



Instructions for Form IT-204 Partnership return and related forms

Instructional contents

These instructions assist partnerships to complete the following forms:

- IT-204, *Partnership Return*
- IT-204-IP, *New York Partner's Schedule K-1*
- IT-204.1, *New York Corporate Partners' Schedule K*
- IT-204-CP, *New York Corporate Partner's Schedule K-1*

What's new for 2021?

For a detailed list of what's new, including a summary of tax law changes, visit our website (see *Need help?*) and search *2021*.

General information

Purpose of Form IT-204

Use Form IT-204 to report income, deductions, gains, losses, and credits from the operation of a partnership for calendar year 2021, or other tax year beginning in 2021. All items reported on Form IT-204 or on documents included with it are subject to verification, audit, and revision by the New York State Tax Department.

Additional forms that must be filed

Every partnership **must file** additional forms depending on the type of partner as shown below:

Partner type	Form IT-204-IP	Form IT-204-CP	Form IT-204.1
Individual	X		
Estate or trust	X		
Partnership	X		X
LLC treated as a partnership	X		X
Article 9-A corporation		X	X
LLC treated as a corporation		X	X

A partnership with partners that are:

- partnerships **or**
- LLCs treated as partnerships,

must provide each partner with **both** Forms IT-204-IP and IT-204-CP, but it **only files** Form IT-204-IP with its Form IT-204.

Who must file

Partnerships are not subject to personal income tax. But every partnership having either (1) at least one partner who is an individual, estate, or trust that is a resident of New York State, or (2) any income, gain, loss, or deduction from New York State sources, must file a return on Form IT-204, regardless of the amount of its income (see *Specific instructions* on page 4). Otherwise, New York State law does not currently require a partnership to file a return solely because it has a partner that is either a partnership or corporation formed under the laws of

New York State, even though the partner may be responsible for filing its own return with New York State.

In addition to the information reported on Forms IT-204-IP and IT-204-CP, the partnership **must** report to each partner any additional information the partner needs for filing.

Tiered partnerships (Regulation section 137.6)

If your partnership is a partner in another partnership (hereinafter referred to as the *lower tier partnership*), the source and character of the distributive share of each item of your partnership to any partner of your partnership that is attributable to the lower tier partnership retains the source and character determined at the level of the lower tier partnership. Such source and character are not changed by reason of the fact that any such item flows through your partnership to such partner.

Example: *Partnership A was a partner in another partnership, B. A is referred to as the upper tier partnership while B is referred to as the lower tier partnership. P was a nonresident individual partner of A.*

Partnership A was not engaged in a trade or business in New York but partnership B was. Even though partnership A was not carrying on business in New York, it had New York source income from the distributive shares it received from partnership B. The source and character of each item that partnership A received from partnership B retains the source and character determined at the level of partnership B. For instance, if P was a partner of A, and A was a partner of B, nonresident individual partner P would allocate its share of the NY income from B at B's business allocation percentage. Further, if A was engaged in a trade or business in NY, then P would allocate its share of A's income using A's business allocation percentage and P would allocate its share of B's income (which flows to A) at B's business allocation percentage. This allocation method should be reflected on Forms IT-204 and IT-204-IP.

Partnerships with no New York source income that have resident partners

If you have no New York source income and are filing a return specifically because you have an Article 22 New York resident partner, complete the entire Form IT-204 with the exception of Section 10. If you have any corporate partners taxable under Article 9-A, or you have any partners that are partnerships or LLCs, you must also complete Form IT-204.1. Submit a Form IT-204-IP for each Article 22 resident partner (you do not have to submit Form IT-204-IP for nonresident partners) and for each partner that is a partnership or LLC. Submit a Form IT-204-CP for each corporate partner that is taxable under Article 9-A.

Submit a statement with your return indicating the following:

- The partnership has no income derived from New York sources.
- All other Article 22 partners in the partnership are nonresidents of New York State.
- There are a total of _____ nonresident partners.
- If at any time in the course of an audit it is deemed necessary to have copies of Forms IT-204-IP for nonresident partners, we will supply this information.

Income from New York State sources includes:

1. income attributable to the ownership of any interest in real property located in New York State (including all or a portion of the gain or loss from the sale or exchange of an interest in an entity if the entity owns real property in New York State, or owns shares of stock in a cooperative housing corporation where the cooperative units relating to the shares are located in New York, provided that the sum of the fair market values of such real property, cooperative shares, and related cooperative units equals or exceeds 50% of the fair market value of the assets the entity has owned for at least two years as of the date of the sale or exchange; for additional information, see TSB-M-18(1)I, *Definition of New York Source Income of a Nonresident Individual Expanded*), or tangible personal property located in New York State;
2. income attributable to the ownership of any interest in intangible personal property to the extent that it is used in a business, trade, profession, or occupation carried on in New York State;
3. income attributable to a business, trade, profession, or occupation carried on in New York State;
4. any gain from the sale, transfer, or other disposition of shares of stock in a cooperative housing corporation in connection with the grant or transfer of a proprietary leasehold, when the real property comprising the units of such cooperative housing corporation is located in New York State, whether or not connected with a business; **and**
5. any gain recognized by you for federal income tax purposes from the sale or transfer of a partnership interest, where the sale or transfer:
 - is subject to the provisions of Internal Revenue Code (IRC) section 1060, and
 - occurred on or after April 10, 2017.

The amount of the gain to be included in New York source income is determined in a manner consistent with the applicable methods and rules for allocation under Article 22 in the year that the assets were sold or transferred (for additional information, see TSB-M-18(2)I, *Nonresident Partner's Treatment of Gain or Loss on Certain Sales or Transfers of a Partnership or Membership Interest*).

A partnership carries on a business, trade, profession, or occupation within New York State if (1) it maintains or operates an office, shop, store, warehouse, factory, agency, or other place in New York State where its affairs are systematically and regularly carried on, or (2) it performs a series of acts or transactions in New York State with regularity and continuity for livelihood or profit, as distinguished from isolated or incidental transactions.

Other forms you may have to file**Form IT-204-LL, Partnership, Limited Liability Company, and Limited Liability Partnership Filing Fee Payment Form –**

You must file Form IT-204-LL and pay a New York State filing fee if you are:

- a limited liability company (LLC) that is a disregarded entity for federal income tax purposes that has income, gain, loss, or deduction from New York State sources; **or**,
- a domestic or foreign LLC (including limited liability investment company (LLIC), limited liability trust company (LLTC)), or limited liability partnership (LLP) that is required to file a New York State partnership return **and** that has income, gain, loss, or deduction from New York State sources; **or**,
- a regular partnership that is required to file a New York partnership return that has income, gain, loss, or deduction

from New York State sources, **and** had New York source gross income in the preceding tax year of at least \$1 million.

For more information, see the instructions for Form IT-204-LL.

Forms IT-2658, Report of Estimated Tax for Nonresident Individual Partners and Shareholders, and CT-2658, Report of Estimated Tax for Corporate Partners – Tax Law section 658 requires the following entities that have income derived from New York State sources to make estimated tax payments on behalf of partners who are nonresident individuals or C corporations (any corporation other than a federal S corporation):

- partnerships (other than publicly traded partnerships as defined in IRC section 7704)
- LLCs or LLPs that are treated as partnerships for federal income tax purposes

For more information, see the instructions for Form IT-2658 and Form CT-2658.

In the case of an underpayment of estimated tax by the partnership, a penalty as determined under Tax Law section 685(c) will be added to the estimated tax required to be paid. For more information, see the instructions for Form IT-2659, *Estimated Tax Penalties for Partnerships and New York S Corporations*.

Form Y-204, Yonkers Nonresident Partner Allocation –

Every partnership doing business in Yonkers and having a partner who is a nonresident of Yonkers must complete Form Y-204, and show the net earnings from self-employment.

New York City unincorporated business tax

These instructions apply to the New York State partnership return only. They do not apply to the New York City unincorporated business tax, which is administered by the New York City Department of Finance. Visit the New York City Department of Finance website at www.nyc.gov/dof. For more information, see the instructions for Form NYC-204, *Unincorporated Business Tax Return for Partnerships (including Limited Liability Companies)*.

Form CT-33-D, Tax on Premiums Paid or Payable to an Unauthorized Insurer –

If you purchase or renew a taxable insurance contract directly from an insurer not authorized to transact business in New York State under a certificate of authority from the Superintendent of Financial Services, you may be liable for a tax of 3.6% of the premium. For more information, see Form CT-33-D, *Tax on Premiums Paid or Payable to an Unauthorized Insurer for Taxable Insurance Contracts with an Effective Date on or after July 21, 2011*.

Form IT-225, New York State Modifications – To report the partnership's addition and subtraction modifications that are to be added to or subtracted from the partners' federal adjusted gross incomes (AGIs) on the partners' New York State income tax returns in arriving at the partners' New York AGIs. For more information, see Form IT-225-I, *Instructions for Form IT-225*.

Form IT-558, New York State Adjustments Due to Decoupling from the IRC –

To report the partnership's addition and subtraction adjustments made as a result of decoupling from changes made to the IRC after March 1, 2020. For more information, see Form IT-558-I, *Instructions for Form IT-558*. The partnership should only adjust for items that are included in the partnership's ordinary business income (loss) and should not adjust items that will flow to the partners as separately stated items. Separately stated items will be adjusted as required at the partner level.

When to file

Returns for calendar year 2021 are due March 15, 2022. Fiscal-year returns are due the 15th day of the third month after the end of the tax year.

If a partnership is terminated and completely liquidated during its normal tax year, resulting in an accounting period of less than 12 months for federal income tax purposes, the return is due the 15th day of the third month after the end of the accounting period.

Use the same accounting period and method for Form IT-204 as you use for federal Form 1065. If you change your partnership's tax year or accounting method for your federal return, do the same on your Form IT-204.

Note: The 2021 Form IT-204 may also be used for a tax year beginning in 2022 if:

- the partnership has a tax year of less than 12 months that begins and ends in 2022; **and**
- the 2022 Form IT-204 is not available by the time the partnership is required to file its return. However, the partnership must show its 2022 tax year on the 2021 Form IT-204, and incorporate any tax law changes that are effective for tax years beginning **after** December 31, 2021.

The current year tax forms are generally available by December 15th of that calendar year. Check the Tax Department website (see *Need help?*) for the current year's tax forms.

Extension of time to file

If you need an extension of time to file, you may request an automatic extension by the due date of Form IT-204. For an online application for an automatic extension of time to file Form IT-204 visit our website (see *Need help?*). If you prefer, you may file Form IT-370-PF, *Application for Automatic Extension of Time to File for Partnerships and Fiduciaries*.

Amended return, superseding return, or federal change

Form IT-204 **must** include the same information reported on federal Form 1065, *U.S. Return of Partnership Income*, including any amended and superseding returns **and** any amended and superseding federal Schedules K-1.

You must file an amended New York State partnership return if you file an amended or superseding federal partnership return, or if a federal audit of the partnership return changes any item of income or deduction previously reported to the Internal Revenue Service (IRS). You must file the amended New York State partnership return within 90 days of the date the federal amended or superseding partnership return is filed or, in the case of a federal audit, within 90 days after the final determination of the change. Submit a copy of the federal report of examination changes and a signed statement indicating you concede the federal audit changes. If you do not concede the federal audit changes, include a signed statement explaining why.

You must also file an amended Form IT-204, IT-204-IP or IT-204-CP as applicable, and IT-204.1 to correct any error on the original New York State partnership return, whether or not an amended or superseding federal partnership return was filed for that year. Be sure to provide any amended copies of Form(s) IT-204-IP and IT-204-CP to all applicable partners.

To amend your original Form IT-204, get a blank Form IT-204 for the tax year to be amended and mark the *Amended return* box

at item C. Complete the entire Form IT-204, and Form IT-204.1 if applicable, entering the corrected information, and include an explanation of the changes. If you are amending any credit claim form or other form, or are using any credit claim form or other form for the first time, write **Amended** across the top of that form and submit it with your amended return. Any other credit claim form or other form that you submitted with your original return must also be submitted with your amended return.

If a Form IT-204-IP or IT-204-CP contained an error, but there are no changes to your original filed Form IT-204, submit a completed Form IT-204 with the *Amended return* box marked at item C and submit with the return any Form IT-204-IP or IT-204-CP that you are amending. Only submit the Form(s) IT-204-IP or IT-204-CP that are being amended, and mark the *Amended K-1* box at the top of each form.

Penalties

A penalty is imposed against the partnership if the partnership is required to file a partnership return and (1) fails to file the return on time, including extensions; (2) files a return that fails to show all the information required; or (3) fails to file an amended partnership return within 90 days of the date the final federal determination or disallowance is issued or when the federal amended partnership return is filed, unless the failure is due to reasonable cause and not due to willful neglect.

The penalty for each month or fraction of a month (for a maximum of five months) that the failure continues is \$50 multiplied by the total number of persons who were partners in the partnership during any part of the partnership's tax year for which the return is due. In counting the number of partners for purposes of this penalty, include only individuals, estates, and trusts subject to tax under Article 22. Do not include corporations or partnerships.

Where to file

Mail your return to:

**STATE PROCESSING CENTER
PO BOX 15198
ALBANY NY 12212-5198**

Private delivery services – See Publication 55, *Designated Private Delivery Services*.

Using software?

You must e-file if your software allows you to e-file your return, or if you are a tax preparer who is subject to the e-file mandate. E-file is easy, safe, and allows you to get your refund faster. For more information, visit our website (see *Need help?*).

How to fill in the forms

Follow these guidelines.

Use black ink only (no red or other color ink or pencils) to print or type all entries.

Do not write in dollar signs, commas, or decimal points when making entries. All necessary punctuation has been printed on the form and amounts are rounded to dollars only.

Do not make any entry in areas that do not apply to you unless these instructions specifically direct you to do so; treat blank lines as zeros.

Mark an **X** to fill in boxes as appropriate. Do not use a check mark. Keep your Xs and numerals inside the boxes. Be careful not to touch any box line.

For example, if your entry for line 1 is \$23,750,500 your money field entry on line 1 should look like this:

... 1 2 3 7 5 0 5 0 0

If you need to show a loss, place a minus sign **immediately to the left** of the loss amount. Do not use [] brackets or parentheses. For example, a business loss of \$1,024 on line 6 should look like this:

... 6 - 1 0 2 4

Specific instructions

Partnerships with New York source income must complete and file the entire Form IT-204. Partnerships **must** also file specific forms for each partner. See *Additional forms that must be filed* on page 1.

Partnerships with no New York source income that have resident partners must complete and file Form IT-204, with the exception of Section 10. For more information, see the instructions under *Partnerships with no New York source income that have resident partners* on page 1.

All information on Form IT-204 should be for the calendar year January 1 through December 31, 2021, or for a tax year of the partnership that began in 2021. If filing for a tax year other than a calendar year, enter the month and day the tax year began, and the month, day, and year that it ended at the top of page 1.

Name and address box

Enter in the spaces at the top of the return the exact legal name, trade name (if any), and address of the partnership. The legal name is the name in which the business owns property or acquires debt. Enter the trade name or d/b/a (doing business as) name if different from the legal name. Also enter the business's employer identification number (EIN), principal business activity, principal product or service, and date the business was started.

NAICS business code number

Enter the six-digit NAICS business activity code number from Publication 910, *NAICS Codes for Principal Business Activity for New York State Tax Purposes*.

Special conditions for filing your 2021 tax return

If the partnership qualifies for one or more of the special conditions below, enter the specified 2-character code(s) on the return.

Code A6 Build America Bond (BAB) interest – Enter this code if the partnership included BAB interest in ordinary income. For more information, see TSB-M-10(4), *Treatment of Interest Income from Build America Bonds*, available on our website, and see Form IT-225-I.

Code E3 Out of the country – Enter this code for partnerships that keep their records and books of account outside the United States and Puerto Rico and qualify for an automatic two-month extension of time to file their federal returns. For more information, see *When to file* on page 3.

Section 1 – Partnership information

Item A – Mark an **X** in the *Portfolio investment partnership* box if you meet the definition below.

Portfolio investment partnership is defined as a limited partnership which meets the gross income requirement of IRC section 851(b)(2). Income and gains from commodities (not described in IRC section 1221(1)) or from futures, forwards, and

options with respect to such commodities shall be included in income which qualifies to meet the gross income requirement. The commodities must be of a kind customarily dealt in on an organized commodity exchange and the transaction must be of a kind customarily consummated at such place, as required by IRC section 864(b)(2)(B)(iii). To the extent that such a partnership has income and gains from futures, forwards, and options with respect to the commodities, the income and gains must be derived by a partnership which is not a dealer in commodities and is trading for its own account as described in IRC section 864(b)(2)(B)(ii). The term portfolio investment partnership shall **not** include a dealer (within the meaning of IRC section 1236) in stocks or securities.

Item F – Enter the number of partners as applicable on items F1, F2, and F3 and enter the total number of partners on item F4. Include all partners during the tax year, even if they were no longer partners on the last day of the tax year. If you have partners who are partnerships or LLCs that are treated as partnerships for federal purposes, include them on item F1 in the count for Article 22 partners **only**. Do **not** include them on item F2 in the count for Article 9-A partners.

