. A corporation filing a claim and disclaiming liability for tax must attach a completed Form NYC-245, Activities Report of Corporations, or a copy of the letter of exemption issued by the Department of Finance.

### CLAIMS BASED ON CREDIT(S)

If this claim is based upon a sales and compensating use tax credit, real estate tax escalation credit, employment opportunity relocation costs credit, energy cost savings (ECS) credit or relocation and employment assistance program (REAP) credit, it must be accompanied by Form NYC-9.5, Form NYC-9.6, or Form NYC-ECS for the appropriate year together with appropriate documentation. In addition, if the sales and compensating use tax credit claim is due to a New York State Department of Taxation and Finance audit, substantiation of the payment must be submitted. **Note:** The credit for sales tax paid on purchases of electricity or electric service used in the production of certain tangible property formerly allowed by Admin. Code §11-604.15 has been repealed for purchases on or after November 1, 2000. The ECS credit formerly allowed by Admin. Code §11-604.16 also has been repealed as of November 1, 2000.

If this claim is based on the relocation and employment assistance program applicable to Lower Manhattan (effective July 1, 2003) (LMREAP), it must be accompanied by Form NYC-9.8.

Purchases of machinery or equipment for which a credit is allowed by Admin. Code §11-604.12 were exempted from sales tax effective December 1, 1989. Purchases of certain services performed on machinery or equipment used in production for which a credit is allowed by Admin. Code §11-604.17-a were exempted from sales tax effective September 1, 1996. Credits may be taken under these two provisions only if the sales tax payment was made in the current year with respect to a purchase in a period when the applicable sales tax was effective. In such case, the sales tax excluded or deducted for federal tax purposes should be added back. If you are claiming a credit pursuant to §11-604.12, a form NYC 9.5 for the year 1990 or a prior year should be used. If you are claiming a credit pursuant to §11-604.17-a, a form NYC 9.5 for the year 2000 or a prior year should be used.

If this claim is based on a UBT Paid Credit, file an amended Form NYC-3L or NYC-3A and include Form NYC-9.7.

if this claim is based on a Made in New York City Film Production Credit, attach Form NYC-9.9 and a copy of your Certificate of Tax Credit issued by the Mayor's Office of Film, Theatre and Broadcasting.

### CLAIMS BASED ON NET OPERATING LOSSES OR NET CAPITAL LOSSES

1. A claim for credit or refund due to a net operating loss carryback or net capital loss carryback must be filed within the following time periods, whichever expires latest:

- three years from the time the return was due for the taxable year of the loss, or
- six months after the expiration of the period for assessing the tax for the taxable year of the loss, if extended by agreement of the taxpayer and the Department of Finance, or
- two years from the time the report of federal or State change was required to be filed with the Department of Finance for the taxable year to which the loss is to be carried, if such change or correction of federal or New York State taxable income results in an overpayment.

2. If this claim for credit or refund is based on a net operating loss carryback or a net capital loss carryback, this claim must be accompanied by copies of federal Form 1139 or other forms evidencing allowance of your claim by the Internal Revenue Service. If the above mentioned federal forms are not available, attach an affidavit signed by an officer of the corporation stating that the refund was received, the date of the refund, the amount and the applicable period. If the federal refund was adjusted, give an explanation.

If no federal claim was made because of an election to file as an S corporation or because your corporation was included as part of a consolidated group, submit a statement showing how federal net operating losses would have been applied if separate corporate returns had been filed on Form 1120. An S corporation must submit with its claim a copy of its federal Form 1120S for the year of loss.

Because an S corporation does not carry over NOLs, it will not have made an election to relinquish any or all of its carryback period. Therefore, for City tax purposes for losses arising in taxable years ending in or after 2002, it will be presumed that, unless the taxpayer S corporation attached a statement to its return (Form NYC-3L) indicating that the taxpayer intends to carry back the loss, the taxpayer is presumed to have elected to relinquish the entire carryback period. For S corporations filing on a combined basis only with other S corporations or qualified Subchapter S subsidiaries, any statement attached either to a proforma NYC-3L or to the NYC3-A will be deemed applicable to the entire group.

3. For a net operating loss sustained during a tax year ending after June 30, 1989, only the first \$10,000 of loss for that year may be carried back. Any excess net operating loss

may be carried forward as if the taxpayer had elected to relinquish the entire carryback period for all but the first \$10,000 of the loss.

4. If a combined return was filed for City purposes, submit a statement showing how federal net operating losses or net capital losses would have been applied if a federal consolidated return had been filed including the same corporations as included in the City combined return.
5. Certain taxpayers may claim a pre-audit refund or credit based on a net operating loss carryback by filing Form NYC-8CB. That form may only be used if the total amount of the refund claimed does not exceed \$5,000. Corporations included in a federal consolidated return or in a NYC combined return may not use Form NYC-8CB.
6. A net operating loss deduction for City purposes is the same as allowed for federal purposes, subject to certain modifications and adjustments. These adjustments reflect inclusions and exclusions required in the calculation of entire net income that is subject to the General Corporation Tax.

