

Instructions

General information

Qualified entities in innovation hot spots are eligible for the tax benefits listed below for five tax years, beginning with the year the entity became a tenant in or part of an innovation hot spot:

- Qualified entities taxable under Article 9-A located completely within the hot spot are liable only for the fixed dollar minimum tax.
- Qualified entities located inside and outside the hot spot, and corporate partners of qualified entities, are allowed a deduction for the amount of income or gain attributable to operations in the hot spot.
- Individuals who are sole proprietors of a qualified entity, or are partners in a partnership, limited liability company (LLC) members or shareholders of a New York S corporation, that is a qualified entity, are allowed a deduction for the amount of income or gain attributable to operations at the hot spot.
- Qualified entities are also eligible for a credit or refund of sales and use tax imposed on the retail sale of tangible personal property or services.

Taxpayers claiming the above tax benefits are not eligible for any other New York State exemptions, deductions, credits, or refunds to the extent the exemption, deduction, credit, or refund is attributable to the business operations in the innovation hot spot. Claiming any such benefit represents an irrevocable election.

Qualified entity means a business enterprise that is:

- in the formative stages of development, and
- located in New York State, and
- certified by a New York State innovation hot spot as being approved to locate in, or be part of, a virtual incubation program operated by that innovation hot spot, and
- **either A or B below:**
 - A. any corporation, except a corporation which:
 - over 50% of the number of shares of stock entitling the holders thereof to vote for the election of directors or trustees is owned or controlled, either directly or indirectly, by a taxpayer subject to tax under Tax Law Article 9, sections 183, 184, or 185; Article 9-A; Article 32; or Article 33; **or**
 - is substantially similar in operation and in ownership to a business entity (or entities) taxable or previously taxable under Tax Law Article 9, sections 183, 184, 185, or former section 186; Article 9-A; Article 32; Article 33; former Article 23; or would have been subject to tax under Article 23 (as it was in effect on January 1, 1980); or the income (or losses) of which is (or was) includable under Article 22.
 - B. a sole proprietorship, partnership, limited partnership, LLC, or New York S corporation that is not substantially similar in operation and in ownership to a business entity (or entities) taxable, or previously taxable, under Tax Law Article 9, sections 183, 184, 185, or former section 186; Article 9 A; Article 32; Article 33; former Article 23; or would have been subject to tax under Article 23 (as it was in effect on January 1, 1980); or the income (or losses) of which is (or was) includable under Article 22.

For more information about the New York Innovation Hot Spot Program, visit www.esd.ny.gov.

Who must file

Complete this form if you are a corporation that is a qualified entity located inside and outside a hot spot, or you are a corporate partner of a qualified entity, or both. Include information for all of the entities from which you are receiving income or gain attributable to an innovation hot spot.

Corporate partners: If receiving a share of income or gain from more than one partnership, complete one form for all partnerships.

Combined filers: Complete one form for all of the members of the combined group.

Column instructions

Column A – Enter the innovation hot spot name from your certificate.

Column B – Enter the hot spot identification code from your certificate.

Column C – Enter the business participation number from your certificate.

Column D – If the corporation is a qualified entity, enter the corporation's employer identification number (EIN). If you received income or gain attributable to a hot spot from another entity, enter the EIN of the qualified entity certified in the hot spot.

Column E – If the qualified entity does business, employs capital, owns or leases property, or maintains an office in the Metropolitan Commuter Transportation District (MCTD), mark an **X** in the box. The MCTD includes the counties of New York, Bronx, Kings, Queens, Richmond, Dutchess, Nassau, Orange, Putnam, Rockland, Suffolk, and Westchester.

Column F – Make **only one** entry (1, 2, 3, 4, or 5) to indicate which tax year you are claiming this deduction.

Column G – Enter the amount of income or gain attributable to the hot spot that was included in your federal taxable income.

In addition to any record keeping requirement imposed by Empire State Development, a qualified entity that is located inside and outside a New York innovation hot spot must keep books and records to disclose, to the satisfaction of the Tax Department, the amount of items of income, gain, loss, and deduction attributable to operations at (or as part of) the innovation hot spot.

