



UNDERPAYMENT OF ESTIMATED TAX BY CORPORATIONS

2010

ATTACH TO YOUR TAX RETURN

Print or Type ▼

For CALENDAR YEAR 2010 or FISCAL YEAR beginning _____, 2010 and ending _____

Name: _____	EMPLOYER IDENTIFICATION NUMBER <table border="1" style="width:100%"> <tr> <td style="width:10%"> </td> <td style="width:10%"> </td> <td style="width:10%"> </td> <td style="width:10%"> </td> <td style="width:10%"> </td> <td style="width:10%"> </td> <td style="width:10%"> </td> <td style="width:10%"> </td> <td style="width:10%"> </td> <td style="width:10%"> </td> </tr> </table>										

Computation of Underpayment

1. 2010 tax (from NYC-3L, Sch. A, line 6; NYC-4S, Sch. A, line 5; NYC-4S-EZ, Sch. A, line 3; or NYC-3A, Sch. A, line 8) ..1.	
2. Sales tax addback (from NYC-3L, Schedule A, line 12 or NYC-3A, Schedule A, line 14)2.	
3. Total of lines 1 and 23.	
4. Credits (from NYC-3L, Schedule A, lines 7, 8a, 8b, 9a, 9b and 9c or NYC-3A, Schedule A, lines 9, 10a, 10b, 11a, 11b and 11c) ..4.	
5. Line 3 less line 45.	
6. 90% of line 5.....6.	

Enter quarterly due dates of installments →	1 - FIRST	2 - SECOND	3 - THIRD	4 - FOURTH
7. 2009 Tax7.				
8. Enter 25% of line 7 if over \$1000 or, if Form NYC-EXT was filed for 2009, enter amount paid on Form NYC-EXT, line 28.				
9. Line 6 less line 89.				
10. Enter amount of the installments due in Quarters 2, 3 and 4 (see inst.)10.				
11. Amount paid or credited for each period11.				
12. Overpayment of previous installment (see instructions)12.				
13. Total of lines 11 and 1213.				
14. OVERPAYMENT Quarter 1-line 13 less line 8 Quarters 2, 3 and 4-line 13 less line 10 → 14.				
15. UNDERPAYMENT Quarter 1-line 8 less line 13 Quarters 2, 3 and 4-line 10 less line 13 → 15.				

→ COMPUTATION CONTINUES ON PAGE 2

Exceptions that Avoid the Underpayment Penalty

Total cumulative amount paid or credited from the beginning of the taxable year through the installment dates that correspond to the 15th day of the 3rd, 6th, 9th and 12th months of the taxable year _____	1 -FIRST QUARTER	2 -SECOND QUARTER	3 -THIRD QUARTER	4 -FOURTH QUARTER
▲ EXCEPTION 1- Prior year's tax (2009) \$ _____ (see instructions) _____		50% of 2009 tax	75% of 2009 tax	100% of 2009 tax
▲ EXCEPTION 2- Tax on prior year's facts and law using 2010 rates (attach computation) (see instructions) _____		Enter 50% of tax	Enter 75% of tax	Enter 100% of tax
▲ EXCEPTION 3- Tax on annualized 2010 income (attach computation) (see instructions) _____		Enter 45% of tax	Enter 67.50% of tax	Enter 90% of tax
▲ EXCEPTION 4- Tax on recurring seasonal 2010 income (attach computation) (see instructions) _____				

LEGISLATIVE HIGHLIGHTS

Effective July 11, 2009, the rate of interest on underpayments of estimated General Corporation Tax has been increased from the federal short-term rate plus five percent to the federal short-term rate plus seven percent. See section 49 of Chapter 201 of the Laws of 2009.

PURPOSE OF FORM

Form NYC-222 will enable corporations to determine if they paid the correct amount of estimated tax by the proper due date. If the minimum amount was not paid timely, an underpayment penalty may be imposed for the period underpaid. This form helps you to determine whether or not you are subject to this penalty.

ESTIMATED TAX

Every corporation subject to the New York City General Corporation Tax must pay with its return (Form NYC-3L, NYC-3A or Form NYC-4S or NYC-4S-EZ), or with its Application for Automatic Extension (Form NYC-EXT or for years before 2008, Form NYC-6), an amount equal to 25% of its preceding year's tax if the preceding year's tax computed after all allowable credits is more than \$1,000.

In addition, corporations must file a Declaration of Estimated Tax (Form NYC-400) if the estimated tax for the current taxable year after all allowable credits can reasonably be expected to exceed \$1,000. The due date for the declaration and the dates for paying the installments of estimated

tax depend upon when the requirements for making a declaration are first met. (*Refer to Form NYC-400 for details.*)

NOTE

If any date falls on a Saturday, Sunday or legal holiday, substitute the next regular workday.