Note: Although you must provide the Form IT-204-CP to these partners, **only** include the Form IT-204-IP for these partners when filing Form IT-204.

Item G – If you have any other New York tax accounts, mark an **X** in the appropriate boxes on lines 1 and 2 and enter the identification number(s).

Item P – Mark an **X** in the Yes box if the partnership owes NYS sales and compensating use tax.

A partnership that is registered, or required to be registered, for sales tax purposes, must pay its sales and use taxes on the partnership sales tax return for purchases made by the business.

A partnership operating in New York State that is not registered or required to be registered for sales tax purposes must report its sales and use tax liability by filing Form ST-130, *Business Purchaser's Report of Sales and Use Tax*. The tax is due within 20 days of the date of the first taxable use in New York State of the tangible personal property or taxable service.

The following are examples of when a business located in NYS that is not registered or required to be registered for sales and use tax purposes must pay tax directly to the Tax Department. These examples apply when the seller did not collect the NYS tax due from the business.

- *The business buys office supplies in New Jersey and brings them back to New York State for use in the business.*
- *The business orders office equipment through a catalog from a vendor located in Michigan. The equipment is shipped by common carrier to the business in NYS.*
- *The business sends a fax machine to New Jersey to be repaired. The repaired fax machine is returned by common carrier to the business in NYS.*
- *The business takes its computer to Pennsylvania to be repaired. The business then picks it up and returns it to its office in New York State. The business owes tax on the cost of the repairs when it brings the computer back to New York State for use in the business.*
- *The business purchases and pays sales tax on office equipment and supplies in a locality in New York State with a lower tax rate than the rate in the locality in New York State in which the business is located. When the business brings the equipment and supplies to its office, it will owe tax for the **difference** between the rate in the locality where the office*

is located and the rate in the locality where the business purchased the equipment and supplies.

For additional information on when a business must pay sales and compensating use tax directly to the Tax Department, see TB-ST-913, *Use Tax for Individuals (including Estates and Trusts)*.

Item Q – If you marked Yes on federal Form 1065, Schedule B, then mark an **X** in the Yes box.

Item R – Federal Public Law (P.L. 110-343) added section 457A to the IRC to address the taxation of certain nonqualified deferred compensation.

If the partnership was required to report any nonqualified deferred compensation on its 2021 federal tax return, as required under IRC § 457A, or if any such amounts flowed through to the partnership from another pass-through entity, mark an **X** in the Yes box; otherwise mark an **X** in the No box. This information must also be reported by the partnership to its partners; see Form IT-204-IP, item P and Form IT-204-CP, item L.

Third-party designee

If you want to authorize another individual (third-party designee) to discuss this tax return with the New York State Tax Department, mark an **X** in the Yes box in the third-party designee area of your return. Also print the designee’s name, phone number, email address, and any five-digit number the designee chooses as his or her personal identification number (PIN). If you want to authorize the paid preparer who signed your return to discuss the return with the Tax Department, print the preparer’s name in the space for the designee’s name and enter the preparer’s phone number in the space for the designee’s phone number. You do not have to provide the other information requested. If you do not want to authorize another person, mark an **X** in the No box.

If you mark the Yes box, you are authorizing the Tax Department to discuss with the designee any questions related to this return. You are also authorizing the designee to give and receive confidential taxpayer information relating to:

- this return, including missing information,
- any notices or bills arising from this filing that you share with the designee (they will not be sent to the designee),
- any payments and collection activity arising from this filing, and
- the status of your return or refund.

This authorization will not expire but will only cover matters relating to this return. If you decide to revoke this designee’s authority at any time, call us (see *Need help?*).

You are not authorizing the designee to receive your refund, bind you to anything (including any additional tax liability), or otherwise represent you before the Tax Department. If you want someone to represent you or perform services for you beyond the scope of the third-party designee, you must designate the person using a power of attorney (for example, Form POA-1, *Power of Attorney*).

Signatures

A **general partner** must sign Form IT-204.

Enter your daytime telephone number including the area code. This entry will enable the Tax Department to correct minor errors or omissions by calling you rather than writing or sending back your return.

Paid preparer’s signature

If you pay someone to prepare your return, the paid preparer must also sign it 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.

Paid preparer’s responsibilities – Under the law, all paid preparers must sign and complete the paid preparer section of the return. Paid preparers may be subject to civil and/or criminal sanctions if they fail to complete this section in full.

When completing this section, enter your New York tax preparer registration identification number (NYTPRIN) if you are required to have one. If you are not required to have a NYTPRIN, enter in the *NYTPRIN excl. code* box one of the specified 2-digit codes listed below that indicates why you are exempt from the registration requirement. You **must** enter a NYTPRIN **or** an exclusion code. Also, you must enter your federal preparer tax identification number (PTIN) if you have one; if not, you must enter your Social Security number.

Code	Exemption type	Code	Exemption type
01	Attorney	02	Employee of attorney
03	CPA	04	Employee of CPA
05	PA (Public Accountant)	06	Employee of PA
07	Enrolled agent	08	Employee of enrolled agent
09	Volunteer tax preparer	10	Employee of business preparing that business’ return

Paid preparer information

For information relating to the Tax Preparer Registration Program, the signing of returns by a paid preparer (anyone you pay to prepare your return), e-file mandate for paid preparers, and other requirements relating to paid preparers, see Publication 58, *Information for Income Tax Return Preparers*, and our website.

Section 2 – Federal ordinary business income (loss)

Transfer the amounts reported on federal Form 1065, page 1, to the corresponding lines on Form IT-204, Section 2.

Line 26a – If you did **not** claim any adjustments on Form IT-558, enter the line 26 amount on line 26a.

If you claimed any adjustments on Form IT-558, complete the worksheet below.

 Do not leave line 26a blank.

Line 26a worksheet	
1 Ordinary business income (loss) reported (from Form IT-204, line 26).....	1 _____
2 Net addition adjustment (from Form IT-204, Section 12, line 1)	2 _____
3 Add lines 1 and 2.....	3 _____
4 Net subtraction adjustment (from Form IT-204, Section 12, line 2)	4 _____
5 Subtract line 4 from line 3 (Enter here and on Form IT-204, line 26a)	5 _____

Section 3 – Cost of goods sold

Transfer the amounts reported on federal Form 1125-A to the corresponding lines on Form IT-204, Section 3.

Section 4 – Balance sheets per books

Transfer the amounts reported on federal Form 1065, Schedule L, to the corresponding lines on Form IT-204, Section 4.

Section 5 – Reconciliation of income (loss) per books with income (loss) per return

Transfer the amounts reported on federal Form 1065, Schedule M-1, to the corresponding lines on Form IT-204, Section 5. Be sure to write in the *Identify* boxes, where provided, the type(s) and amount(s) of what is included on that specific line.

If the partnership filed federal Schedule M-3 with federal Form 1065, mark an **X** in the box and include a copy of the federal Schedule M-3 and any related documents to Form IT-204. Do **not** complete Section 5.

Section 6 – Analysis of partners' capital accounts

Transfer the amounts reported on federal Form 1065, Schedule M-2, to the corresponding lines on Form IT-204, in this Section 6. Be sure to write in the *Identify* boxes, where provided, the type(s) and amount(s) of what is included on that specific line.

Section 7 – Partners' share of income, deductions, etc.

Transfer the amounts reported on federal Form 1065, Schedule K to the corresponding lines on Form IT-204, Section 7. Be sure to write in the *Identify* boxes, where provided, the type(s) and amount(s) of what is included on that specific line.

Line 97 – Enter the amount from federal Form 1065, Schedule K, line 11.

Line 99 – Enter the total amount from federal Form 1065, Schedule K, lines 13a through 13d.

Line 102 – Enter the total amount from federal Form 1065, Schedule K, lines 18a through 18c.

Line 105 – Enter the total amount from federal Form 1065, Schedule K, lines 20a through 20c.

Section 8 – New York modifications

Lines 108 and 110 – Complete Form IT-225 to determine the amounts to enter on these lines.

Lines 111 and 113

Use **only** for modifications that apply to itemized deductions on the individual returns of partners. Exclude any amounts properly reportable on lines 108 and 110. Be sure to enter the corresponding letter and total amount of the addition to or subtraction from itemized deductions.

Line 111 – Additions to itemized deductions

A Interest expense on money borrowed to purchase or carry bonds or securities whose interest is subject to New York State income tax but exempt from federal income tax, if this interest expense was not deducted on the federal return or subtracted on line 110.

B Ordinary and necessary expenses paid or incurred during the tax year in connection with income, or property held to produce income, that is subject to New York State income tax but exempt from federal income tax, if these expenses were not deducted on the federal return or subtracted on line 110.

C Amortization of bond premium attributable to the tax year on any bond whose interest income is subject to New York State income tax but exempt from federal income tax, if this amortization was not deducted on the federal return or subtracted on line 110.

Line 113 – Subtractions from itemized deductions

D State, local, and foreign income taxes (including unincorporated business taxes).

E Interest expense on money borrowed to purchase or carry bonds or securities whose interest is exempt from New York State income tax.

F Ordinary and necessary expenses paid or incurred in connection with income, or property held to produce income, that is exempt from New York State income tax, but only to the extent deducted in computing your federal taxable income.

G Amortization of bond premium attributable to the tax year on any bond whose interest income is exempt from New York State income tax, but only to the extent deducted in computing your federal taxable income.

(continued)

Section 9 – Other information

Line 116a – Do not complete this line if the only reason you are filing Form IT-204 is because you have a resident partner. Use the worksheet below to compute your modified federal and New York source gross income for **tax year 2021** for use in filing Form IT-204-LL for **tax year 2022**. Enter in column A of the worksheet the amounts for lines 1 through 13 as instructed.

Enter in column B the portion of column A (if any) that is derived from or connected to New York State sources.

⚠ Tiered partnerships: Do not include on lines 1 through 13 of the worksheet income from any partnership in which you are a partner. Enter on line 14 the amount that should be shown on line 29a of Form IT-204-IP, *New York Partner's Schedule K-1*.

Keep this worksheet for your records. You will need it when completing your Form IT-204-LL for 2022.

New York source gross income worksheet		A – Modified federal gross income	B – New York source gross income
Enter 2021 amounts			
1	Enter the amount from federal Form 1065, line 1c	1	
2	Enter the amount from federal Form 1065, Schedule K, line 5	2	
3	Enter the amount from federal Form 1065, Schedule K, line 6a	3	
4	Enter the amount from federal Form 1065, Schedule K, line 7	4	
5	Enter any income (not losses) included on federal Form 1065, Schedule K, line 11	5	
6	Add the gain (not loss) amounts from federal Form 8949, column (h), and the gains (not losses) from federal Form 1065, Schedule D, lines 1a, column (h), 4, 5, 8a, column (h), 11, 12, and 14	6	
7	Add the gain (not loss) amounts on federal Form 4797, column (g), lines 2 through 6, 10, and 13 through 16	7	
8	Enter the amount from federal Form 8825, line 18a	8	
9	Enter the income (not loss) from federal Schedule F (Form 1040), line 9	9	
10	Enter amount from federal Schedule F (Form 1040), line 1b	10	
11	Enter any income (not losses) included on federal Form 1065, Schedule K, line 3a, not included above	11	
12	Enter any income (not losses) included on federal Form 1065, line 4, from estates and trusts not included above	12	
13	Enter any income (not losses) included on federal Form 1065, line 7, not included above	13	
14	Enter the New York source gross income as reported by your lower tiered partnership from Form IT-204-IP, line 29a	14	
15	Total (add column B, lines 1 through 14); enter the amount here and on Form IT-204, line 116a	15	

Line 116b – MCTD allocation percentage

- If the partnership is doing business only in the MCTD, enter 100%.
- If the partnership maintains separate books and records and they reflect the self-employment income in the MCTD, enter on line 116b the percentage of net earnings from self-employment allocated to the MCTD.

- If the partnership carries on business both in and out of the MCTD but does not maintain books and records from which the MCTD income can be determined, use the worksheet below to compute the percentage to enter on line 116b.

Transfer the amounts in Section 10, Part 2, column A, of Form IT-204, to column A below; and then enter in column B the amounts in the MCTD. Refer to the instructions for Section 10, Part 2, and substitute *MCTD* in place of *New York State*.

Items used as factors	A – Totals in and out of NYS	B – MCTD amounts	C – Percent column B is of column A
1 Real property owned	1		
2 Real property rented from others	2		
3 Tangible personal property owned	3		
3a Tangible personal property rented from others	3a		
4 Property percentage (add lines 1 through 3a; see line 122 instructions)	4		%
5 Payroll percentage (see line 123 instructions)	5		%
6 Gross income percentage (see line 124 instr.)	6		%
7 Total of percentages (add lines 4, 5, and 6, column C)		7	%
8 MCTD allocation percentage (divide total percentages on line 7 by three or by actual number of percentages if less than three; enter here and on line 116b)		8	%

Line 116c – Total receipts from the sale of goods by manufacturing

Enter the total receipts from the sale of goods produced by manufacturing, processing, assembling, refining, mining, extracting, farming, agriculture, horticulture, floriculture, viticulture, or commercial fishing.

Note: Receipts from the generation and distribution of electricity, the distribution of natural gas, and the production of steam associated with the generation of electricity are **not** reported on this line.

Line 116d – New York adjusted basis of qualified manufacturing property

Enter the New York adjusted basis of qualified manufacturing property at the close of the tax year (see TSB-M-19(5)C, *New York State Adjusted Basis for Qualified New York Manufacturers*). The term *qualified manufacturing property* means property that:

- has a situs in New York State; and
- is principally used by the partnership in the production of goods by manufacturing, processing, assembling, refining, mining, extracting, farming, agriculture, horticulture, floriculture, viticulture, or commercial fishing.

Line 117c – If you checked the Yes box, the name(s) and EINs of the entity(ies) **must** be listed in the table below line 117c regardless of the percentage of ownership interest.

Section 10 – New York allocation schedule

Complete Part 1 if the partnership carries on business both in and out of New York State. Enter the exact location of each place where the partnership carries on business. Describe each place (for example, branch office, agency, factory), and state whether it is rented or owned by the partnership.

Taxpayers that use books and records method: Attach a summary of New York and Everywhere income schedules for each income source.

Complete Part 2 if the partnership carries on business both in and out of New York State but does not use the books and records method to determine the New York business income.

You must still complete Part 2, even though it may not fairly and equitably reflect the income from New York and you use an authorized alternate allocation method. You must include a detailed explanation of the authorized alternate method used to determine the New York income, together with full details of any changes increasing or decreasing the amount of New York income computed by the authorized alternate method.

Gross rents, for purposes of computing lines 120 and 121a, includes:

- any amount payable for the use or possession of real and tangible personal property, or any part thereof, whether designated as a fixed sum of money or as a percentage of sales, profits, or otherwise;
- any amount payable as additional rent, or in lieu of rent, such as interest, taxes, insurance, repairs, or any other amount required to be paid by the terms of a lease or other arrangement; and
- a proportionate part of the cost of any improvement to real or tangible personal property made by or on behalf of the business that reverts to the owner or lessor upon termination of a lease or other arrangement. However, if a building is erected on leased land by or on behalf of the business, the value of the building is determined in the same manner as if it were owned by the business. The proportionate part of the cost of an improvement (other than a building on leased

land) is generally equal to the amount of amortization allowed in computing New York adjusted gross income, whether the lease does or does not include an option for renewal.

Line 119 – Real property owned

Enter in column A the average value of all real property connected with the partnership. Enter in column B the average value of all real property connected with the partnership located in New York State.

The average value of the property is determined by (1) adding its adjusted basis at the beginning of the tax year to its adjusted basis at the end of the tax year, and (2) dividing by two.

Line 120 – Real property rented from others

The value of real property rented to the business, and to be included in line 120, is eight times the gross rent payable during the tax year for which the return is filed. For the definition of gross rents, see above.

Line 121 – Tangible personal property owned

Enter in column A the average value (determined in accordance with the instruction for line 119) of all tangible personal property (including any inventory) owned by the business. Enter in column B the average value (determined in accordance with the instructions for line 119) of tangible personal property located in New York State.

Line 121a – Tangible personal property rented from others

Enter the value of tangible personal property rented to the business. The value of rented tangible personal property is eight times the gross rents payable for tangible personal property during the tax year for which the return is filed. For the definition of gross rents, see above.

Line 122 – Property percentage

Add lines 119 through 121a in columns A and B and enter each total on line 122. Divide the column B total by the column A total and round the result to the fourth decimal place. For example, if the total in column A is \$15,000 and the total in column B is \$10,000, divide \$10,000 by \$15,000 and enter the result (0.6667) as a percentage (66.67%) in column C.

