



**SCHEDULE B Disposition adjustment** Attach rider if necessary

For each item of property listed below, determine the difference between federal and New York City deductions used in the computation of federal and New York City taxable income in prior years.

- ▲ If federal deduction exceeds New York City deduction, subtract column E from column D and enter in column F.
- ▲ If New York City deduction exceeds federal, subtract column D from column E and enter in column G.

A Description of Property	B Class of Property (ACRS)	C Date Placed in Service: mm-dd-yy	D Total Federal Depreciation Taken	E Total NYC Depreciation Taken	F Adjustment (D minus E)	G Adjustment (E minus D)
2. Total excess federal deductions over NYC deductions (see instructions) .....						
3. Total excess NYC deductions over federal deductions (see instructions) .....						

**SCHEDULE C Computation of adjustments to New York City income**

	A. Federal	B. New York City
4. Enter amount from Schedule A1, line 1a, column F .....		
5. Enter amount from Schedule A1, line 1a, column I .....		
6a. Enter amount from Schedule A2, line 1b, Column F .....		
6b. Enter amount from Schedule A2, line 1b, Column I .....		
7a. Enter amount from Schedule B, line 2.....		
7b. Enter amount from Schedule B, line 3.....		
8. Totals: column A, lines 4, 6a and 7b; column B, lines 5, 6b and 7a.		

Enter the amount on line 8, column A, as an addition and the amount on line 8, column B, as a deduction on the applicable New York City return. (See instr.)

**GENERAL INFORMATION**

The New York City Administrative Code, as amended pursuant to the authority granted under Part G of Chapter 93 of the Laws of 2002, limits the depreciation deduction for "qualified property," other than "qualified Resurgence Zone property," to the deduction that would have been allowed for such property under IRC §167 had the property been acquired by the taxpayer on September 10, 2001, and therefore, not been eligible for the enhanced deductions allowed by the IRC §168(k). "Qualified Resurgence Zone property" is "qualified property" used substantially in the Resurgence Zone in connection with the active conduct of a trade or business where the original use began with the taxpayer in the Resurgence Zone after September 10, 2001. The Resurgence Zone (defined in sections 11-507(22), 11-602.8(m) and 11-641(p) of the Administrative Code) generally encompasses the area in Manhattan between Canal Street and Houston Street. The Administrative Code also requires appropriate adjustments to the amount of any

gain or loss included in entire net income or unincorporated business entire net income upon the disposition of any property for which the federal and New York City depreciation deductions differ.

**NOTE**

Deductions for "qualified Resurgence Zone property," are not affected by the above decoupling provisions other than for certain sport utility vehicles. The additional first-year expense deductions under IRC §179 also are not affected other than for certain sport utility vehicles. See below.

**NOTE**

Any exceptions to the decoupling provisions provided in the Administrative Code for Qualified New York Liberty Zone property or Qualified New York Liberty Zone leasehold improvements as defined in IRC §1400L have expired.



### **Economic Stimulus Act of 2008 and Other Federal Legislation Effecting Depreciation.**

Section 102 of the Economic Stimulus Act of 2008, Pub.L. No. 110-185, 122 Stat. 613 (Feb. 13, 2008) amended IRC section 168(k). As amended, section 168(k)(1)(A) provided a 50-percent additional first year depreciation deduction for certain new property acquired by the taxpayer after December 31, 2007, and before January 1, 2009 (in the case of certain property, before January 1, 2010), so long as no written binding contract for the acquisition of the property existed prior to January 1, 2008. Since then, the bonus depreciation provisions have been extended with certain modifications by subsequent federal legislation.

In 2015, Section 143 of the Protecting Americans from Tax Hikes Act of 2015, Pub. L. No. 114-113, Div Q (December 18, 2015) (“2015 PATH Act”) extended bonus depreciation so that it was available for property acquired and placed in service during 2015-2019; bonus depreciation was extended through 2020 for certain property with a longer production period. Under the 2015 PATH Act, the bonus depreciation is 50% for property placed in service during 2015-2017, 40% for property placed in service during 2018, and 30% for property placed in service during 2019.

