New York State Department of Taxation and Finance

2013

# Claim for Special Additional Mortgage Recording Tax Credit

# CT-43

**Tax Law – Article 9, Sections 183, 184, 185, and 186**
**Articles 9-A, 32, and 33**

**All filers must enter tax period:**

beginning ______ ending ______

| Legal name of corporation | Employer identification number |
|---|---|
| | |

Read instructions on page 2.

Attach this form to your franchise tax return.

| | | | |
|---|---|---|---|
| **1a** | Special additional mortgage recording tax due and paid during current tax year that qualifies for the credit ● | **1a** | |
| **1b** | Special additional mortgage recording tax due and paid during current year from a flow through entity that qualifies for the credit *(see instructions)* ● | **1b** | |
| **2** | Unused special additional mortgage recording tax credit from preceding period ● | **2** | |
| **3** | Total available tax credit *(add lines 1a, 1b, and 2)* ● | **3** | |

## Computation of special additional mortgage recording tax credit used and available to be carried forward

| | | | | | |
|---|---|---|---|---|---|
| **4** | Tax *(see below*)* | **4** | | | |
| **5** | Tax credits claimed before the special additional mortgage recording tax credit *(see instructions)* | **5** | | | |
| **6** | Subtotal *(subtract line 5 from line 4)* | **6** | | | |
| **7** | Minimum tax *(see below**)* | **7** | | | |
| **8** | Limitation on credit used *(subtract line 7 from line 6; if less than zero, enter **0**)* ● | **8** | | | |
| **9** | Special additional mortgage recording tax credit used this period *(see instructions)* ● | | | **9** | |
| **10** | Unused special additional mortgage recording tax credit available for carryforward *(subtract line 9 from line 3)* ● | | | **10** | |

## Refund or credit and carryforward of special additional mortgage recording tax credit *(Article 9-A taxpayers only)*

| | | | |
|---|---|---|---|
| **11** | Amount of recording tax included on lines 1a and 1b for recording of residential mortgages only *(see instructions)* | **11** | |
| **12** | Amount of special additional mortgage recording tax credit eligible for refund or credit *(see instructions)* | **12** | |
| **13** | Balance to be refunded *(enter the amount from line 12 to be refunded; see instructions)* ● | **13** | |
| **14** | Balance to be credited as an overpayment *(enter the amount from line 12 to be credited; see instructions)* ● | **14** | |
| **15** | Amount of carryforward *(subtract lines 13 and 14 from line 10)* ● | **15** | |

| **If you filed:** | *** Enter on line 4 any net recaptured tax credits plus the amount from:** | **** Enter on line 7 the minimum tax shown below:** |
|---|---|---|
| Form CT-3 | Line 78 | amount from CT-3, line 81 |
| Form CT-3-A | Line 77 | amount from CT-3-A, line 80 |
| Form CT-3-S | Line 23 | amount from CT-3-S, line 23 |
| Form CT-32 or CT-32-A | Schedule A, line 5 | ***250*** |
| Form CT-32-S | Line 10 | ***250*** |
| Form CT-33 | Line 11 | ***250*** |
| Form CT-33-A | Line 15 | *(see instructions for line 7 on page 2)* |
| Form CT-33-NL | Line 5 | ***250*** |
| Form CT-183 | Line 4 | ***75*** |
| Form CT-184 | Line 3 or line 4 | ***0*** |
| Form CT-185 | Line 6 | ***10*** |
| Form CT-186 | Line 5 | ***125*** |

**A** If you are claiming this credit as a corporate partner, mark an ***X*** in the box ● ☐

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# Instructions

## General information

You may claim as a credit against your franchise tax certain special additional mortgage recording tax you paid.

A tax credit is not allowed for the special additional mortgage recording tax paid on **residential** mortgages (defined below) recorded on or after May 1, 1987, if the real property is located in Erie County or any of the counties within the Metropolitan Commuter Transportation District (MCTD). The MCTD includes the counties of New York, Bronx, Queens, Kings, Richmond, Dutchess, Nassau, Orange, Putnam, Rockland, Suffolk, and Westchester.

A *residential mortgage* is defined as a mortgage of real property that has been or will be principally improved by one or more structures containing a total of not more than six **residential** dwelling units, each with its own separate cooking facilities.