Line 123 – Payroll percentage

The amounts to be entered on line 123 include wages, salaries, and other personal service compensation, paid only to employees of the partnership. Do not include payments to independent contractors, independent sales agents, or the like. Enter on line 123 in column A the total of such pay to employees during the tax year for partnership operations carried on both in and out of New York State. Enter on line 123 in column B the amount of that pay for operations carried on in New York State. Operations are considered to be carried on in New York State if the employee works in or travels out of an office or other place of business located in New York State. If in Section 8, line 110, you subtracted an amount based on wages not allowed because of a federal credit under IRC section 280C, this change should be reflected here in wages and salaries paid during the year. Divide column B by column A. Round the result to the fourth decimal place and enter it as a percentage in column C.

Line 124 – Gross income percentage

The amounts to be entered on line 124 in column A is total gross sales made, or charges for services performed, by the employees, agents, agencies, or independent contractors of the partnership in and out of New York State. The amount to be entered on line 124 in column B is the part of total gross sales or charges that represents sales made or services performed by or through an agency in New York State. This includes sales

made or services performed by employees, agents, agencies, or independent contractors situated at, connected with, or sent out from offices of the partnership (or its agencies) located in New York State. For example, if a salesman working out of the New York office of the business covers the states of New York, New Jersey, and Pennsylvania, all sales made by him are to be allocated to New York State and included on line 124 in column B. Divide column B by column A. Round the result to the fourth decimal place and enter it as a percentage in column C.

Section 11 – Partners' credit information

If the partnership (or a partnership of which it was a partner) is convicted of an offense defined in New York State Penal Law Article 200 (*Bribery Involving Public Servants and Related Offenses*) or 496 (*Corrupting the Government*), or section 195.20 (*Defrauding the Government*), you must mark an **X** in the Yes box. If the Yes box is marked, the partnership is not eligible for any tax credit allowed under Tax Law Article 9, 9-A, or 33, or any business tax credit allowed under Tax Law Article 22. A *business tax credit allowed under Article 22* is a tax credit allowed to taxpayers under Article 22 which is substantially similar to a tax credit allowed to taxpayers under Article 9-A.

Accumulation distribution credit

A beneficiary whose New York source income includes an accumulation distribution from a trust is allowed a tax credit on his or her New York State individual income tax return for their share of:

- New York State income taxes paid by the trust,* and
- any income tax imposed on the trust by another state, political subdivision within that state, or the District of Columbia on income sourced to the other jurisdiction.* However, this credit cannot be more than the percentage of tax due determined by dividing the portion of the income taxable to the trust in the other jurisdiction and taxable to the beneficiary in New York by the beneficiary's total New York income.

* **Note:** These amounts should be provided to the beneficiary by the trust.

If the partnership received an accumulation distribution from a trust, provide each partner with their share of the taxes paid by the trust. There is no code or credit form to complete. The individual partners will use their share of the taxes paid by the trust to compute the accumulation distribution credit on Form IT-201-ATT, line 1, or Form IT-203-ATT, line 2.

Other credits

Enter the brownfield redevelopment tax credit components; QEZE tax reduction credit factors; the excelsior jobs program tax credit components; and the farmers' school tax credit information, computed at the partnership level, on the appropriate lines. Also enter the START-UP NY tax elimination credit information for the partnership. For all other credits, addbacks of credits, and recaptures, you must enter the 3-digit code number and the amount on lines 147 or 148 identifying the credit or addback. A chart with the other credits, addbacks of credits, and recaptures, in addition to the 3-digit codes to enter on lines 147 and 148, is found on pages 10 and 11.

Note: Submit all credit forms with your Form IT-204.

Part 1 – Flow-through credit bases and information

Line 127 – Enter the total site preparation credit component as shown on Form IT-611, line 8; Form IT-611.1, line 8; or Form IT-611.2, line 3. If the partnership has Article 9-A corporate partners, in addition to entering the credit component on line 127, enter code **107** and the cost from Form IT-611, line 2; Form IT-611.1, line 2; or Form IT-611.2, line 1 on lines 144a through 144f.

Line 128 – Enter the total tangible property credit component as shown on Form IT-611, line 16; Form IT-611.1, line 24; or Form IT-611.2, line 12. If the partnership has Article 9-A corporate partners, in addition to entering the credit component on line 128, enter code **108** and the cost from Form IT-611, line 10; Form IT-611.1, line 18; or Form IT-611.2, line 7 on lines 144a through 144f.

Line 129 – Enter the total on-site groundwater remediation credit component as shown on Form IT-611, line 24; Form IT-611.1, line 16; or Form IT-611.2, line 6. If the partnership has Article 9-A corporate partners, in addition to entering the credit component on line 129, enter code **109** and the cost from Form IT-611, line 18; Form IT-611.1, line 10; or Form IT-611.2, line 4 on lines 144a through 144f.

Line 133 – Enter the QEZE employment increase factor computed on Form IT-604, line 13, or line 46.

Line 134 – Enter the QEZE zone allocation factor computed on Form IT-604, line 19, or line 52.

Line 135 – Enter the QEZE benefit period factor from Form IT-604, page 3, *Benefit period factor table*, or line 58.

Note: If the partnership is filing multiple Forms IT-604, *Claim for QEZE Tax Reduction Credit*, enter the code and credit factors on lines 144g through 144l. The additional codes are as follows:

- Code **CF1** – Employment increase factor
- Code **CF2** – Zone allocation factor
- Code **CF3** – Benefit period factor

Line 140 – See instructions for item A in Form IT-217-I, *Instructions for Form IT-217, Claim for Farmers' School Tax Credit*, to determine the acres of qualified agricultural property to enter on this line.

Line 141 – *Qualified conservation property* is acreage that, during the tax year, is enrolled in or participating in a federal environmental conservation acreage reserve program under Title III of the Federal Agricultural Improvement and Reform Act of 1996.

Line 142 – See instructions for item B in Form IT-217-I to determine the amount of eligible school district property taxes paid to enter on this line.

Line 143 – See instructions for item F in Form IT-217-I to determine the acres of qualified agricultural property converted to nonqualified use to enter on this line.

Lines 144a through 144f

Enter the amount and code **127** if the partnership made contributions to one or more of the following New York Charitable Gifts Trust Fund accounts:

- Health Charitable Account
- Elementary and Secondary Education Account

Enter the amount and code **128** if contributions were made to one of the following organizations:

- Health Research Inc.
- State University of New York Impact Foundation
- Research Foundation of the City University of New York

If the partnership was a shareholder in a C corporation that has a special gross income from farming election, enter the following information, which should have been provided to you by the C corporation, and codes on lines 144a through 144f:

- Enter the entire net income amount as reported to you by the corporation and code **148**.

- Enter the principal payment amount paid on farm indebtedness as reported to you by the corporation and code **146**.
- Enter the gross income as reported to you by the corporation and code **149**.
- Enter the gross income from farming as reported to you by the corporation and code **147**.

If the partnership claimed the economic transformation and facility redevelopment program credit, enter the following codes and amounts from the corresponding lines of Form IT-633.

- Code **633** – Jobs tax credit component
- Code **B33** – Investment tax credit component
- Code **C33** – Training tax credit component
- Code **D33** – Real property tax credit component

If you opted to pay the pass-through entity tax (PTET) for the tax year, enter the total amount of the PTET and code **653**.

Part 2 – Flow-through credits, addbacks, and recaptures

Line 146a – If the partnership has Article 9-A corporate partners, in addition to entering the amount of credit on line 146a, enter code **212** and the amount of investment credit **base** (cost or other basis of qualified property purchased **excluding** R & D property) on lines 144a through 144f.

Line 146b – If the partnership has Article 9-A corporate partners, in addition to entering the amount of credit on line 146b, enter code **218** and the amount of R & D investment credit **base** (cost or other basis of qualified property purchased) on lines 144a through 144f.

Lines 147 and 148 – Refer to the chart at the end of the *Instructions for Form IT-204*.

Part 3 – START-UP NY tax elimination credit information

Line 149 – Enter the certificate number from Form DTF-74, *Certificate of Eligibility*, issued to the approved START-UP NY business.

Line 150 – Enter the tax year of the START-UP NY business tax benefit period (1 through 10) from Form IT-638, *START-UP NY Tax Elimination Credit*, line D.

Line 151 – Enter the area allocation factor from Form IT-638, line 6.

Note: If the partnership is filing multiple Forms IT-638, enter the code and credit information on lines 144g through 144l. The additional codes are as follows:

- Code **SN1** – Certificate number
- Code **SN2** – Year of business tax benefit period
- Code **SN3** – Area allocation factor

Section 12 – New York adjustments due to decoupling from the IRC

If you adjusted your return as a result of decoupling from changes made to the IRC after March 1, 2020, enter the net addition adjustment from Form IT-558, line 9, on line 1. Enter the net subtraction adjustment from Form IT-558, line 18, on line 2.

Lines 147 and 148 – Other flow-through credits, addbacks and recaptures

To claim these credits or report these addbacks and recaptures:	See these forms and their instructions:	Report on Form IT-204 line:	Enter code:
Alcoholic beverage production credit			
Beer produced	IT-636	Lines 147a-147h	636
Cider produced	IT-636	Lines 147a-147h	B36
Wine produced	IT-636	Lines 147a-147h	C36
Liquor produced	IT-636	Lines 147a-147h	D36
Alternative fuels credit addback on early dispositions	IT-253	Lines 148a-148f	253
Alternative fuels and electric vehicle recharging property credit Addback	IT-637 IT-637	Lines 147a-147h Lines 148a-148f	637 637
Brownfield redevelopment tax credit addback	IT-611	Lines 148a-148f	171
Brownfield redevelopment tax credit addback	IT-611.1	Lines 148a-148f	170
Brownfield redevelopment tax credit addback	IT-611.2	Lines 148a-148f	169
Brownfield credit for real property taxes	IT-612	Lines 147a-147h	172
Addback for real property taxes	IT-612	Lines 148a-148f	172
Brownfield credit for environmental remediation insurance	IT-613	Lines 147a-147h	173
Addback for environmental remediation insurance	IT-613	Lines 148a-148f	173
Clean heating fuel credit	IT-241	Lines 147a-147h	301
Conservation easement credit	IT-242	Lines 147a-147h	302
Defibrillator credit	IT-250	Lines 147a-147h	250
Economic transformation and facility redevelopment program jobs tax credit			
Addback	IT-633	Lines 148a-148f	633
Empire State apprenticeship tax credit	IT-650	Lines 147a-147h	650
Empire State commercial production credit	IT-246	Lines 147a-147h	355

Empire State film post-production credit (current tax year credit)	IT-261 (line 7)	Lines 147a-147h	356
Empire State film post-production credit (second year credit)	IT-261 (line 20)	Lines 147a-147h	B56
Empire State film post-production credit (third year credit)	IT-261 (line 21)	Lines 147a-147h	C56
Empire State film production credit (current tax year credit)	IT-248 (line 7)	Lines 147a-147h	248
Empire State film production credit (second year credit)	IT-248 (line 9)	Lines 147a-147h	B48
Empire State film production credit (third year credit)	IT-248 (line 10)	Lines 147a-147h	C48
Empire State jobs retention program credit	IT-634	Lines 147a-147h	634
Addback	IT-634	Lines 148a-148f	634
Empire State musical and theatrical production credit	IT-642	Lines 147a-147h	642
Employee training incentive program	IT-646	Lines 147a-147h	646
Employer-provided childcare credit	IT-652	Lines 147a-147h	652
Excelsior jobs program tax credit addback	IT-607	Lines 148a-148f	607
EZ investment tax credit (and employment incentive credit) Addback on early dispositions	IT-603	Lines 148a-148f	163
Employment of persons with disabilities credit	IT-251	Lines 147a-147h	251
Farm donations to food pantries credit	IT-649	Lines 147a-147h	649
Farm workforce retention credit	IT-647	Lines 147a-147h	647
FSI EZ investment tax credit (and employment incentive credit) Addback on early dispositions	IT-605	Lines 148a-148f	165
FSI investment tax credit (and employment incentive credit) Addback on early dispositions	IT-252	Lines 148a-148f	252
Hire a veteran credit	IT-643	Lines 147a-147h	643
Investment credit addback on early dispositions	IT-212	Lines 148a-148f	212
Life sciences research and development tax credit	IT-648	Lines 147a-147h	648
Low-income housing credit	DTF-624	Lines 147a-147h	624
Addback	DTF-626	Lines 148a-148f	626
Manufacturer's real property tax credit	IT-641	Lines 147a-147h	641
Addback	IT-641	Lines 148a-148f	641
New York City musical and theatrical production tax credit	IT-654	Lines 147a-147h	654
New York youth jobs program tax credit	IT-635	Lines 147a-147h	635
QETC capital tax credit	DTF-622	Lines 147a-147h	622
Addback on early dispositions	DTF-622	Lines 148a-148f	622
QETC employment credit	DTF-621	Lines 147a-147h	621
QEZE credit for real property taxes	IT-606	Lines 147a-147h	166
Addback	IT-606	Lines 148a-148f	166
Recapture of START-UP NY tax benefits	IT-645	Lines 148a-148f	645
Recovery tax credit	IT-651	Lines 147a-147h	651
Rehabilitation of historic properties credit	IT-238	Lines 147a-147h	238
Addback	IT-238	Lines 148a-148f	238
Restaurant return-to work credit	IT-655	Lines 147a-147h	655
Security officer training credit	IT-631	Lines 147a-147h	631
Special additional mortgage recording tax credit	IT-256	Lines 147a-147h	256
START-UP NY telecommunication services excise tax credit	IT-640	Lines 147a-147h	640
Taxicabs and livery service vehicles accessible to persons with disabilities credit (For costs incurred on or after January 1, 2011)	IT-236	Lines 147a-147h	236
Workers with disabilities credit	IT-644	Lines 147a-147h	644

Partnership's instructions for Form IT-204-IP New York Partner's Schedule K-1

General information

Partnerships with New York source income must provide Form IT-204-IP to each Article 22 partner on or before the day on which the partnership return is required to be filed. Partnerships with no New York source income who are filing a return specifically because they have resident partners must file and provide Form IT-204-IP only for the resident partners (Form IT-204-IP does **not** have to be submitted for non-resident partners). However, if a partnership has any partners that are partnerships or LLCs, it **must** complete and provide both Forms IT-204-IP and IT-204-CP to such partners. The partnership only submits the Form IT-204-IP (and not the Form IT-204-CP) for such partners with its Form IT-204.

Partners should obtain a copy of Form IT-204-IP-I, *Partner's Instructions for Form IT-204-IP*, to help them report on their personal income tax return the items shown on their Form IT-204-IP.

Note: The partnership must provide to each partner a statement indicating the partner's distributive share of contributions to one or more of the following New York Charitable Gifts Trust Fund accounts:

- Health Charitable Account; or
- Elementary and Secondary Education Account.

Farm donations to food pantries credit

If the partnership claimed a credit on Form IT-649, *Farm Donations to Food Pantries Credit*, the partnership must provide to each partner a statement indicating the partner's distributive share of the amount of qualified donations to a food pantry included in the partnership's charitable contributions amount.

Specific instructions

Partnership's information

On each Form IT-204-IP, enter the name and EIN of the partnership.

Item C

Enter the business allocation percentage (BAP) of the partnership from Form IT-204, line 126.

If line 126 is blank because your BAP is 100% New York State, enter 100%.

If line 126 does not fairly and equitably reflect the income from New York and you have included an authorized alternative method of allocation, enter the alternative allocation percentage.

If line 126 is blank because the partnership's books and records accurately reflect income earned in New York, leave item C blank.

Partner's information

For the partner for which you are completing this Form IT-204-IP, enter the partner's name, address, and identifying number (Social Security number or EIN).

Item F

If the partner is a disregarded entity or grantor trust, enter the partner's information as reported on federal Schedule K-1, item E; otherwise leave this line blank.

Item H

Enter the partner's percentages as reported on federal Schedule K-1, item J.

Item I

Enter the partner's share of liabilities as reported on federal Schedule K-1, item K.

Item J

Enter the partner's capital account analysis as reported on federal Schedule K-1, item L. However, enter on lines 2 and 3 of item J, the amount of cash and property contributed by **that** partner to the partnership as included on New York State Form IT-204, Section 6, lines 76 and 77. Enter on line 5 of item J, the amount of withdrawals and distributions of cash to **that** partner from Form IT-204, Section 6, line 81. Enter on line 6 of item J, the amount of withdrawals and distributions of property made to **that** partner from Form IT-204, Section 6, line 82.

Item K

This item does not apply to partners that are partnerships. If completing Form IT-204-IP for a partner that is a partnership, leave item K blank.

Item L

If the partner was included on Form IT-203-GR, *Group Return for Nonresident Partners*, enter the partnership's special NYS income tax identification number assigned to the group.

Item M

If this partner is a nonresident individual who submitted a Form IT-2658-E, *Certificate of Exemption from Partnership or New York S Corporation Estimated Tax Paid on Behalf of Nonresident Individual Partners and Shareholders*, that is **valid** for 2021, mark an **X** in the **Yes** box. If the partner is a resident individual partner, another partnership, or an estate or trust, leave this item blank. If you marked an **X** in the **Yes** box, do **not** complete item N or item O.

Item N

Enter the amount of estimated tax paid on behalf of the partner from Form(s) IT-2658-NYS, *Attachment to Form IT-2658 – Report of Estimated Personal Income Tax for Nonresident Individuals*, on lines N1 through N4, and the total amount paid on line N.