Most recently, section 13201(b) of the Tax Cuts and Jobs Act of 2017 (“TCJA”) extended the bonus depreciation deduction to cover property placed in service before January 1, 2027 (except for aircraft and log-production period property had to be placed into service before January 1, 2028.) Pursuant to section 13201(a) of the TCJA, for property placed in service after September 27, 2017, the bonus depreciation rate was raised to 100% with the phase-down to begin in 2023. The taxpayer can elect to apply a 50% depreciation rate for property placed in service in the taxpayer’s first tax year ending after September 27, 2017. The phase-down of the bonus depreciation enacted under the 2015 PATH is still applicable for property acquired before September 28, 2017. Thus, for property acquired before September 28, 2017 and placed in service in service in 2018, the bonus depreciation is 40% and 30% for property placed in service in 2019 with no bonus depreciation for property placed in service after 2019.

Under the TCJA, the first year depreciation limit increase of \$8,000 for passenger automobiles under §280F(a)(1)(A) is extended to include automobiles placed in service on or before December 31, 2026. Prior to that, in order to qualify for the \$8,000 increase in bonus depreciation, the passenger automobile would have had to been placed into service on or before December 31, 2019. This extension of the placed in service deadline only applies

to automobiles acquired on or after September 28, 2017. However, if the passenger automobiles was acquired before September 28, 2018, the first year additional depreciation is phased down to \$6,400 in the case of an automobile placed in service during 2018 and to \$4,800 in the case of automobile placed in service during 2019.

However, as discussed above the Administrative Code limits the depreciation for “qualified property” other than “Qualified Resurgence Zone property” to the deduction that would have been allowed for such property had the property been acquired by the taxpayer on September 10, 2001, and therefore, except for Qualified Resurgence Zone property, as defined in the Administrative Code, the City has decoupled from the federal bonus depreciation provision. The Administrative Code also requires appropriate adjustments to the amount of any gain or loss included in entire net income or unincorporated business entire net income upon the disposition of any property for which the federal and New York City depreciation deductions differ.

### **Special Provisions for Certain Sport Utility Vehicles for Tax Periods Beginning on or After January 1, 2004**

Under Section 280F of the Internal Revenue Code, the federal depreciation deduction under sections 167 and 168 of the Internal Revenue Code and the expense in lieu of depreciation deduction under section 179 of the Internal Revenue Code for certain passenger automobiles are generally limited to the amounts provided in section 280F(a)(1) of the Internal Revenue Code. Congress passed legislation that limits the amount deductible for certain sport utility vehicles. That legislation does not affect the modifications required for City tax purposes described below. For tax years beginning on or after January 1, 2004, in determining ENI of taxpayers, other than eligible farmers (for purposes of the New York State farmers' school tax credit), the amount allowed as a deduction for New York City purposes (for either depreciation or expense in lieu of depreciation) with respect to a sport utility vehicle (SUV) that is NOT a passenger automobile for purposes of section 280F(d)(5) of the Internal Revenue Code is limited to the amount that would be allowed under section 280F(a)(1) of the Internal Revenue Code if the vehicle were a passenger automobile as defined in section 280F(d)(5). For all SUVs subject to these special provisions, the amount allowed as a deduction is calculated as of the date the SUV was actually placed in service and not as of September 10, 2001. (The date that is applicable to qualified property, other than qualified Resurgence Zone property and New York Liberty Zone property, under the general post-9/11/01 decoupling provisions).

On the disposition of an SUV subject to this limitation, the amount of any gain or loss included in ENI must be adjusted to reflect the limited deductions allowed for City purposes under this provision. See Finance Memorandum 21-1, “Application of IRC §280F Limits to Sport Utility Vehicles”.