Article 9-A taxpayers who paid the special additional mortgage recording tax on residential mortgages in any tax year beginning before 1986 may **not** carry forward unused special additional mortgage recording tax credit relating to these residential mortgages. For tax years beginning on or after January 1, 1986, and before January 1, 1990, and tax years beginning in or after 1994, in lieu of a carryforward, these taxpayers may elect to treat the unused portion of special additional mortgage recording tax credit as an overpayment of tax to be credited or refunded. See TSB-M-94(4)C, *Refundable Special Additional Mortgage Recording Tax Article 9-A Corporations*, for more information.

For tax periods beginning in and after 1994, New York S corporations taxable under Article 9-A may apply this credit against the franchise tax, carry it forward, or treat it as an overpayment of tax as discussed above. Credit earned by the S corporation **does not flow through** to the shareholders to be claimed against their personal income tax liability.

When claiming this credit, you must add back to your entire net income the amount of the special additional mortgage recording tax used as a deduction in the computation of federal taxable income. (See TSB-M-87(7)C, *Special Additional Mortgage Recording Tax Credit Disallowed on Certain Real Property*, and TSB-M-87(10)C, *Special Additional Mortgage Recording Tax Credit Disallowed on Certain Real Property Located in Erie County*, for more information.)

For corporations filing franchise tax return Form CT-3, CT-3-A, CT-3-S, CT-32, CT-32-A, CT-32-S, CT-33, or CT-33-A, the gain or loss on the sale of real property on which the special additional mortgage recording tax credit was claimed must be increased, in the case of a gain, or decreased, in the case of a loss, when all or any portion of the credit was used in the basis for computing federal gains.

## Line instructions

Complete the beginning and ending tax period boxes in the upper right corner on page 1.

**Line 1b** – Enter any amount of special additional mortgage recording tax credit received from a flow-through entity. Attach a statement showing the name, employer identification number (EIN), and amount of credit received from each entity.

**Line 5** – If you are claiming more than one tax credit for this year, enter the amount of credit(s) you want to apply against your franchise tax due before the application of the special additional mortgage recording tax credit. Otherwise, enter ***0***.

You must apply certain credits before the special additional mortgage recording tax credit. Refer to the instructions of your franchise tax return to determine the order of credits that applies.

**CT-3-S filers:** Include any credits from Form CT-501, *Temporary Deferral Nonrefundable Payout Credit*, line 9, that you want to apply against the tax due before the special additional mortgage recording tax credit.

**Article 9-A taxpayers:** Refer to Form CT-600-I, *Instructions for Form CT-600, Ordering of Corporation Tax Credits.*

If you are included in a combined return, include any amount of tax credit(s), including special additional mortgage recording tax credit(s), being claimed by other members of the combined group that you want to apply before your special additional mortgage recording tax credit.

**CT-33 and CT-33-A filers, including unauthorized insurance corporations:** Do not enter on this line any amount of empire zone (EZ) wage tax credit(s), zone equivalent area (ZEA) wage tax credit(s), or EZ capital tax credit(s) you may be claiming. If you are included in a combined return, do not include any amount of these credits being claimed by other members of the combined group.

**Line 7** – **Article 33 combined filers (using Form CT-33-A):** Multiply the number of taxpayers in the combined group by $250 and enter the result here.

**Line 9** – Enter the lesser of line 3 or line 8. Transfer this amount to your franchise tax return.

**Article 9-A taxpayers only:** To claim a credit or refund of the special additional mortgage recording tax credit, complete lines 11 through 15.

**Line 11** – Enter only that amount from lines 1a and 1b that represents special additional mortgage recording tax due and paid during the **current** tax year for recording of **residential** mortgages.

**Line 12** – Enter the lesser of line 10 or line 11.

**Lines 13 and 14** – Transfer these amounts to your franchise tax return.

Include the line 13 amount on Form CT-3, line 99a; Form CT-3-A, line 100a; or Form CT-3-S, line 50.

Include the line 14 amount on Form CT-3, line 99b; Form CT-3-A, line 100b; or Form CT-3-S, line 51.

To avoid an unnecessary exchange of funds, we will apply the refundable portion of the tax credit to any unpaid balance of the franchise tax and metropolitan transportation business tax (MTA surcharge) and refund the remaining balance.

## Need help? and Privacy notification

See Form CT-1, *Supplement to Corporation Tax Instructions*.