Item O

Enter the amount of estimated MCTMT paid on behalf of the partner from Form(s) IT-2658-MTA, *Attachment to Form IT-2658 – Report of Estimated Metropolitan Commuter Transportation Mobility Tax (MCTMT) for New York Nonresident Individual Partners*, on lines O1 through O4, and the total amount paid on line O.

Item P

If you marked an **X** in the **Yes** box on Form IT-204 in item R, mark an **X** in the **Yes** box here; if you marked an **X** in the **No** box on Form IT-204 in item R, mark an **X** in the **No** box here.

Item Q

If you opted to pay the PTET for the tax year, mark an **X** in the **Yes** box here; if you did not opt to pay the PTET for the tax year, mark an **X** in the **No** box here.

If you marked **Yes**, indicate the residency status assigned to this partner for purposes of the PTET only. This may be different from the residency status indicated in item K.

This item does not apply to partners that are partnerships. If completing Form IT-204-IP for a partner that is a partnership, leave item Q blank.

Partner's share of income, deductions, etc.

Column B

Transfer the amounts from the individual partner's federal Form 1065, Schedule K-1. However, for line 19 of federal Form 1065, Schedule K-1, determine the portion of line 19 that represents distributions of cash and marketable securities, and distributions of other property, and enter this amount(s) on line 17 and line 18 of Form IT-204-IP respectively. Be sure to write in the *Identify* boxes, where provided, the type(s) and amount(s) of what is included on each specific line.

Column C

Enter in column C the amounts from column B that are derived from or connected with New York State sources. (See *Income from New York State sources includes* on page 2.)

If you are doing business entirely within New York State, enter the amounts from column B in column C.

If you are doing business both inside and outside New York State, allocate to New York State the federal items of income, gain, loss, and deduction as shown on federal Form 1065, Schedule K. Use the BAP (item C), the separate book method (see *Books and records* below), or an authorized alternative allocation method. However, do not allocate any items of real property (see *Note* below).

Note: Amounts attributable to real property located in New York State are 100% allocable to New York. Amounts attributable to real property located outside New York State are not allocable to New York.

Books and records

A partnership carrying on business inside and outside of New York State, that maintains books and records from which the New York income of the business can be determined, enters in column C the amount of each item derived from New York State sources, as determined from the books of account.

Authorized alternative allocation method

If a detailed explanation of an authorized alternative allocation method is submitted with Form IT-204, use that method to compute the amounts to be entered in column C.

Calculation of the partner's share of New York modifications and credits

You must allocate the partner's share of a modification or credit in accordance with the partner's distributive share, for federal income tax purposes, of the item to which the modification relates. Where a partner's distributive share of any such item is not required to be taken into account separately for federal income tax purposes, the partner's share of such item must generally be determined in accordance with their share, for federal income tax purposes, of partnership taxable income and loss.

Where a partner's distributive share of an item of partnership income, gain, loss, or deduction is determined for federal income tax purposes by special provision in the partnership agreement with respect to such item, and where the principal purpose of such provision is the avoidance or evasion of tax under this

article, the partner's distributive share of such item, and any modification or credit required with respect thereto, must be determined as if the partnership agreement made no special provision with respect to such item.

If the partnership agreement does not provide for the partner's distributive share of income, gain, loss, deduction, or credit, determine the partner's share according to the partner's interest in the partnership.

If a partner's interest changed during the year, determine the distributive share of each partner at the federal level. How the partnership allocates income (or loss) is also determined at the federal level. Allocate income (or loss) to the partner only for the part of the year in which that person was a member of the partnership.

Partner's share of New York modifications

Any of the modifications from Form IT-225 are to be added to or subtracted from each partner's federal adjusted gross income on the partner's New York State income tax return, in arriving at the partner's total New York income. Any of the modifications listed under *Lines 111 and 113* instructions are to be added to or subtracted from each partner's itemized deductions on the partner's New York State income tax return, in arriving at the partner's New York State itemized deduction. The partners need this information to complete their individual tax returns.

Line 20 – New York State additions

Enter in column A on lines 20a through 20f the partner's distributive share of the total amount for each addition modification reported on Form IT-225, line 1, column A, and line 5, column A. Be sure to enter the corresponding number of the addition next to the letters *EA*. If you are reporting more than six addition modifications for the partner, include a separate schedule. Enter in column B, *New York State allocated amount*, the amount of the partner's modification that relates to income, gain, loss, or deduction derived from or connected with New York State sources (from Form IT-225, line 1, column B, and line 5, column B).

Line 21 – Enter the column A total of lines 20a through 20f and from any additional schedule(s) (if more than six addition modifications) on line 21.

Line 22 – New York State subtractions

Enter in column A on lines 22a through 22f the partner's distributive share of the total amount for each subtraction modification reported on Form IT-225, line 10, column A, and line 14, column A. Be sure to enter the corresponding number of the subtraction next to the letters *ES*. If you are reporting more than six subtraction modifications for the partner, include a separate schedule. Enter in column B, *New York State allocated amount*, the amount of the partner's modification that relates to income, gain, loss, or deduction derived from or connected with New York State sources (from Form IT-225, line 10, column B, and line 14, column B).

Line 23 – Enter the column A total of lines 22a through 22f and from any additional schedule(s) (if more than six subtraction modifications) on line 23.

Line 24 – Additions to itemized deductions

Enter in the *Amount* column on lines 24a through 24f the partner's distributive share of the total amount for each addition to itemized deductions reported on Form IT-204, lines 111a through 111f. Be sure to enter the corresponding letter for each addition in the *Letter* box.

Line 26 – Subtractions from itemized deductions

Enter in the *Amount* column on lines 26a through 26f the partner's distributive share of the total amount for each subtraction from itemized deductions reported on Form IT-204, lines 113a through 113f. Be sure to enter the corresponding letter for each subtraction in the *Letter* box.

Partner's other information**Line 29a – Partner's share of New York source gross income**

You must report to each partner their share of your New York source gross income. Enter the partner's distributive share of New York source gross income from Form IT-204, line 116a.

Line 29b – MCTD allocation percentage

Enter the MCTD allocation percentage of the partnership from Form IT-204, line 116b.

Line 29c – Partner's share of receipts from the sale of goods by manufacturing

Enter the partner's share of the total receipts from Form IT-204, line 116c. In addition, you must provide your partner with a separate statement that reports any receipts from the generation and distribution of electricity that is **not** included on this line.

Line 29d – New York adjusted basis of qualified manufacturing property

Enter the partner's proportionate part of qualified manufacturing property from Form IT-204, line 116d.

Partner's credit information**Part 1 – Flow through credit bases and information****Brownfield redevelopment tax credit****Lines 30, 31, and 32**

Enter the partner's distributive share of any amounts from Form IT-611 in column A. Enter the partner's distributive share of any amounts from Form IT-611.1 in column B. Enter the partner's distributive share of any amounts from Form IT-611.2 in column C.

Line 30 – Enter the partner's distributive share of the site preparation credit component from Form IT-204, line 127.

Line 31 – Enter the partner's distributive share of the tangible property credit component from Form IT-204, line 128.

Line 32 – Enter the partner's distributive share of the on-site groundwater remediation credit component from Form IT-204, line 129.

QEZE tax reduction credit**Lines 36, 37, and 38**

Enter the QEZE employment increase factor, QEZE zone allocation factor, and QEZE benefit period factor from Form IT-204, lines 133, 134, and 135.

Excelsior jobs program tax credit**Lines 39 through 42**

Enter the partner's distributive share of the excelsior jobs program tax credit from Form IT-204, lines 136 through 139.

Farmers' school tax credit

Line 43 – Enter the partner's distributive share of acres of qualified agricultural property from Form IT-204, line 140.

Line 44 – Enter the partner's distributive share of acres of qualified conservation property from Form IT-204, line 141.

Line 45 – Enter the partner's distributive share of eligible school district property taxes paid by the partnership from Form IT-204, line 142.

Line 46 – Enter the partner's distributive share of acres of qualified agricultural property converted to nonqualified use from Form IT-204, line 143.

Other flow-through credit bases and information

Lines 47a through 47I – If you were a shareholder in a C corporation that has a special gross income from farming election, enter the code and the partner's distributive share of the amount on lines 47a through 47f as reported on Form IT-204, lines 144a through 144f.

Enter the partner's distributive share and code **127** if you made contributions to one or more of the New York Charitable Gifts Trust Fund accounts:

- Health Charitable Account
- Elementary and Secondary Education Account

Enter the partner's distributive share and code **128** if you made charitable contributions to:

- Health Research Inc.
- State University of New York Impact Foundation
- Research Foundation of the City University of New York

Enter the following component codes and the partner's distributive share of the amounts on lines 47a through 47f as reported on Form IT-204, lines 144a through 144f.

Code **633** – Jobs tax credit component

Code **B33** – Investment tax credit component

Code **C33** – Training tax credit component

Code **D33** – Real property tax credit component

If you opted to pay the PTET for the tax year, enter on lines 47a through 47f the partner's distributive share of the PTET, as reported on Form IT-204, lines 144a through 144f, and code **653**.

If you are filing multiple Forms IT-604, *Claim for QEZE Tax Reduction Credit*, and/or Form(s) IT-638 enter the code and the partner's credit information on lines 47g through 47I as reported on Form IT-204, lines 144g through 144I.

Part 2 – Flow through credits, addbacks, and recaptures**Lines 48, 49, and 50**

Enter the partner's distributive share of the:

- long-term care insurance credit from Form IT-204, line 145
- investment credit (including the employment incentive credit and historic barn rehabilitation credit) from Form IT-204, line 146a
- research and development credit – investment credit from Form IT-204, line 146b

Line 51 – For all other credits, you must enter the 3-digit code number identifying each credit and the partner's distributive share of that credit from Form IT-204, lines 147a through 147h.

If you reported a rehabilitation of historic properties credit on Form IT-204, Section 11, Part 2, you **must** provide to your partners a separate statement indicating the project number(s). The project number is the National Park Services (NPS) number that identifies the rehabilitation project. Project number(s)

must be provided for tax credit amounts passed through to the partnership and for tax credit amounts generated by the partnership.

Line 52 – For all other addbacks of credits and recaptures, you must enter the 3-digit code number identifying each addback or recapture and the partner's distributive share of that addback or recapture from Form IT-204, lines 148a through 148f.

Part 3 – START-UP NY tax elimination credit information

Lines 53, 54, and 55

Enter on these lines the information from Form IT-204, lines 149, 150, and 151.

You **must** also provide to your partner a separate statement indicating the name of the sponsoring campus, university, or college; if you are certified by more than one sponsor, list all sponsors on such statement.

Partner's share of New York adjustments due to decoupling from the IRC

Line 1 – If you adjusted your return as a result of decoupling from changes made to the IRC after March 1, 2020, enter the partner's distributive share of the total net addition adjustment from Form IT-204, Section 12, line 1, in column A. Using the partnership's BAP reported in item C, compute the New York State allocated amount of the partner's distributive share and enter the amount in column B.

Line 2 – If you adjusted your return as a result of decoupling from changes made to the IRC after March 1, 2020, enter the partner's distributive share of the net subtraction adjustment from Form IT-204, Section 12, line 2, in column A. Using the partnership's BAP reported in item C, compute the New York State allocated amount of the partner's distributive share and enter the amount in column B.

If you adjusted your excess business interest expense or your excess taxable income as a result of decoupling from IRC § 163(j), you must also provide to your partners a separate statement indicating their distributive share of each adjustment.

Partnership's instructions for Form IT-204.1 New York Corporate Partners' Schedule K

General information

Form IT-204.1 **must be** completed and filed by a partnership that has corporate partners filing Form CT-3 or CT-3-S, or included in a combined group filing Form CT-3-A, and by a partnership that has a partner that is a partnership or an LLC. The form reports the aggregate amount, for the partnership as a whole (including amounts from any lower tier partnerships), of certain partnership items. These amounts are then reported by distributive share or proportionate part to the partnership's corporate partners (or partners that are partnerships or LLCs) on Form IT-204-CP, *New York Corporate Partner's Schedule K-1*. Submit Form IT-204.1 with your Form IT-204, *Partnership Return*.

A partnership must separately provide to its corporate partners (or partners that are partnerships or LLCs) the partnership's total amount of New York State and total amount of Metropolitan Commuter Transportation District (MCTD) receipts (including total amounts from any lower tier partnerships) so that a corporate partner (at any level in the tier or chain) can include such amounts when making the determination if it is subject to the Article 9-A franchise tax and MCTD surcharge.

Note: The only items reported on Form IT-204.1 that relate to a corporate partner that is a New York S corporation are lines 34 through 36; Apportionment Part 1, line 1; Apportionment Part 2, lines 1 through 53a; and Apportionment Part 2, lines 56 through 77.

Specific instructions

Note: If you have a partner that is a **partnership** or an **LLC**, you must complete **all** parts of Form IT-204.1 to ensure that all corporate partners in the tier or chain receive the necessary information.

Note: Do **not** include any IRC § 965 amounts on Form IT-204.1.

Entire net income (ENI) information when the corporate partner's New York tax filing status is a C corporation

The amounts reported on lines 1 and 2 represent additions to, or subtractions from, federal taxable income (FTI) that New York C corporations are required to make under Article 9-A.

Line 1 – ENI addition modifications

Enter in column A any applicable *EA* number listed below that represents an addition modification to federal taxable income (FTI) that a New York C corporation partner is required to make under Article 9-A when computing the partner's ENI on the partner's Form CT-3 or CT-3-A. List the amount of each addition in column B, and provide the total amount of additions on line 1.

- ▶ **EA-105 Special additional mortgage recording tax**
Enter the amount of the special additional mortgage recording tax deducted by the partnership in computing its income that flowed through to its corporate partners to the extent the special additional mortgage recording tax credit flowed through the partnership to such corporate partners.
- ▶ **EA-106 Special additional mortgage recording tax basis adjustment** – See A-106 addition modification instruction in Form IT-225-I.

- ▶ **EA-110 Qualified emerging technology investments (QETI)** – See A-110 addition modification instruction in Form IT-225-I.
- ▶ **EA-203 Safe harbor leases** – See A-203 addition modification instruction in Form IT-225-I.
- ▶ **EA-204 Safe harbor leases** – See A-204 addition modification instruction in Form IT-225-I.
- ▶ **EA-207 Taxes related to the farmers' school tax credit**
Enter the total amount of real property taxes paid on qualified agricultural property that was deducted by the partnership in computing its income that flowed through to its corporate partners to the extent the partnership also flowed through the tax credit.
- ▶ **EA-208 Sport utility vehicle expense deduction** – See A-208 addition modification instruction in Form IT-225-I.
- ▶ **EA-211 Royalty payments made to a related member or members** – See A-211 addition modification instruction in Form IT-225-I.
- ▶ **EA-212 Environmental remediation insurance premiums** – See A-212 addition modification instruction in Form IT-225-I.
- ▶ **EA-216 Manufacturer's real property tax** – See A-216 addition modification instruction in Form IT-225-I.
- ▶ **EA-217 START-UP New York excise tax on telecommunication services** – See A-217 addition modification instruction in Form IT-225-I.
- ▶ **EA-218 Farm donations to food pantries** – Enter the amount of any deduction for charitable contributions allowed under IRC section 170 to the extent such contributions are used as the basis of the calculation of the farm donations to food pantries credit under Tax Law § 210-B(52).
- ▶ **EA-221 Gains invested in a qualified opportunity fund (QOF)** – If you excluded a gain invested in a QOF from federal gross income for the current tax year as a result of IRC § 1400Z-2(a)(1)(A), **then** enter the amount of the gain that was excluded. Also see ES-218.
- ▶ **EA-504 Interest on federal, state, municipal, and other obligations not included in FTI** (only if your corporate partner is **not** an alien corporation: see EA-508 if your corporate partner is an alien corporation) – Enter all interest received or accrued from federal, state, municipal, and other obligations that was exempt from federal income tax. You may deduct from this amount any expenses attributable to that interest but denied deductibility under IRC section 265. Include a list of items and amounts included on this line.
- ▶ **EA-505 Certain taxes deducted** – Include all taxes deducted for federal purposes imposed under Article 9 (sections 183, 183-a, 184, 184-a), 9-A, 23, and former Article 32. This includes the MTA surcharge. However, do **not** include New York City taxes. Include the amount deducted for taxes paid or accrued to the United States, or any of its possessions, territories, or commonwealths, other U.S. states or their political subdivisions, and the District of Columbia, if the tax or taxes are on or are measured by profits or income, or include profits or income as a measure of tax, including taxes expressly in lieu of the foregoing.
- ▶ **EA-506 Federal treaty obligations** (only if your corporate partner is an alien corporation) – If under any provision of

the IRC, your corporate partner is **not** treated as a *domestic corporation* as defined in IRC section 7701 enter any of your income that was exempt for federal purposes under any treaty obligation of the United States, but only if such income would be treated as effectively connected, in absence of such exemption, provided that such treaty obligation does not preclude the taxation of such income by a state.