### **Coordination of Federal depreciation and City decoupling provisions with respect to SUVs**

As discussed above, the Economic Stimulus Act of 2008 amended IRC section 168(k) to provide bonus depreciation for certain property acquired in 2008. The Act also amended §168(k)(2)(F)(i) to increase the first year depreciation allowed under §280F(a)(1)(A) by \$8,000 for passenger automobiles to which the 50-percent additional first year depreciation deduction applies. Subsequent federal legislation also extended and expanded the first year bonus depreciation provisions as described above. Consequently, the years in which the first year depreciation for passenger automobiles under §280F(a)(1)(A) is increased by \$8,000 have also been extended. However, the Economic Stimulus Act and the subsequent federal legislation described above will only affect the applicable City SUV limits with respect to the recovery of costs of Qualified Resurgence Zone property under the Unincorporated Business Tax (UBT) and the Bank Tax. Pursuant to the generally applicable decoupling provisions discussed on pages 2 and 3 of this form, bonus depreciation under IRC 168(k) is only available for Qualified Resurgence Zone property. For GCT and the Business Corporation Tax purposes, SUVs cannot qualify as Qualified Resurgence Zone property. See Administrative Code §§ 11-602(8)(k), 11-652(8)(k), 11-602(8)(o) and 11-652(8)(o). Therefore, under the GCT and the Business Corporation Tax no bonus depreciation is permitted for SUVs. For UBT and Bank Tax purposes, with respect to SUV’s placed into service after December 31, 2007 and before January 1, 2027, bonus depreciation is available only for SUVs that are “Qualified Resurgence Zone property.” See Finance Memorandum 21-1 for more information.

### **WHO MUST USE THIS FORM**

A corporation or unincorporated business that files or is included in a

- NYC-3A, NYC-3L or NYC-4S General Business Corporations
- NYC-202, NYC-202EIN or NYC-204 Unincorporated Businesses
- NYC-1 Banking Corporations
- NYC-2, NYC-2A or NYC-2S Business Corporations

must use Form NYC-399Z if:

- 1) it claims for federal purposes a depreciation deduction for "qualified property" pursuant to the Economic Stimulus Act of 2008, or subsequent federal legislation including the 2015 PATH Act or TCJA other than "Qualified Resurgence Zone property."
- 2) it is not an eligible farmer (for purposes of the New York State farmers' school tax credit) and it claims for federal purposes a depreciation deduction or an expense deduction in lieu of depreciation deduction under section 179 of the Internal Revenue Code for an SUV that is NOT a passenger automobile for purposes of section 280F(d)(5) of the Internal Revenue Code (regardless of whether the SUV is "qualified property" under IRC §168(k).

#### NOTE

Corporations and unincorporated businesses meeting the criteria set forth in #1 or #2 above are not permitted to file on Form NYC-4S EZ (General Corporation Tax) or Form NYC-202S (Unincorporated Business Tax).

### SPECIFIC INSTRUCTIONS

#### SCHEDULE A1

The purpose of this schedule is to compute the allowable New York City depreciation deduction. This form has been designed to be used with the federal depreciation schedule, Form 4562 (Rev. March 2002 or later). A copy of the federal form must accompany this Form NYC-399Z. Taxpayers with SUVs subject to the special provisions use Schedule A2 and not Schedule A1. Do not complete Schedule A1 unless you have property other than an SUV subject to the general post-9/11/01 decoupling provisions.

#### **Column A**

Enter a brief description of each item of "qualified property," other than "qualified Resurgence Zone property," included in part II or III of federal Form 4562.

#### **Column B**

For each item of property listed in column A, indicate the property class type used in computing the federal deduction. Use "UPM" for property which is depreciated under the unit of production method provided in IRC §168(f)(1).

#### **Column D**

The cost or other basis entered in this column must be the same amount used for federal purposes prior to any reduction for the special depreciation allowance for qualified property.

#### **Column G**

Indicate the depreciation method selected for the computation of the New York City allowable depreciation deduction. Any method used to compute depreciation that would have been allowed under IRC §167, had the property been acquired on September 10, 2001, will be acceptable. This includes such methods as straight-line depreciation, declining balance depreciation, sum-of-the-years-digits method or any other consistent method.