NOTE

A corporation is not excused from filing a declaration and paying estimated taxes for the current year merely because its tax liability for the preceding year was \$1,000 or less or it did not file a return for the preceding year. However, if the preceding year's tax was less than \$1,000, the taxpayer was not required to make the 25% prepayment based on the preceding year's tax at the time it filed its return (or its application for extension of time for the filing of the return) for that year.

EXCEPTIONS THAT AVOID THE UNDERPAYMENT PENALTY

A corporation does not have to pay a penalty if the total amount of all payments made on or before each installment date equals or exceeds the amount that would have been required to be paid by that installment date if the estimated tax were an amount determined under any of the four exceptions listed below. (*Refer to Section 11-676 of the NYC Administrative Code.*)

A different exception may be applied to each underpayment. If no exception applies, complete lines 16 through 38 to determine the amount of the penalty.

NOTE

Large corporations (corporations that had allocated taxable income or entire net income of \$1 million or more in any of the three years preceding the current year) may not use exceptions 1 or 2. Such corporations may only use the exception for annualized income, or the exception for recurring seasonal income (exceptions 3 or 4, respectively).

Exception 1 Prior Year's Tax

This exception applies if a corporation paid estimated taxes equal to the tax reported on its prior year's return. To qualify for this exception, the corporation must have filed an income tax return showing a tax liability for the prior taxable year, and that taxable year consisted of 12 months.

Exception 2

Tax Based On Prior Year's Facts and Law Using Current Year's Rates

This exception applies if a corporation paid an amount of estimated tax equal to a tax computed by applying the current year's rates to the facts shown on the return for, and under the law applicable to, the prior taxable year. **The term "current year's rate" is any of the four methods of calculating the General Corporation Tax, including the minimum tax.**

Exception 3

Tax On Annualized Income

This exception applies if a corporation made an estimated tax payment of at least 90% of the amount it would owe if its estimated tax were a tax computed on annualized tax-

able income for the months preceding an installment date.

A corporation may annualize its income:

- a) for the first 3 months, or for the first 5 months if the installment was required to be paid in the 6th month;
- b) for the first 6 months, or for the first 8 months if the installment was required to be paid in the 9th month; and
- c) for the first 9 months, or for the first 11 months if the installment was required to be paid in the 12th month.

To annualize, multiply taxable income for the period by 12 and divide the resulting amount by the number of months in the period (3, 5, 6, 8, 9 or 11 as the case may be). *(Refer to Section 11-676.4(c)).*

**Exception 4
Additional Exception for
Recurring Seasonal Income**

This exception applies to a corporation with recurring seasonal income. Under this exception, income may be annualized by assuming that income earned in the current year is earned in the same seasonal pattern as in the 3 preceding tax years. *(For information about computing this exception, refer to Section 11-676.4(d) of the NYC Administrative Code. Attach your computation to this form.)*

**AUTOMATIC EXTENSION
FILERS**

Corporations who filed an Application for Automatic Extension (Form NYC-6 or for 2008

and after, NYC-EXT) for the previous year or who were required to make less than four payments on account of estimated tax for the current year may find that the stated percentages on the Exception Worksheet on page 1 do not accurately reflect the computation of the exceptions. Such taxpayers should compute these exceptions on a separate rider and attach it to this form.

**LINE 10
AMOUNT OF
INSTALLMENTS DUE**

Divide the amount on line 9 by the number of remaining installments required for the year. Enter the result in the appropriate columns, 2 through 4.

**LINE 12
OVERPAYMENT OF
PREVIOUS INSTALLMENT**

An overpayment on line 14 in excess of prior underpayments is to be applied as a credit against the next installment. A payment of estimated tax on any installment date is considered a payment of any previous underpayment only to the extent of the excess of the payment over the amount of the installment as computed on line 14.

**PAGE 2
COMPUTATION OF
PENALTY**

If no exception applies, complete lines 16 through 38 to determine the amount of the penalty for each installment. If you made more than one payment for a given installment, attach a separate computation for each payment. The penalty is computed for the period of underpayment, line 17, at a rate set periodical-

ly by the New York City Department of Finance.

For information regarding interest rates, call 311. If calling from outside of the five NYC boroughs, please call 212-NEW-YORK (212-639-9675), or consult the Finance website at:

nyc.gov/finance

**LINE 37
PENALTY FOR
UNDERPAYMENT OF
ESTIMATED TAX**

In columns 1 through 4 of line 37, for those installment payments (line 13) that equal 80% or more of line 5 divided by 4, multiply the penalty shown on line 36 in each applicable column by 75%. Enter this result in the applicable column on line 37. Combine these revised amounts with the remaining amounts on line 36 for any quarter for which no amount appears on line 37 and enter the total on line 38.