The Job Creation and Worker Assistance Act of 2002 extended the generally applicable NOL carryback period for losses arising in tax years ending in 2001 and 2002 from two (2) to five (5) years. If the taxpayer elects to use a 2-year carryback period for federal purposes, the same carryback period applies for City purposes. If the taxpayer elects to relinquish the entire carryback period for federal purposes, then the taxpayer may not carryback any amount for City purposes.

Taxpayers electing to use the 5-year carryback period should attach a separate sheet showing the carryback calculations.

7. When a highly leveraged transaction occurs, any net operating loss of a target corporation from prior years or a loss sustained in the year of merger, acquisition or consolidation occurring after July 1, 1989 cannot be used by the acquiring corporation. (*Refer to Section 11-602 of the Administrative Code.*) This provision does not apply for taxable years beginning on or after January 1, 2000.

For other modifications and limitations applicable in computing the net operating loss deduction, refer to Administrative Code Section 11-602.8(f).

### SIGNATURE

This report must be signed by an officer authorized to certify that the statements contained herein are true. If the taxpayer is a publicly-traded partnership or another unincorporated entity taxed as a corporation, this return must be signed by a person duly authorized to act on behalf of the taxpayer.

**Preparer Authorization:** If you want to allow the Department of Finance to discuss your return with the paid preparer who signed it, you must check the "yes" box in the signature area of the return. This authorization applies only to the individual whose signature appears in the "Preparer's Use Only" section of your return. It does not apply to the firm, if any, shown in that section. By checking the "Yes" box, you are authorizing the Department of Finance to call the preparer to answer any

questions that may arise during the processing of your return. Also, you are authorizing the preparer to:

- Give the Department any information missing from your return,
- Call the Department for information about the processing of your return or the status of your refund or payment(s), and
- Respond to certain **notices that you have shared with the preparer** about math errors, offsets, and return preparation. The notices will not be sent to the preparer.

**You are not authorizing** the preparer to receive any refund check, bind you to anything (including any additional tax liability), or otherwise represent you before the Department. The authorization cannot be revoked, however, the authorization will automatically expire no later than the due date (without regard to any extensions) for filing next year's return. **Failure to check the box will be deemed a denial of authority.**

## SPECIFIC INSTRUCTIONS

### COLUMN 1 - AMOUNT ORIGINALLY REPORTED

Enter the amounts from your New York City return as originally filed or as you later amended it.

### COLUMN 2 - NET CHANGE

Enter the net increase or net decrease for each line you are changing. Use parentheses around all amounts that are decreases. *(Attach a separate schedule explaining the increases or decreases.)*

### COLUMN 3 - CORRECT AMOUNT

Add the increase in column 2 to the amount in column 1 or subtract the column 2 decrease from column 1. Enter the result in column 3. For any item not changed, enter the amount from column 1 in column 3.

### LINES 2, 4, 5b, 6, 8 and 10

Use the tax rate schedule to determine the applicable rates for the taxable year covered by this return/claim. On line 10 enter the total minimum tax of each corporation included in the combined report with the exception of any corporation not otherwise subject to the tax.

### TAX RATE SCHEDULE

Taxable Years Beginning on or After...	...and Before	Allocated Net Income/ Alternative Tax	Allocated Business and Investment Capital	Minimum Tax	Allocated Subsidiary Capital
7-1-89	1-1-06	8.85%	0.15%	\$300	.075%

**NOTE:** The rate of tax on capital for cooperative housing corporations as defined in the Internal Revenue Code is 4/10 mill (.0004).

### LINE 14 - 25% FIRST INSTALLMENT

Enter in column 1 and column 3 the amount of the 25% first installment as reported on the original return.

### LINE 15 - SALES TAX ADEBACK

If a credit or refund of sales or compensating use tax was received to which this form relates for which you claimed a credit in a prior period, the amount of such credit or refund must be added back on line 15. (Refer to instructions for Form NYC-9.5.)

### LINE 19 - PRIOR PAYMENTS

Enter at line 19, columns 1 and 3 the sum of: a) all estimated tax payments made for the period covered by this return, including the 25% first installment; b) all amounts paid with any application for extension to file the original return; c) all overpayments from prior tax periods credited towards the tax for the period covered by this return; and d) all amounts paid with the original return or previously filed amended return.

### LINES 20 AND 21 - PRIOR APPLICATION OF OVERPAYMENT

Enter at line 20, columns 1 and 3 the amount of any overpayment shown on the original return or previous refund claim (for the same period) previously refunded to you.

Enter at line 21, columns 1 and 3 the amount of any overpayment shown on the original return or previous refund claim (for the same period) that you requested to be credited towards tax for a subsequent period.

*Submit schedule of allocation percentages (if any) utilized in making entries in column 2 of this report.*

### LINE 23 - OVERPAYMENT

If the amount on line 22, column 3 exceeds the amount on line 18, column 3, enter the excess on line 23. If the amount on line 22, column 3 does not exceed the amount on line 18, column 3, enter "0" on line 23. If you owe additional tax, you must file an amended return on the applicable form NYC-3A, NYC-3L or NYC-4S. Do not use this form.

### CUSTOMER ASSISTANCE

If you have a tax-related question or problem, contact Customer Assistance by calling (212) 504-4036, Monday through Friday, between the hours of 9:00 am and 4:30 pm.

Additional information is accessible from our Internet web site located at:

**nyc.gov/finance**