- ▶ **EA-507 Federal depreciation** – Enter any federal depreciation amounts (including any disposition adjustments), if applicable, from Forms IT-399, *New York State Depreciation Schedule*, and IT-398, *New York State Depreciation Schedule for IRC Section 168(k) Property*. Submit the form(s) with Form IT-204.
- ▶ **EA-508 Dividend or interest income received, or accrued, by alien corporations** (only if your corporate partner is an alien corporation) – If under any provision of the IRC, your corporate partner is **not** treated as a *domestic corporation* as defined in IRC section 7701, enter any part of any of your income from dividends or interest on any kind of stock, securities, or indebtedness, but only if such income is treated as effectively connected with the conduct of a trade or business in the United States under IRC section 864.

Line 2 – ENI subtraction modifications

Enter in column A any applicable *ES* number listed below that represents a subtraction modification from its FTI that a New York C corporation partner is required to make under Article 9-A when computing the partner's ENI on such partner's Form CT-3 or Form CT-3-A. List the amount of each subtraction in column B, and provide the total amount of subtractions on line 2.

- ▶ **ES-111 Distributions made to a victim of Nazi persecution** – See S-111 subtraction modification instruction in Form IT-225-I.
- ▶ **ES-115 Qualified emerging technologies investments (QETI)** – See S-115 subtraction modification instruction in Form IT-225-I.
- ▶ **ES-205 Wage and salary expenses allowed as federal credits but not as federal expenses** – See S-205 subtraction modification instruction in Form IT-225-I.
- ▶ **ES-208 Safe harbor leases** – See S-208 subtraction modification instruction in Form IT-225-I.
- ▶ **ES-209 Safe harbor leases** – See S-209 subtraction modification instruction in Form IT-225-I.
- ▶ **ES-212 Sport utility vehicle expense deduction recapture** – See S-212 subtraction modification instruction in Form IT-225-I.
- ▶ **ES-215 Refund of certain business tax credits** – See S-215 subtraction modification instruction in Form IT-225-I.
- ▶ **ES-216 New York State innovation hot spot program** See S-216 subtraction modification instruction in Form IT-225-I.
- ▶ **ES-218 Gains invested in a QOF** – If you included a gain invested in a QOF in federal gross income for the current tax year, **then** enter the amount of the gain that was added back in a previous tax year per EA-221. Also see EA-221.
- ▶ **ES-219 Grants received per the COVID-19 pandemic small business recovery grant program** – If you received any grant(s) per the COVID-19 pandemic small business recovery grant program as established in the New York State Urban Development Corporation Act, § 16-ff, **then** enter the amount of the grant(s), to the extent they were included in federal income.

- ▶ **ES-501 Refund or credit of certain taxes** – Enter the amount of any refund or credit for overpayment of taxes reported in a prior year on federal Form 1065, line 3, 4, or 7, that is now properly included in federal ordinary income for which no exclusion or deduction was allowed in determining federal ordinary income for any prior year.
- ▶ **ES-504 Receipts from the operation of school buses** Enter all receipts from the transportation of pupils, teachers, and others acting in a supervisory capacity to and from school or school activities, minus any deductions allowed in computing federal income that are directly or indirectly attributable to those receipts.
- ▶ **ES-507 Allowable New York depreciation** – Enter any allowable New York depreciation amounts (including any disposition adjustments), if applicable, from Forms IT-399 and IT-398. Submit the form(s) with Form IT-204.
- ▶ **ES-509 Expenses related to federal treaty obligations (only if your corporate partner is an alien corporation)** – If under any provision of the IRC, your corporate partner is not treated as a *domestic corporation* as defined in IRC section 7701, enter any of your expenses attributable to income that was exempt for federal purposes due to a federal tax treaty.

Assets and liabilities

Lines 3 through 7

For a corporate partner, average value is generally computed quarterly. However, they may use a more frequent basis such as monthly, weekly, or daily. If their usual accounting practice does not permit a quarterly or more frequent computation of the average value of assets, they may use a semiannual or annual computation if no distortion of average value results. While you need only report the actual computed average values on lines 3 through 6, you must supply to your corporate partners on a separate statement the information they need to compute the average value under the frequency basis they are utilizing for such lines.

Line 3 – Total assets

Enter the value shown on your books in accordance with generally accepted accounting principles (GAAP).

Line 5 – Real property and marketable securities at fair market value (FMV)

Enter the FMV of real property and marketable securities included on line 4. The *FMV of an asset* is the price (without deduction of an encumbrance whether or not the partnership is personally liable) at which a willing seller will sell and a willing purchaser will buy. You can generally find the FMV of marketable securities from price quotes in financial newspapers. For determination of FMV of real property, see TSB-M-85(18.1)C, *Valuation of Real Property*.

Line 6 – Enter the result of adding line 5 to the result of subtracting line 4 from line 3.

Line 7 – Use the same method of averaging used to determine average value of assets on line 3.

Lines 8 and 9

The amounts to report are attributable to assets reported on line 3, both long and short term. Use the same method of averaging used to determine average value of assets on line 3.

For lines 8 and 9, liabilities **directly** attributable to an asset are those that were incurred in connection with the acquisition or holding of that asset.

Line 8 – Business capital means all assets other than investment capital and stock issued by the partner, less liabilities not deducted from investment capital.

Line 9 – Enter the amount from line 13, column G.

Items related to investment capital under Article 9-A

These items are needed for the partner to file Form CT-3.1, *Investment and Other Exempt Income and Investment Capital*. For additional information, see that form and its instructions.

Lines 10 through 15

Per Tax Law section 208.5(a), the term *investment capital* means investments in stocks that satisfy the definition of a capital asset under IRC section 1221 at all times the partnership owned such stock during the tax year, are held by the partnership for investment for more than one year, the dispositions of which are, or would be, treated by the partnership as generating long-term capital gains or losses under the IRC. Stocks acquired on or after January 1, 2015, at any time after the close of the day on which they are acquired, must have **never** been held for sale to customers in the regular course of business. Such stocks must be clearly identified in the partnership's records as stock held for investment in the same manner as required under IRC section 1236(a)(1), for the stock of a dealer in securities to be eligible for capital gain treatment (whether or not the partnership is a dealer of securities subject to section 1236). Generally, the identification must occur before the close of the day on which the stock was acquired, although floor specialists have seven business days to make the identification. However, for stock acquired prior to October 1, 2015, that was not subject to IRC section 1236(a), such identification must occur before October 1, 2015 (see TSB-M-15(4)C, *Investment Capital Identification Requirements for Article 9-A Taxpayers*. For stock acquired by non-dealers after October 1, 2015, see TSB-M-15(4.1)C, *Additional Investment Capital Identification Periods for Certain Non-dealers for Specified Circumstances that Occur on or After October 1, 2015*), to see if additional investment capital identification periods apply. Stock in a corporation that is conducting a unitary business with the partnership is not investment capital, and should **not** be included on lines 10 through 15.

When income or gain from a debt obligation or other security cannot be taxed by New York as a result of U.S. Constitutional principles found in decisions of the U.S. Supreme Court, the debt obligation or other security will be included in investment capital (Tax Law section 208.5(e)).

Note: This investment capital that generates income claimed not taxable by New York under the U.S. Constitution may be claimed **only** by entities domiciled outside New York State.

Parts 1, 2, and 3

If more space is needed, submit additional sheets providing the information in the same format as in each part.

Complete Part 1 first, listing all assets owned that generated income being claimed as not taxable by New York under the U.S. Constitution. Part 1 applies only to partnerships domiciled outside of New York State. Any asset listed in Part 1 cannot also be listed in Part 2 or Part 3.

In Part 2, list all stocks actually held more than one year that meet the qualifications for investment capital at the partnership level; in Part 3, list all stocks **presumed** held more than one year, that meet the qualifications for investment capital at the partnership level (see the instructions for Parts 3 and 5).

Column A – For Part 1, provide identifying information, such as stock name, committee on uniform security identification procedures (CUSIP) or CUSIP international numbering system (CINS) number, and lot number; or issuer and maturity date of bond. For Parts 2 and 3, provide the name, CUSIP or CINS number, and lot number.

Column F – Enter the total average fair market value (FMV) of each item listed in column A. On any date, the FMV of stocks, bonds, and other regularly traded securities is the mean between the highest and lowest selling prices. The average value is generally computed quarterly if your usual accounting practice permits, but you may use a monthly, weekly, or daily average. If your usual accounting practice does not permit a quarterly or more frequent computation of average FMV, you may use a semiannual or annual computation if no distortion of average FMV results. If the security is not marketable, value it using generally accepted accounting principles (GAAP).

Column G – Enter for each item of investment capital listed in column A the sum of the liabilities **directly** attributable to it. Use the same method of averaging used to determine the average value of assets in column F. Liabilities **directly** attributable to an asset are those that were incurred in connection with the acquisition or holding of that asset.

Parts 3 and 5

Per Tax Law section 208.5(d), if the partnership acquires stock that is a capital asset under IRC section 1221 during the tax year and owns that stock on the last day of the tax year, it will be **presumed**, solely for purposes of determining whether that stock should be classified as investment capital after it is acquired, that the partnership held that stock for more than one year. However, if the partnership does not in fact own that stock at the time it actually files its original return for the tax year in which it acquired the stock, then the presumption in the preceding sentence shall not apply and the actual period of time during which the partnership owned the stock shall be used to determine whether the stock should be classified as investment capital after it is acquired.

If the partnership relies on the presumption in the first sentence of the previous paragraph but does not own the stock for more than one year, the partnership must, in the immediately succeeding tax year, report to its corporate partners the information in Parts 5 and 6 below.

Part 5

List all prior year presumed stocks (reported on prior year IT-204.1, Part 3) that did not meet the holding period requirement. In column A, provide the name, CUSIP or CINS number, and lot number and provide the requested additional information in all other columns. If more space is needed, submit additional schedules, providing the information.

Part 6

The prior year presumed investment income that your Article 9-A partners must addback is calculated at the partner level based on the specific stocks identified in Part 5.

Line 15 – Enter the requested information for the stocks identified in Part 5, as previously reported on your prior tax year Form IT-204.1 on line 22.

Items related to investment and other exempt income under Article 9-A

These items are needed for the partner to file Form CT-3.1. For additional information, see that form and its instructions.

Line 16 – Gross exempt cross-article dividends

Enter the gross exempt dividend income received from a corporation, conducting a unitary business with the partnership, that is subject to New York State franchise tax under either Article 9 or Article 33, or that would have been taxable under those articles if subject to tax.

Line 17 – Gross exempt controlled foreign corporation (CFC) income

Exempt CFC income means the income required to be included in the partnership's federal total income per IRC section 951(a) received from a corporation that is conducting a unitary business with the partnership.

Note: Do **not** include any IRC section 965 amounts.

Line 18 – Gross exempt unitary corporation dividends

Enter those dividends not otherwise reported on line 16 from a corporation that is conducting a unitary business with the partnership.

Line 19 – Gross investment income from investments generating income not taxable by New York State under the U.S. Constitution

Enter the income and net gain or loss from a debt obligation or other security that cannot be taxed by New York State as a result of the U.S. Constitutional principles found in decisions of the U.S. Supreme Court. If the result of summing the applicable amounts is a net loss, enter the negative amount using a minus (-) sign. Amounts entered on this line should relate to assets listed in Part 1. This line applies only if the partnership is domiciled outside of New York State.

Lines 20 through 22 – To determine the amounts to enter, see *Items related to investment capital under Article 9-A* on page 18.

Enter on line 20 dividends from investments reported in Part 2.

Enter on line 21 net capital gains or losses from investments reported in Part 2. If the result of summing the applicable amounts is a net loss, enter the negative amount using a minus (-) sign.

Enter on line 22 dividends from investments reported in Part 3.

Items related to interest deductions directly attributable to investment and other exempt income under Article 9-A

Lines 24 through 31 – For information on how to **directly** attribute interest deductions to the income reported on lines 16 through 22, and to business capital, see TSB-M-15(8)C, *Direct and Indirect Attribution of Interest Deductions for Article 9-A Taxpayers*. Interest deductions must be attributed, regardless of whether or not income is earned in a given year.

Items related to subtraction modifications for qualified banks

These items are needed for the partner to file Form CT-3.2, *Subtraction Modification for Qualified Banks*. For additional information, see that form and its instructions.

Line 32 – Qualified residential loan portfolio assets

These assets consist of the assets described in items (i) through (xii) below, with the application of the rule in item (xiii).

Assets are:

- (i) cash, which includes cash and cash equivalents including cash items in the process of collection, deposit with other financial institutions, including corporate credit unions,

balances with federal reserve banks and federal home loan banks, federal funds sold, and cash and cash equivalents on hand. Cash does not include any balances serving as collateral for securities lending transactions;

- (ii) obligations of the U.S. or of a state or political subdivision thereof, and stock or obligations of a corporation which is an instrumentality or a government sponsored enterprise of the U.S. or of a state or political subdivision thereof;

- (iii) loans secured by a deposit or share of a member;

- (iv) loans secured by an interest in real property which is (or from the proceeds of the loan, will become) residential real property or real property used primarily for church purposes, and loans made for the improvement of residential real property or real property used primarily for church purposes. For purposes of this item, residential real property includes single or multi-family dwellings, facilities in residential developments dedicated to public use or property used on a nonprofit basis for residents, and mobile homes not used on a transient basis;

- (v) property acquired through the liquidation of defaulted loans described in item (iv) above;

- (vi) any regular or residual interest in a real estate mortgage investment conduit (REMIC), as such term is defined in IRC section 860D, but only in the proportion which the assets of such REMIC consist of property described in any of the preceding items, except that if 95% or more of the assets of such REMIC are assets described in items (i) through (v), the entire interest in the REMIC shall qualify;

- (vii) any mortgage-backed security which represents ownership of a fractional undivided interest in a trust, the assets of which consist primarily of mortgage loans, provided that the real property which serves as security for the loans is (or from the proceeds of the loan, will become) the type of property described in item (iv) and any collateralized mortgage obligation, the security for which consists primarily of mortgage loans that maintain as security the type of property described in item (iv);

- (viii) certificates of deposit in, or obligations of, a corporation organized under a state law which specifically authorizes such corporation to insure the deposits or share accounts of member associations;

- (ix) loans secured by an interest in educational, health, or welfare institutions or facilities, including structures designed or used primarily for residential purposes for students, residents, and persons under care, employees, or members of the staff of such institutions or facilities;

- (x) loans made for the payment of expenses of college or university education or vocational training;

- (xi) property used by your partnership in support of business which consists principally of acquiring the savings of the public and investing in loans;

- (xii) loans for which your partnership is the creditor and which are wholly secured by loans described in item (iv); and

- (xiii) the value of accrued interest receivable and any loss-sharing commitment or other loan guaranty by a governmental agency will be considered part of the basis in the loans to which the accrued interest or loss protection applies.

Your partner needs the asset information above for the purpose of performing a 60% asset test.

At the election of your partner, the 60% can be applied on the basis of the average assets outstanding during the tax year, in lieu of the close of the tax year. Your partner can elect to compute an average using the assets measured on the first day of the tax year and on the last day of each subsequent

quarter, or month, or day during the tax year. This election may be made annually. You must supply to your partner the information the partner needs to perform the test based on the frequency basis your partner has elected.

For purposes of item (iv), if a multi-family structure securing a loan is used in part for nonresidential use purposes, the entire loan is deemed a residential real property loan if the planned residential use exceeds 80% of the property's planned use (measured, at your partner's election, by using square footage or gross rental revenue, and determined as of the time the loan is made).

For purposes of item (iv), loans made to finance the acquisition or development of land shall be deemed to be loans secured by an interest in residential real property if there is a reasonable assurance that the property will become residential real property within a period of three years from the date of acquisition of such land; but this does not apply to any tax year unless, within such three-year period, such land becomes residential real property. For purposes of determining whether any interest in a REMIC qualifies under item (vi), any regular interest in another REMIC held by such REMIC shall be treated as a loan described in a preceding item under principles similar to the principle of such item (vi), except that if such REMICs are part of a tiered structure, they shall be treated as one REMIC for purposes of such item (vi).

Line 33 – Gross interest income from qualifying loans

For purposes of these instructions, a *qualifying loan* is a loan that meets the following conditions:

- (i) the loan is originated by the qualified community bank or small thrift institution or purchased by the qualified community bank or small thrift institution immediately after its origination, in connection with a commitment to purchase made by the bank or thrift institution prior to the loan's origination;
- (ii) the loan is a small business loan or a residential mortgage loan, the principal amount of which is \$5 million or less, and either the borrower is located in this state as determined under Tax Law section 210-A and the loan is not secured by real property, or the loan is secured by real property located in New York.

A loan that meets the definition of a qualifying loan in a prior tax year (including years beginning prior to January 1, 2015) remains a qualifying loan in tax years during and after which such loan is acquired by another corporation in the partner's combined reporting group under Tax Law section 210-C.