#### **Column I**

Enter depreciation computed by the method indicated in column G computed as IRC §167 would have applied had the property been acquired on September 10, 2001. Total of this column will be the amount allowable as a deduction for New York City.

#### **LINE 1a**

Enter total of columns F and I on lines 4 and 5 of Schedule C, as indicated.

If you have disposed of "qualified property" other than "qualified Resurgence Zone property," in any year after the year of acquisition, you must complete Schedule B.

#### SCHEDULE A2

#### **Column A**

Enter the year, make and model for each SUV.

#### **Column B**

Indicate the property class type used or that would be used in computing federal depreciation for each SUV.

#### **Column D**

The amount entered in this column must be equal to the cost or other basis used for federal purposes prior to any special depreciation allowances for qualified property and prior to the expense in lieu of depreciation deduction allowed under section 179 of the Internal Revenue Code.

#### **Column E**

Enter the total New York City depreciation taken in prior years including, for years prior to 2018, the amount of any deduction taken under section 179 of the Internal Revenue Code for New York City purposes.

#### **Column F**

For each SUV, enter the sum of the amount of the federal depreciation deduction taken and amount of any federal expense in lieu of depreciation deduction taken under section 179 of the Internal Revenue Code for the current tax period.

#### **Column I**

The amount entered in column I should be the

total amount that may be deducted for New York City purposes in the current tax year for an SUV subject to the special provisions. See Finance Memorandum 21-1, "Application of IRC §280F Limits to Sport Utility Vehicles".

#### SCHEDULE B

#### **Column A**

Enter each item of property disposed of during the taxable year separately. Attach a rider if additional room is needed.

#### **Column D**

Enter for each item of property the total amount of federal deductions used in the computation of prior years' federal taxable income. For an SUV subject to the special provisions, the amount entered in Column D should include any amount deducted under section 179 of the Internal Revenue Code.

#### **Column E**

Enter for each item of property the total amount of New York City deductions used in the computation of prior years' New York City entire net income.

#### **Column F**

For any item of property, if column D exceeds column E, subtract column E from column D and enter the excess in this column.

#### **Column G**

For any item of property, if column E exceeds column D, subtract column D from column E and enter the excess in this column.

#### **LINE 2**

Add the amounts in column F and enter the total on line 2 and on Schedule C, line 7a.

#### **LINE 3**

Add the amounts in column G and enter the total on line 3 and on Schedule C, line 7b.

#### SCHEDULE C

#### **LINE 8**

Enter the amount on line 8A as an addition on the applicable New York City tax return. Use the following lines. Attach an explanation.

NYC-3A - Schedule B, line 6c\*

NYC-3L - Schedule B, line 6c

NYC-4S - Schedule B, line 4

NYC-202 - Schedule B, line 10c

NYC-202EIN - Schedule B, line 10c

NYC-204 - Schedule B, line 14c

NYC-1 - Schedule B, line 8

NYC-2 - Schedule B, line 11

NYC-2A - Schedule B, Line 11\*\*

NYC-2S - Schedule B, Line 6

Enter the amount on line 8B as a deduction on the applicable New York City tax return. Use the following lines. Attach an explanation.

NYC-3A - Schedule B, line 15\*

NYC-3L - Schedule B, line 15

NYC-4S - Schedule B, line 6b

NYC-202 - Schedule B, line 15

NYC-202EIN - Schedule B, line 15

NYC-204 - Schedule B, line 19

NYC-1 - Schedule B, line 15

NYC-2 - Schedule B, line 19

NYC-2A - Schedule B, Line 19\*\*

NYC-2S - Schedule B, Line 9

\*If this form is for the reporting corporation, enter amounts on the appropriate lines in Column A. For any other member of the combined group, enter amounts on the appropriate lines on Form NYC-3A/B in the column for the corporation. If there is only one member of the combined group, enter amounts on the appropriate lines on Form NYC-3A, column B.

\*\*If this form is for the designated agent, enter amounts in the appropriate column. For any other member of the combined group, enter amounts on the appropriate lines on Form NYC-2A/BC and include on Form NYC-2A in column entitled "Total of All Affiliates".