Items related to manufacturing

Line 34 – Total receipts from the sale of goods by manufacturing

Enter the total receipts from the sale of goods produced by manufacturing, processing, assembling, refining, mining, extracting, farming, agriculture, horticulture, floriculture, viticulture, or commercial fishing. Receipts from such sales made to your corporate partners must be eliminated.

Note: Receipts from the generation and distribution of electricity, the distribution of natural gas, and the production of steam associated with the generation of electricity are **not** reported on this line.

Line 35 – New York adjusted basis of qualified manufacturing property

Enter the New York adjusted basis of qualified manufacturing property at the close of the tax year (see TSB-M-19(5)C). The term *qualified manufacturing property* means property which:

- has a situs in New York State; and

- is principally used by you in the production of goods by manufacturing, processing, assembling, refining, mining, extracting, farming, agriculture, horticulture, floriculture, viticulture, or commercial fishing.

Apportionment and Metropolitan Commuter Transportation District (MCTD) information

If you earned any New York State receipts, column B for Apportionment, Part 2, lines 1 through 53a must be completed following the instructions below. If you earned any MCTD receipts, column A for such lines must be completed following the instructions below.

The MCTD includes the counties of New York, Bronx, Kings, Queens, Richmond, Dutchess, Nassau, Orange, Putnam, Rockland, Suffolk, and Westchester. Federal S corporations that have made the election to be a New York State S corporation are not subject to the MTA surcharge and, as a result, do not need you to supply to them MCTD amounts.

The instructions below for Apportionment Part 2 should be read in conjunction with Form CT-3-I, *Instructions for Form CT-3*, Part 6.

Apportionment Part 1, lines 3 through 7

Enter the MCTD amounts in column A and the New York State amounts in column B. Everywhere amounts are not needed for these lines.

Average value of real and tangible personal property means the adjusted basis of such property for federal income tax purposes. However, the partner may make an election to use FMV as the value of its real and tangible personal property.

FMV of real and tangible personal property owned means the price (without deduction of an encumbrance whether or not the partnership is personally liable) at which a willing seller will sell and a willing purchaser will buy.

Apportionment Part 1, line 3 – Enter the average value based on the method being used by your partner (adjusted basis or FMV) of real property you owned. Do **not** include real property and related equipment (except inventoriable goods) that are under construction and are not occupied or used by the partnership during construction. Include property or equipment under construction that is partially used in the regular course of business of the partnership only to the extent used.

Apportionment Part 1, line 4 – Enter the average value of rented real property. The value of rented real property is generally eight times the gross rent payable during the year covered by this return. *Gross rent* includes any amount payable as rent or in lieu of rent (such as taxes or repairs), and amortization of leasehold improvements that revert to the lessor at the end of the lease.

Apportionment Part 1, line 6 – Enter the average value based on the method being used by your partner (adjusted basis or FMV) of tangible personal property you owned, such as machinery, tools, and implements. Do not include cash, shares of stock, bonds, notes, credits, evidences of an interest in property, or evidences of credit.

Apportionment Part 1, line 7 – Enter the average value of tangible personal property you rented. The value of rented tangible personal property is generally eight times the gross rent payable during the year covered by this return.

Apportionment Part 2, lines 1 through 53a – These lines represent the types of receipts for which your partner must report MCTD, New York State, and Everywhere amounts for apportionment purposes. As a result, you must provide MCTD, New York State, and Everywhere amounts for **certain** of these

lines. See the specific line instructions below for information regarding when negative amounts should be entered on certain lines.

For those lines for which your partner's share of your MCTD, New York State, and Everywhere amounts may simply be reported to such partners, also see Form CT-3-I, Part 6, for specific instructions on how to source the receipts on those lines. In completing column A, read Form CT-3-I, Part 6 instructions by substituting *MCTD* for *New York State*.

For those lines for which MCTD, New York State, and Everywhere amounts cannot simply be passed on to your partners without special instructions, such instructions are provided below, or in the partnership's instructions for Form IT-204-CP (beginning on page 24 of these instructions). However, you may still need to refer to Form CT-3-I, Part 6 instructions for certain information when completing these lines, such as information concerning marked to market financial instruments, types of financial instruments, sourcing rules, or hierarchy methods.

Note: For all lines, all receipts sourced at the partnership level are sourced using the general apportionment rules as detailed in the Form CT-3-I, Part 6 instructions; the option to source receipts from qualified financial instruments (QFIs) under the 8% fixed percentage method election is available at the corporate partner level only (or at the combined filing level if the corporate partner is included in a combined group filing Form CT-3-A).

Line 3 – If the result of summing the gains and losses for a particular column (column A, B, or C) is a net loss, enter the negative amount using a minus (-) sign.

Lines 7 and 7a – For those receipts that you are able to source using either of hierarchy methods 1 or 2, include the MCTD, New York State, and Everywhere amounts for those receipts on line 7. For those receipts that you are able to source using either method 3 or 4, include the MCTD, New York State, and Everywhere amounts of such receipts on line 7a. See Form CT-3-I, Part 6, line 7 for the hierarchy methods.

Line 10 – In column C (*Everywhere*), enter the amount of summing your gains and losses from sales of loans secured by real property. If the amount is a loss, enter the negative amount using a minus (-) sign. Also see line 56.

Line 11 – Mark an **X** in the box if you marked to market under IRC sections 475 or 1256 **any** loans **not** secured by real property. If you mark the box, then you must also mark the box on line 12.

Line 12 – Mark an **X** in the box if you marked to market under IRC sections 475 or 1256 **any** loans **not** secured by real property. If you mark the box, then you must also mark the box on line 11.

In column C (*Everywhere*), enter the amount of summing your gains and losses from sales of loans **not** secured by real property. If the amount is a loss, enter the negative amount using a minus (-) sign. Also see line 57.

Lines 13 through 18 – Mark an **X** in the box next to *Section 210-A.5(a)(2)(B)* if you marked to market under IRC sections 475 or 1256 **any** of the financial instruments described on any of lines 13 through 18.

Line 16 – If the result of summing the gains and losses for column C is a net loss, enter the negative amount using a minus (-) sign in such column.

Line 17 – In column C (*Everywhere*), enter 100% of your receipts constituting interest from debt instruments issued by other states and their political subdivisions.

Line 18 – In column C (*Everywhere*), enter 100% of the result of summing your gains and losses from sales of debt instruments issued by other states and their political subdivisions. If the amount is a net loss, enter the negative amount using a minus (-) sign.

Lines 19 through 21 – Mark an **X** in the box next to *Section 210-A.5(a)(2)(C)* if you marked to market under IRC sections 475 or 1256 **any** of the financial instruments described on **any** of lines 19 through 21.

Line 20 – In column C (*Everywhere*), enter the amount of summing your gains and losses from sales of 1) asset-backed securities, or other securities, issued by government agencies, and 2) sales of asset-backed securities through a registered securities broker or dealer or through a licensed exchange. If the amount is a loss, enter the negative amount using a minus (-) sign.

Line 21 – In column C (*Everywhere*), enter the amount of summing your gains and losses from sales of other asset-backed securities not reported on line 20. If the amount is a loss, enter the negative amount using a minus (-) sign. Also see line 58.

Lines 22 through 24 – Mark an **X** in the box next to *Section 210-A.5(a)(2)(D)* if you marked to market under IRC sections 475 or 1256 **any** of the financial instruments described on **any** of lines 22 through 24.

Line 23 – In column C (*Everywhere*), enter the amount of summing your gains and losses from sales of corporate bonds sold through a registered securities broker or dealer, or through a licensed exchange. If the amount is a loss, enter the negative amount using a minus (-) sign.

Line 24 – In column C (*Everywhere*), enter the amount of summing your gains and losses from sales of corporate bonds **not** sold through a registered securities broker or dealer, or through a licensed exchange. If the amount is a loss, enter the negative amount using a minus (-) sign. Also see line 59.

Line 25 – See lines 72 through 77 for the information to report.

Line 26 – In column C (*Everywhere*), enter the result of summing your interest income and interest expense from federal funds. If the amount is a loss, enter the negative amount using a minus (-) sign.

Lines 27 and 28 – Mark an **X** in the box next to the Tax Law section citation above the line when a financial instrument of the type reportable on that line has been marked to market under IRC sections 475 or 1256.

Line 27 – Subtract from your **income** from sales of physical commodities the cost to acquire or produce such commodities. Enter the result in column C. If the amount is a loss, enter the negative using a minus (-) sign. Also see line 60.

Line 28 – Marked to market (MTM) net gains are sourced at the corporate partner level. See the instructions for lines 61 through 71, and use lines 61 through 71 to report MTM net gains and losses by type of financial instruments.

Lines 29 through 30f – Mark an **X** in the box next to *Section 210-A.5(a)(2)(H)* if you marked to market under IRC sections 475 or 1256 **any** "other" financial instruments that fall under the sourcing rules of Section 210-A.5(a)(2)(H). Mark an **X** in the box next to *Section 210-A.5(a)(2)(G)* if you marked to market under IRC sections 475 or 1256 **any** stock that is business capital or **any** partnership interest in a widely held or publicly traded partnership.

Lines 29 through 30c – Business receipts from "other" financial instruments must be reported on a type-by-type basis; such

receipts are sourced and netted only with receipts from "other" financial instruments of the **same** type. If you have interest, gains/(losses) from sales of, or other income/(losses) from, **any** "other" financial instruments, you **must** submit a statement providing a breakdown of all such interest, net gains/(losses), and net other income/(losses) by **line number** (lines 29 through 30c) and by **type** of other financial instruments. If you have receipts reportable on any of lines 29 through 30c from more than one type of "other" financial instruments, use an additional such line for each separate type of "other" financial instruments for which you are reporting receipts. Clearly identify each type of "other" financial instruments for which receipts are being reported. Use the specific line instructions below to complete the statement you must submit. It is an instrument by instrument determination as to when "other" financial instruments are of the same type. For lines 29, 30, and 30b you must provide amounts for all columns. For lines 30a and 30c, provide amounts for column C (Everywhere) only.

Line 30 – Use this line to report sales of other financial instruments of the **same** type where the purchaser or payor is **not** a registered securities broker or dealer, or the transaction is **not** made through a licensed exchange. In column C (Everywhere), enter the amount of summing your gains and losses from all such sales. In column B (New York State), enter the amount of summing your gains and losses from these sales where the purchaser or payor is located in New York State. If the result of summing the gains and losses in a particular column (column A, B, or C) is a net loss, enter the negative amount in the column using a minus (-) sign.

Line 30a – Use this line to report sales of other financial instruments of the **same** type where the purchaser or payor is a registered securities broker or dealer, or the transaction is made through a licensed exchange. In column C (Everywhere), enter the amount of summing your gains and losses from **all** such sales. If the result of summing the gains and losses in column C is a loss, enter the negative amount in column C using a minus (-) sign.

Line 30b – Use this line to report other income from other financial instruments of the **same** type where the payor is **not** a registered securities broker or dealer, or the transaction is **not** made through a licensed exchange. In column C (Everywhere), enter the amount of **all** such other income. In column B (New York State), enter the amount of this income where the payor is located in New York State. If the result of summing the income and losses in a particular column (column A, B, or C) is a loss, enter the negative amount in the column using a minus (-) sign.

Line 30c – Use this line to report other income from other financial instruments of the **same** type where the payor is a registered securities broker or dealer, or the transaction is made through a licensed exchange. In column C (Everywhere), enter the amount of **all** such other income. If the result of summing the income and losses in column C is a loss enter the negative amount in column C using a minus (-) sign.

Lines 30d through 30f – Use these lines to report dividends from stock that is business capital, net gains/(losses) from sales of stock that is business capital, and net gains/(losses) from sales of partnership interests in widely held or publicly traded partnerships, respectively.

Line 30d – In column C (Everywhere), enter the amount of **all** such dividend income.

Note: Do **not** include any IRC section 965 amounts.

Lines 30e and 30f – If the result of summing the applicable gains and losses in column C is a loss, enter the negative amount in the column using a minus (-) sign.

Line 42 – If you are a credit card processor, enter in column C 100% of the amount of all other receipts not reported on lines 1 through 41 or 43 through 52.

Line 43 – If you provide services to investment companies, enter in column C 100% of the receipts received from investment companies arising from the sale of management, administration, or distribution services to the investment company.

Line 45 – Enter in column C 100% of the receipts received from the conduct of a railroad business or a trucking business.

Line 46 – Enter in column C 100% of the receipts received from the operation of vessels.

Line 48 – Enter in column C 100% of the receipts received from aviation services other than services the receipts from which are reported on line 47.

Line 49 – Enter in column C 100% of the receipts received from sales of advertising in newspapers or periodicals.

Line 50 – Enter in column C 100% of the receipts received from sales of advertising on television or the radio.

Line 51 – Enter in column C 100% of the receipts from the sales of advertising **not** reported on either line 49 or line 50 that is furnished, provided, or delivered to, or accessed by the viewer or listener through the use of wire, cable, fiber-optic, laser, microwave, radio wave, satellite or similar successor media, or any combination of these.

Line 52 – Enter in column C 100% of the receipts received from the transportation or transmission of gas through pipes.

Lines 53 and 53a – For those receipts that you are able to source using either of hierarchy methods 1 or 2, include the MCTD, New York State, and Everywhere amounts for those receipts on line 53. For those receipts that you are able to source using either method 3 or 4, include the MCTD, New York State, and Everywhere amounts of such receipts on line 53a. See Form CT-3-I, Part 6, line 53 for the hierarchy methods.

Payroll

Line 54 – Everywhere amounts are not needed for this line. In column A, enter the wages, salaries, and other compensation of employees (**excluding** employees having partnership-wide authority or having responsibility for an entire division of the partnership) located within **the MCTD**. Employees within the MCTD include all employees regularly connected with or working out of an office or other place of business you maintained within the MCTD, no matter where the services of the employees were performed.

In column B, enter the wages, salaries, and other compensation of employees (**excluding** employees having partnership-wide authority or having responsibility for an entire division of the partnership) located within **New York State**. Employees within New York State include all employees regularly connected with or working out of an office or other place of business you maintained within New York State, no matter where the services of the employees were performed.

Line 55 – See Form CT-3-I, Part 1, Section A, line 6 instructions for how to calculate.

Gross proceeds or receipts from certain sales (for apportionment purposes)

Line 56 – Enter in column B (*New York State*) the amount of gross proceeds from sales of loans secured by real property located within the state. Enter in column C (*Everywhere*) the amount of gross proceeds from sales of loans secured by real property located within and without the state. Gross proceeds are determined after the deduction of any cost incurred to

acquire the loans. If, for either column, the gross proceeds amount is a negative amount, enter the negative amount using a minus (-) sign.

Line 57 – Enter in column B (*New York State*) the amount of gross proceeds from sales of loans not secured by real property to purchasers located within the state. Enter in column C (*Everywhere*) the amount of gross proceeds from sales of loans not secured by real property to purchasers located within and without the state. Gross proceeds are determined after the deduction of any cost incurred to acquire the loans. If, for either column, the gross proceeds amount is a negative amount, enter the negative amount using a minus (-) sign.

Line 58 – Enter in column B (*New York State*) the amount of gross proceeds from sales of other asset-backed securities to purchasers located within the state. Enter in column C (*Everywhere*) the amount of gross proceeds from sales of other asset-backed securities to purchasers located within and without the state. Gross proceeds are determined after the deduction of any cost incurred to acquire the securities. If, for either column, the gross proceeds amount is a negative amount, enter the negative amount using a minus (-) sign.

Line 59 – Enter in column B (*New York State*) the amount of gross proceeds from sales of corporate bonds **not** sold through a registered securities broker or dealer, or through a licensed exchange, that were sold to purchasers located within the state. Enter in column C (*Everywhere*) the amount of gross proceeds from sales of corporate bonds **not** sold through a registered securities broker or dealer, or through a licensed exchange, that were sold to purchasers located within the state and without the state. Gross proceeds are determined after the deduction of any cost incurred to acquire the bonds. If, for either column, the gross proceeds amount is a negative amount, enter the negative amount using a minus (-) sign.

Line 60 – Include in column B the amount of your **receipts** from sales of physical commodities actually delivered to points in New York State. If there was no actual delivery of the commodity, also include in column B your **receipts** from sales of physical commodities sold to purchasers within New York State. Include in column C the amount of your **receipts** from sales of physical commodities actually delivered to points both within and without New York State. If there was no actual delivery of the commodity, also include in column C your **receipts** from sales of physical commodities sold to purchasers both within and without New York State.

Marked to market net gain or loss from deemed sales (for apportionment purposes)

Lines 61 through 71

Use the table below to enter on the appropriate line the marked to market net gain or loss for **each** type of financial instrument shown in the table. If the amount is a loss, enter the negative amount using a minus (-) sign.

If you have receipts reportable on line 71 from **only** one type of "other" financial instruments, enter the MTM net gain/(loss) from that type of "other" financial instruments on line 71 and submit a statement identifying such type of "other" financial instruments.

If you have receipts reportable on line 71 from more than one type of "other" financial instruments you must leave line 71 blank and submit a statement providing a breakdown of all such MTM gains/(losses) by **type** of "other" financial instruments. It is an instrument by instrument determination as to when "other" financial instruments are of the same type. You cannot net MTM gains/(losses) across different types of "other" financial instruments.

Marked to market gain or loss from deemed sales of:	Enter net gain or loss on line
Loans secured by real property	61
Loans not secured by real property	62
Federal debt instruments	63
New York State and its political subdivisions debt instruments	64
Other states and their political subdivisions debt instruments	65
1) Asset-backed securities, or other securities, issued by government agencies, or 2) asset-backed securities through an exchange	66
All other asset-backed securities	67
Corporate bonds through licensed exchange or broker/dealer	68
Other corporate bonds	69
Physical commodities	70
Other financial instruments of one type	71

New York adjustments due to decoupling from the IRC

Line 1 – Enter the amount reported on Form IT-204, Section 12, line 1.

Line 2 – Enter the amount reported on Form IT-204, Section 12, line 2.

If you adjusted your excess business interest expense or your excess taxable income as a result of decoupling from IRC § 163(j), you must also provide to your partners a separate statement indicating their distributive share of each adjustment.

Partnership's instructions for Form IT-204-CP New York Corporate Partner's Schedule K-1

General information

Form IT-204-CP should be provided to each corporate partner filing Form CT-3, CT-3-S, or included in a combined group filing Form CT-3-A, under Article 9-A on or before the day on which the partnership return is required to be filed. Form IT-204-CP should **also** be provided to each partner that is a partnership or an LLC. All partners being provided with a Form IT-204-CP should also be provided a copy of Form IT-204-CP-I, *Partner's Instructions for Form IT-204-CP*, to help them report on their franchise tax return the items shown on their Form IT-204-CP.

Note: The partnership must provide to each partner a statement indicating the partner's distributive share of contributions to one or more of the following New York Charitable Gifts Trust Fund accounts:

- Health Charitable Account; or
- Elementary and Secondary Education Account.

Farm donations to food pantries credit

If the partnership claimed a credit on Form IT-649, *Farm Donations to Food Pantries Credit*, the partnership must provide to each corporate partner filing Form CT-3-S a statement indicating the partner's distributive share of the amount of qualified donations to a food pantry included in the partnership's charitable contributions amount.

Specific instructions

Partnership's information

On each Form IT-204-CP, enter the tax year of the partnership the partnership is reporting for, the name, and the EIN of the partnership.

Partner's information

For the corporate partner (or the partner that is a partnership or an LLC) for which you are completing this Form IT-204-CP, enter the partner's name, address, and EIN.

Item D – If you have a partner that is a partnership or an LLC, you must provide that partner with both Forms IT-204-CP and IT-204-IP, because such partners will need the information from both forms to provide the necessary information to their own partners; this will ensure that all Article 22 and Article 9-A partners further up in the partnership tier or chain receive the necessary information.

Item G – Enter the partner's share percentages as reported on federal Schedule K-1, item J.

Item H – Enter the partner's share of liabilities as reported on federal Schedule K-1, item K.

Item I – Enter the partner's capital account analysis as reported on federal Schedule K-1, item L. However, enter on lines 2 and 3 of item I, the amount of cash and property contributed by **that** partner to the partnership as shown on New York State Form IT-204, Section 6, lines 76 and 77. Enter on line 5 of item I, the amount of withdrawals and distributions of cash to **that** partner, from Form IT-204, Section 6, line 81. Enter on line 6 of item I, the amount of withdrawals and distributions of property made to **that** partner from Form IT-204, Section 6, line 82.

Item J – If this partner submitted a Form CT-2658-E, *Certificate of Exemption from Partnership Estimated Tax Paid on Behalf of*

Corporate Partners, that is **valid** for 2021, mark an **X** in the Yes box. If the Yes box is marked, do not complete item K.

Item K – Enter the amount of estimated tax paid on behalf of the partner from Form(s) CT-2658 on lines K1 through K4, and the total amount paid on line K. If you need more space to report payments, include a separate sheet showing all relevant prepayment information. Transfer the total shown on the additional sheet to item K.

Item L – If you marked an **X** in the Yes box on Form IT-204 in item R, mark an **X** in the Yes box here; if you marked an **X** in the No box on Form IT-204 in item R, mark an **X** in the No box here.

Partner's distributive share and proportionate part

A partner's *distributive share* of any item of income, gain, loss, deduction, or credit shall generally be determined by the partnership agreement (see IRC section 704(a)). However, IRC section 704(b) provides that if (1) the partnership agreement does not specify the partner's distributive share of such item, or (2) the allocation of such items to a partner under the partnership agreement does not have substantial economic effect, then a partner's distributive share of income, gain, loss, deduction, or credit (or item thereof) must be determined in accordance with the partner's interest in the partnership, determined by taking into account all of the facts and circumstances.

A partner's *proportionate part* of the partnership's assets, liabilities, and activities is generally determined in accordance with the partner's capital interest in the partnership.

Partners that are partnerships or LLCs

If you are completing Form IT-204-CP for a partner that is a partnership or an LLC (see *Item D* above), you must complete **all** parts of Form IT-204-CP, **including** all parts labeled for *New York C corporate partners only* and all parts labeled for *New York S corporate partners only*.

Partner's share of entire net income (ENI) information when the corporate partner's New York tax filing status is a C corporation

The partner's distributive share of the ENI modifications listed on pages 16 and 17 of these instructions must be added to or subtracted from each partner's federal taxable income in arriving at the partner's ENI.

Line 1 ENI addition modifications – For the partner, enter its distributive share of the addition modifications listed on Form IT-204.1, page 1, line 1. Enter in column A any applicable *additions* by EA number, and list the amount of the distributive share of each addition in column B. Provide the total amount of additions on line 1.

Line 2 ENI subtraction modifications – For the partner, enter its distributive share of the subtraction modifications listed on Form IT-204.1, page 1, line 2. Enter in column A any applicable *subtractions* by ES number, and list the amount of the distributive share of each subtraction in column B. Provide the total amount of subtractions on line 2.

Partner's proportionate part of assets and liabilities (for New York C corporate partners only)

Lines 3 through 9

Enter the partner's proportionate part of your assets and liabilities that you reported on the corresponding lines of Form IT-204.1.

Partner's proportionate part of items related to investment capital under Article 9-A (for New York C corporate partners only)

For Parts 1, 2, 3, and 5, in rows A through F, and in the row *Total from additional sheet(s)*, enter in columns A through G the information for the partnership as a **whole**, exactly as it is reported on the corresponding parts and rows of your Form IT-204.1. Submit the copies of the same additional sheet(s) that you submitted with your Form IT-204.1, if any.

Lines 10 through 15 – For lines 10 through 14 in columns F and G, enter the partner's proportionate part of the totals that you reported on the corresponding lines and columns of Form IT-204.1. For line 15, enter the partner's distributive share of the amount from the corresponding line of Form IT-204.1.

Partner's share of items related to investment and other exempt income under Article 9-A (for New York C corporate partners only)

Lines 16 through 22 – Enter the partner's distributive share of the amounts from the corresponding lines of Form IT-204.1. If the amount reported on the corresponding line of Form IT-204.1 is a negative amount, report the partner's share of such negative amount using a minus (-) sign. You must also provide to your partner a statement listing, for each of these lines, the amounts by asset/investment. On such statement, for all lines, identify each asset/investment by Name/CUSIP/CINS and lot number; or, for line 19, provide other applicable identifying information. On such statement, for line 19 amounts, you must list income amounts separately from net gain or loss amounts. **Note:** For line 19 amounts, when netting at the corporate partner or combined group level on Form CT-3.1, losses can only be netted against gains; losses cannot be netted against any other income amounts, such as interest income.

Partner's share of items related to interest deductions directly attributable to investment and other exempt income under Article 9-A (for New York C corporate partners only)

For lines 23 through 31, enter the partner's distributive share of the deduction amounts from the corresponding lines of Form IT-204.1.

Partner's share and proportionate part of items related to subtraction modification for qualified banks

Line 32 – Enter the partner's proportionate part of the amount from Form IT-204.1, page 4, line 32.

Lines 33 through 33b – Enter the partner's distributive share of the amount from Form IT-204.1, page 4, lines 33 through 33b.

Partner's share and proportionate part of items related to manufacturing

Line 34 – Enter the partner's distributive share of the amount from Form IT-204.1, page 4, line 34. In addition, you must provide your partner with a separate statement that reports any

receipts from the generation and distribution of electricity that is **not** included in this line.

Line 35 – Enter the partner's proportionate part of the amount from Form IT-204.1, page 4, line 35.

Line 35a – Enter the partner's share of the amount from Form IT-204.1, page 4, line 36.

Partner's share of New York modifications (for New York S corporate partners only)

You must report to each S corporation partner any of the applicable modifications from Form IT-225 and Form IT-204, lines 111 and 113. These modifications must be added to or subtracted from the S corporation shareholder's federal adjusted gross income or itemized deductions on their New York State personal income tax return, in arriving at total New York income and New York itemized deduction, respectively. The S corporation must report this information on Form CT-225 and Form CT-34-SH.

Line 36 New York State additions – Enter in column A on lines 36a through 36f the partner's distributive share of the total amount for each applicable addition modification reported by you on Form IT-225. Each addition modification is designated by the letters *EA*. Be sure to enter the corresponding number of the addition next to the letters *EA*. If you are reporting more than six addition modifications for the partner, include a separate schedule.

Line 37 – Enter the column A total of lines 36a through 36f and any additional schedule(s) (if more than six addition modifications) on this line.

Line 38 New York State subtractions – Enter in column A on lines 38a through 38f the partner's distributive share of the total amount for each applicable subtraction modification reported on Form IT-225. Each subtraction modification is designated by the letters *ES*. Be sure to enter the corresponding number of the subtraction next to the letters *ES*. If you are reporting more than six subtraction modifications for the partner, include a separate schedule.

Line 39 – Enter the column A total of lines 38a through 38f and any additional schedule(s) (if more than six subtraction modifications) on this line.

Line 40 Additions to itemized deductions – Enter in the *Amount* column on lines 40a through 40f the partner's distributive share of the total amount of each addition modification reported on Form IT-204, lines 111a through 111f. Be sure to enter the corresponding letter for each addition in the *Letter* box.

Line 42 Subtractions from itemized deductions – Enter in the *Amount* column on lines 42a through 42f the partner's distributive share of the total amount of each subtraction modification reported on Form IT-204, lines 113a through 113f. Be sure to enter the corresponding letter for each subtraction in the *Letter* box.

Partner's share of income, deductions, etc.

Lines 44 through 60

Transfer the amounts from the corporate partner's federal Form 1065, Schedule K-1. However, for line 19 of federal Form 1065, Schedule K-1, determine the portion of line 19 that represents distributions of cash and marketable securities, and distributions of other property, and enter those amount(s) on Form IT-204-CP, lines 58 and 59, respectively. Be sure to write in the *Identify* boxes, where provided, the type(s) and amount(s) of what is included on each specific line.

Partner's credit information

Part 1 – Flow through credit bases and information

Brownfield redevelopment tax credit

Lines 61, 62, and 63

Enter the partner's distributive share of any amounts from Form IT-611 in column A, from Form IT-611.1 in column B, from Form IT-611.2 in column C.

Line 61 – Enter the partner's distributive share of the site preparation cost from Form IT-204, lines 144a through 144f, code **107**.

Line 62 – Enter the partner's distributive share of the tangible property cost from Form IT-204, lines 144a through 144f, code **108**.

Line 63 – Enter the partner's distributive share of the on-site groundwater remediation cost from Form IT-204, lines 144a through 144f, code **109**.

QEZE tax reduction credit

Lines 66, 67, and 68

Enter the QEZE employment increase factor, QEZE zone allocation factor, and QEZE benefit period factor from Form IT-204, lines 133, 134, and 135.

Excelsior jobs program tax credit

Lines 69 through 72

Enter the partner's distributive share of the excelsior jobs program tax credit from Form IT-204, lines 136 through 139.

Farmers' school tax credit

Line 73 – Enter the partner's distributive share of acres of qualified agricultural property from Form IT-204, line 140.

Line 74 – Enter the partner's distributive share of acres of qualified conservation property from Form IT-204, line 141.

Line 75 – Enter the partner's distributive share of eligible school district property taxes paid by the partnership from Form IT-204, line 142.

Line 76 – Enter the partner's distributive share of acres of qualified agricultural property converted to nonqualified use from Form IT-204, line 143.

Other flow-through credit bases and information

Lines 77a through 77f

Investment tax credit – If you entered code 212 on Form IT-204, lines 144a through 144f, enter code **212** and the partner's proportionate part of the investment tax credit base (excluding R&D property) of such amount, and enter code **218** and the partner's proportionate part of the R&D investment tax credit base.

Economic transformation and facility redevelopment program credit – If you entered any of the following codes on Form IT-204, lines 144a through 144f, enter the corresponding codes and the partner's proportionate part of the economic transformation and facility redevelopment program credit components.

- Code **633** – Jobs tax credit component
- Code **B33** – Investment tax credit component
- Code **C33** – Training tax credit component
- Code **D33** – Real property tax credit component

Note: If you were a shareholder in a C corporation that has a special gross income from farming election, enter the code and the partner's distributive share of the amount as reported on Form IT-204, lines 144a through 144f.

Lines 77g through 77i

If you are filing multiple Forms IT-604, *Claim for QEZE Tax Reduction Credit*, and/or Form IT-638, enter the code and the partner's credit information as reported on Form IT-204, lines 144g through 144i.

Part 2 – Flow through credits, addbacks, and recaptures

Line 78 – If you reported a long-term care insurance credit on line 145 of Form IT-204, enter code **249** and the partner's distributive share of that amount.

For all other credits, you must enter the 3-digit code number identifying each credit and the partner's distributive share of that credit from Form IT-204, lines 147a through 147h.

If you reported a rehabilitation of historic properties credit on Form IT-204, Section 11, Part 2, you **must** provide to your partners a separate statement indicating the project number(s). The project number is the Nation Park Services (NPS) number that identifies the rehabilitation project. Project number(s) must be provided for tax credit amounts passed through to the partnership and for tax credit amounts generated by the partnership.

Line 79 – For all other addbacks of credits and recaptures, you must enter the 3-digit code number identifying each addback or recapture and the partner's distributive share of that addback or recapture from Form IT-204, lines 148a through 148f.

Part 3 – START-UP NY tax elimination credit information

Lines 80, 81, and 82

Enter on these lines the information from Form IT-204, lines 149, 150, and 151.

You **must** also provide to your partner a separate statement indicating the name of the sponsoring campus, university, or college; if you are certified by more than one sponsor, list all sponsors on such statement.

Partner's share of apportionment and Metropolitan Commuter Transportation District (MCTD) information

New York S corporations are not subject to the MCTD tax surcharge. As a result, they do not need MCTD amounts.

The MCTD includes the counties of New York, Bronx, Kings, Queens, Richmond, Dutchess, Nassau, Orange, Putnam, Rockland, Suffolk, and Westchester.

When computing property and receipts, eliminate inter-entity rental expenses paid to your corporate partner and receipts from sales to your corporate partner, respectively.

Apportionment, Part 1, lines 3 through 7 – Enter the MCTD amounts in column A and the New York State amounts in column B. Everywhere amounts are not needed for these lines.

Average value of real and tangible personal property means the adjusted basis of such property for federal income tax purposes. However, the partner may make an election to use FMV as the value of such property.

FMV of real and tangible personal property owned means the price (without deduction of an encumbrance whether or not the partnership is personally liable) at which a willing seller will sell and willing purchaser will buy.

Apportionment, Part 1, line 3 – Enter, for the method being used by your partner (FMV or adjusted basis), the partner's share of the average value of real property you owned. Do **not** include real property and related equipment (except inventoriable goods) that are under construction and are not occupied or used by the partnership during construction. Include property or equipment under construction that is partially used in the regular course of business of the partnership only to the extent used.

Apportionment, Part 1, line 4 – Enter the partner's share of the average value of rented real property. The value of rented real property is generally eight times the gross rent payable during the year covered by this return. Gross rent includes any amount payable as rent or in lieu of rent (such as taxes or repairs), and amortization of lease-hold improvements that revert to the lessor as the end of the lease.

Apportionment, Part 1, line 6 – Enter, for the method being used by your partner (FMV or adjusted basis), the partner's share of the average value of the tangible personal property you owned, such as machinery, tools, and implements. Do **not** include cash, shares of stock, bonds, notes, credits, evidences of an interest in property, or evidences of credit.

Apportionment, Part 1, line 7 – Enter the partner's share of the average value of tangible personal property you rented. The value of rented tangible personal property is generally eight times the gross rent payable during the year covered by this return.

Apportionment, Part 2, lines 1 through 77

Lines 1 through 77 align with Form IT-204.1, Apportionment, Part 2, lines 1 through 77. You must provide, when appropriate, on lines 1 through 77, your partner's distributive share or proportionate part of the amount(s) reported on a corresponding line of Form IT-204.1. Such shares must also be reported in the corresponding columns (MCTD, New York State, or Everywhere), as appropriate.

For receipts sourced by a fraction, such fractions must be computed at the partner level by the partner; the partner must include both the partner's own amounts and the partner's distributive share or proportionate part of any partnership amounts when computing such fractions. The partner's own receipts are aggregated with its distributive share of the partnership's receipts, and sourced using such aggregate fraction computed at the partner level. Netting and sourcing rules under Section 210-A necessitate certain information to be reported to your partner by type of "other" financial instruments or by type of receipt. Thus, for certain receipts, as instructed in the specific line instructions below, you must supply a separate statement to your partner providing the information the partner needs to properly source and net receipts or to compute, at the partner's level, the fraction that will be used to source receipts to New York State. For certain receipts you use lines 56 through 77, as instructed below, to provide information to your partners that is necessary for sourcing.

For those lines that do not have special instructions below, enter the partner's distributive share or proportionate part of the MCTD, New York State, and Everywhere amounts that you entered for the corresponding lines on Form IT-204.1, Apportionment Part 2.

For the remaining lines in Apportionment Part 2 follow the specific line instructions below.

Line 3 – In its corresponding column, enter the partner's share of the amount entered in each column of Form IT-204.1, Apportionment Part 2, line 3. If the amount reported in a particular column for line 3 of Form IT-204.1, Apportionment Part 2 is a negative amount, report the partner's share of such negative amount in the corresponding column of this line as a negative amount using a minus (-) sign.

Line 7a – In its corresponding column, enter the partner's share of the amount you entered in each column of Form IT-204.1, Apportionment Part 2, line 7a. You must supply to your partner a breakdown of the line 7a receipts you are reporting to your partner (on Form IT-204-CP, Apportionment Part 2) by hierarchy method (3 or 4) and digital product, for each column. See Form CT-3-I, Part 6, line 7, for the hierarchy methods.

Line 10 – Enter in column C (Everywhere), the partner's share of the amount entered in Form IT-204.1, Apportionment Part 2, line 10, column C (Everywhere). If the amount reported in column C (Everywhere) for line 10 of Form IT-204.1, Apportionment Part 2 is a negative amount, report the partner's share of such negative amount in column C (Everywhere) as a negative amount using a minus (-) sign. MCTD and New York State amounts are not reported to your partner for line 10. Also, see line 56.

Line 11 – Mark an **X** in the box if you marked an **X** in the box on the corresponding line on Form IT-204.1, Apportionment Part 2. If you mark the box, then you must also mark the box on line 12.

Line 12 – Mark an **X** in the box if you marked an **X** in the box on the corresponding line on Form IT-204.1, Apportionment Part 2. If you mark the box, then you must also mark the box on line 11. Enter in column C (Everywhere), the partner's share of the amount entered in Form IT-204.1, Apportionment Part 2, line 12, column C (Everywhere). If the amount reported in column C (Everywhere) for line 12 of Form IT-204.1, Apportionment Part 2 is a negative amount, report the partner's share of such negative amount in column C (Everywhere) as a negative amount using a minus (-) sign. MCTD and New York State amounts are not reported to your partner for line 12. Also, see line 57.

Lines 13 through 18 – Mark an **X** in the box next to *Section 210-A.5(a)(2)(B)* if you marked an **X** in such box above the corresponding lines on Form IT-204.1, Apportionment Part 2. MCTD and New York State amounts are not reported to your partner for these lines.

Line 13 – Enter in column C (Everywhere), the partner's share of the amount you entered on Form IT-204.1, Apportionment Part 2, line 13, column C (Everywhere).

Line 15 – Enter in column C (Everywhere), the partner's share of the amount you entered on Form IT-204.1, Apportionment Part 2, line 15, column C (Everywhere).

Line 16 – Enter in column C (Everywhere), the partner's share of the amount you entered on Form IT-204.1, Apportionment Part 2, line 16, column C (Everywhere). If the amount reported in column C (Everywhere) for line 16 of Form IT-204.1, Apportionment Part 2 is a negative amount, report the partner's share of such negative amount in column C (Everywhere) as a negative amount using a minus (-) sign.

Line 17 – Enter in column C (Everywhere), the partner's share of the amount you entered on Form IT-204.1, Apportionment Part 2, line 17, column C (Everywhere).

Line 18 – Enter in column C (Everywhere), the partner's share of the amount you entered on Form IT-204.1, Apportionment Part 2, line 18, column C (Everywhere). If the amount reported in column C (Everywhere) for line 18 of Form IT-204.1, Apportionment Part 2 is a negative amount, report the partner's

share of such negative amount in column C (Everywhere) as a negative amount using a minus (-) sign.

Lines 19 through 21 – Mark an **X** in the box next to *Section 210-A.5(a)(2)(C)* if you marked an **X** in such box above the corresponding lines on Form IT-204.1, Apportionment Part 2. MCTD and New York State amounts are not reported to your partner for these lines.

Line 19 – Enter in column C (Everywhere), the partner's share of the amount you entered on Form IT-204.1, Apportionment Part 2, line 19, column C (Everywhere).

Line 20 – Enter in column C (Everywhere), the partner's share of the amount you entered on Form IT-204.1, Apportionment Part 2, line 20, column C (Everywhere). If the amount reported in column C (Everywhere) for line 20 of Form IT-204.1, Apportionment Part 2 is a negative amount, report the partner's share of such negative amount in column C (Everywhere) as a negative amount using a minus (-) sign.

Line 21 – Enter in column C (Everywhere), the partner's share of the amount you entered on Form IT-204.1, Apportionment Part 2, line 21, column C (Everywhere). If the amount reported in column C (Everywhere) for line 21 of Form IT-204.1, Apportionment Part 2 is a negative amount, report the partner's share of such negative amount in column C (Everywhere) as a negative amount using a minus (-) sign. Also, see line 58.

Lines 22 through 24 – Mark an **X** in the box next to *Section 210-A.5(a)(2)(D)* if you marked an **X** in such box above the corresponding lines on Form IT-204.1, Apportionment Part 2.

Line 22 – In its corresponding column, enter the partner's share of the amount entered in each column of Form IT-204.1, Apportionment Part 2, line 22.

Line 23 – Enter in column C (Everywhere), the partner's share of the amount you entered on Form IT-204.1, Apportionment Part 2, line 23, column C (Everywhere). If the amount reported in column C (Everywhere) for line 23 of Form IT-204.1, Apportionment Part 2 is a negative amount, report the partner's share of such negative amount in column C (Everywhere) as a negative amount using a minus (-) sign. MCTD and New York State amounts are not reported to your partner for line 23.

Line 24 – Enter in column C (Everywhere), the partner's share of the amount you entered on Form IT-204.1, Apportionment Part 2, line 24, column C (Everywhere). If the amount reported in column C (Everywhere) for line 24 of Form IT-204.1, Apportionment Part 2 is a negative amount, report the partner's share of such negative amount in column C (Everywhere) as a negative amount using a minus (-) sign. MCTD and New York State amounts are not reported to your partner for line 24. Also, see line 59.

Line 25 – See lines 72 through 77 for the information your partner needs reported to it.

Line 26 – Enter in column C (Everywhere), the partner's share of the amount you entered on Form IT-204.1, Apportionment Part 2, line 26, column C (Everywhere). If the amount reported in column C (Everywhere) for line 26 of Form IT-204.1, Apportionment Part 2 is a negative amount, report the partner's share of such negative amount in column C (Everywhere) as a negative amount using a minus (-) sign.

Lines 27 and 28 – Mark an **X** in the box next to the Tax Law section citation above the line if you marked an **X** in such box above the corresponding line on Form IT-204.1, Apportionment Part 2.

Line 27 – Enter in column C (Everywhere), the partner's share of the amount you entered on Form IT-204.1, Apportionment Part 2, line 27, column C (Everywhere). Also, see line 60. If

the amount reported in column C (Everywhere) for line 27 of Form IT-204.1, Apportionment Part 2, is a negative amount, report the partner's share of such negative amount in column C (Everywhere) as a negative amount using a minus (-) sign.

Line 28 – See lines 61 through 71 for the information your partner needs reported to it.

Lines 29 through 30f – Mark an **X** in the box next to *Section 210-A.5(a)(2)(H)* if you marked an **X** in such box above the corresponding lines on form IT-204.1 Apportionment, Part 2. Mark an **X** in the box next to *Section 210-A.5(a)(2)(G)* if you marked an **X** in such box above the corresponding lines on Form IT-204.1 Apportionment, Part 2.

Lines 29 through 30c – Business receipts from “other” financial instruments must be reported on a type- by-type basis; such receipts are sourced and netted only with receipts from “other” financial instruments of the **same** type. If you have interest, gains/(losses) from sales of, or other income/(losses) from, **any** “other” financial instruments, you **must** submit a statement to provide to your partner a breakdown of the partner's proportionate share of all such interest, net gains/(losses), and net other income/(losses) by **line number** (lines 29 through 30c) and by **type** of other financial instruments. If you have receipts reportable on any of lines 29 through 30c from more than one type of “other” financial instruments, use an additional such line for each separate type of “other” financial instruments for which you are reporting receipts. Clearly identify each type of “other” financial instruments for which receipts are being reported; if you marked an **X** in the box next to *Section 210-A.5(a)(2)(H)* you must indicate, for **each** such type, whether or not you marked to market under IRC sections 475 or 1256 **any** “other” financial instruments of **that** type. Enter on such statement the partner's share of the amounts you entered on the statement you submitted with Form IT-204.1, Apportionment Part 2, for lines 29 through 30c. If any amount reported on the statement you submitted with Form IT-204.1, Apportionment Part 2, for lines 29 through 30c, is a negative amount, report the partner's share of such negative amount as a negative amount using a minus (-) sign.

Line 30d – Enter in column C (Everywhere), the partner's share of the amount you entered on Form IT-204.1, Apportionment Part 2, line 30d, column C (Everywhere). If you marked an **X** in the box next to *Section 210-A.5(a)(2)(G)* you must submit a statement indicating if you marked to market under IRC sections 475 or 1256 **any** stock that is business capital.

Line 30e – Enter in column C (Everywhere), the partner's share of the amount you entered in Form IT-204.1, Apportionment Part 2, line 30e, column C (Everywhere). If the amount reported in column C (Everywhere) for line 30e of Form IT-204.1, Apportionment Part 2 is a negative amount, report the partner's share of such negative amount in column C (Everywhere) as a negative amount using a minus (-) sign. If you marked an **X** in the box next to *Section 210-A.5(a)(2)(G)* you must submit a statement indicating if you marked to market under IRC sections 475 or 1256 **any** stock that is business capital.

Line 30f – Enter in column C (Everywhere), the partner's share of the amount you entered in Form IT-204.1, Apportionment Part 2, line 30f, column C (Everywhere). If the amount reported in column C (Everywhere) for line 30f of Form IT-204.1, Apportionment Part 2 is a negative amount, report the partner's share of such negative amount in column C (Everywhere) as a negative amount using a minus (-) sign. If you marked an **X** in the box next to *Section 210-A.5(a)(2)(G)* you must submit a statement indicating if you marked to market under IRC sections 475 or 1256 **any** partnership interest in a widely held or publicly traded partnership.

Line 42 – If you are a credit card processor, enter in column C (Everywhere) your partner's share of the amount entered in Form IT-204.1, Apportionment Part 2, line 42, column C (Everywhere). You must also supply to your partner the partner's proportionate part of the number of New York access points and the partner's proportionate part of the number of U.S. access points, as described in Form CT-3-I, Part 6, line 42.

Line 43 – If you provide services to investment companies, enter in column C (Everywhere) your partner's share of the amount entered in Form IT-204.1, Apportionment Part 2, line 43, column C (Everywhere). You must also supply to your partner the partner's proportionate part of the number of shares in the investment company owned by shareholders located in New York and the number of shares outstanding, that the partner needs to compute the fraction, as such fraction is described in Form CT-3-I, Part 6, line 43.

Line 45 – Enter in column C (Everywhere) your partner's share of the amount entered in Form IT-204.1, Apportionment Part 2, line 45, column C (Everywhere). You must also supply to your partner the partner's proportionate part of the number of miles in such business within New York State and both within and outside the state, that the partner needs to compute the fraction, as such fraction is described in Form CT-3-I, Part 6, line 45.

Line 46 – Enter in column C (Everywhere) your partner's share of the amount entered in Form IT-204.1, Apportionment Part 2, line 46, column C (Everywhere). You must also supply to your partner the partner's proportionate part of the aggregate number of working days of the vessels, that the partner needs to compute the fraction, as such fraction is described in Form CT-3-I, Part 6, line 46.

Line 48 – Enter in column C (Everywhere) your partner's share of the amount entered in Form IT-204.1, Apportionment Part 2, line 48, column C (everywhere). You must also supply to your partner the partner's proportionate part of the amounts that the partner needs to complete *Worksheet for Part 6, line 48* as such worksheet appears in Form CT-3-I, Part 6.

Line 49 – Enter in column C (Everywhere) your partner's share of the amount entered in Form IT-204.1, Apportionment Part 2, line 49, column C (Everywhere). You must also supply to your partner the partner's proportionate part of the number of newspapers and periodicals delivered to points within New York State and both within and outside the state, that the partner needs to compute the fraction, as such fraction is described in Form CT-3-I, Part 6, line 49.

Line 50 – Enter in column C (Everywhere) your partner's share of the amount entered in Form IT-204.1, Apportionment Part 2, line 50, column C (Everywhere). You must also supply to your partner the partner's proportionate part of the number of viewers or listeners within New York State and both within and outside the state, that the partner needs to compute the fraction, as such fraction is described in Form CT-3-I, Part 6, line 50.

Line 51 – Enter in column C (Everywhere) your partner's share of the amount entered in Form IT-204.1, Apportionment Part 2, line 51, column C (Everywhere). You must also supply to your partner the partner's proportionate part of the number of viewers or listeners within New York State and both within and outside the state, that the partner needs to compute the fraction, as such fraction is described in Form CT-3-I, Part 6, line 51.

Line 52 – Enter in column C (Everywhere) your partner's share of the amount entered in Form IT-204.1, Apportionment Part 2, line 52, column C (Everywhere). You must also supply to your partner the partner's proportionate part of the number of transportation units within New York state and both within and outside the state, that the partner needs to compute the fraction, as such fraction is described in Form CT-3-I, Part 6, line 52.

Line 53a – In its corresponding column, enter the partner's share of the amount you entered in each column of Form IT-204.1, Apportionment Part 2, line 53a. You must supply to your partner a breakdown of the line 53a receipts you are reporting to your partner (on Form IT-204-CP, Apportionment Part 2) by hierarchy method (3 or 4) and type of receipt, for each column. See Form CT-3-I, Part 6, line 53, for the hierarchy methods.

Line 54 – Enter in columns A (MCTD) and B (New York State), your partner's share of the amounts entered in the corresponding columns of line 54 of Form IT-204.1, Apportionment Part 2. Everywhere amounts are not needed for this line.

Line 55 – Enter your partner's proportionate part of the amount entered in Form IT-204.1, Apportionment Part 2, line 55.

Lines 61 through 77 – Enter your partner's share of the amounts entered in the corresponding lines of Form IT-204.1, Apportionment Part 2.

Note: For lines 61 through 71, if the amount on the corresponding line of Form IT-204.1 Apportionment Part 2 is a loss, show the partner's share of such loss using a minus (-) sign.

Line 71 – If you have receipts reportable on this line:

- from **only** one type of "other" financial instruments, enter the partner's share of the amount you entered on Form IT-204.1, Apportionment Part 2, line 71, from **that** type of "other" financial instruments. You must supply to your partner a statement identifying such type of "other" financial instruments.
- from more than one type of "other" financial instruments, leave this line blank and supply to your partner a breakdown of the partner's share of all MTM gains/(losses) as reported on the statement submitted with Form IT-204.1, Apportionment Part 2, line 71, by type of "other" financial instruments. MTM gains/(losses) cannot be netted across different types of "other" financial instruments.

Partner's share of New York adjustments due to decoupling from the IRC

Line 1 – If you adjusted your return as a result of decoupling from changes made to the IRC after March 1, 2020, enter the partner's distributive share of the net addition adjustment from Form IT-204.1, *New York adjustments due to decoupling from the IRC*, line 1.

Line 2 – If you adjusted your return as a result of decoupling from changes made to the IRC after March 1, 2020, enter the partner's distributive share of the net subtraction adjustment from Form IT-204.1, *New York adjustments due to decoupling from the IRC*, line 2.

Privacy notification

New York State Law requires all government agencies that maintain a system of records to provide notification of the legal authority for any request for personal information, the principal purpose(s) for which the information is to be collected, and where it will be maintained. To view this information, visit our website, or, if you do not have Internet access, call and request Publication 54, *Privacy Notification*. See *Need help?* for the Web address and telephone number.

Need help?



Visit our website at ***www.tax.ny.gov***

- get information and manage your taxes online
- check for new online services and features

Telephone assistance

Automated income tax refund status: 518-457-5149

Personal Income Tax Information Center: 518-457-5181

To order forms and publications: 518-457-5431

Text Telephone (TTY) or TDD equipment users Dial 7-1-1 for the New York Relay Service