



Instructions for Form DTF-630

Claim for Green Building Credit

DTF-630-I

Temporary deferral of certain tax credits

For tax years beginning on or after January 1, 2010, and before January 1, 2013, if the total amount of certain credits that you may use to reduce your tax or have refunded to you is greater than \$2 million, the excess over \$2 million must be deferred to, and used or refunded in, tax years beginning on or after January 1, 2013. For more information about the credit deferral, see Form IT-500, *Income Tax Credit Deferral*, or Form CT-500, *Corporation Tax Credit Deferral*.

If you are subject to the credit deferral, you must complete all credit forms without regard to the deferral. However, the credit amount that is transferred to your tax return to be applied against your tax due or to be refunded to you may be reduced. Follow the instructions for Form IT-500 or CT-500 to determine the amounts to enter on your tax return.

General information

Tax Law section 19 allows taxpayers issued initial credit component certificates (component certificates) by the Department of Environmental Conservation (DEC) to claim a tax credit for certain expenses and purchases relating to the construction, rehabilitation, and maintenance of buildings that meet specified environmental and energy efficiency standards.

Note: The DEC is no longer issuing component certificates for the green building credit. If you have not already been issued a component certificate by the DEC, you will not be able to claim this credit. If you have already been issued a component certificate, you will be able to claim the credit for the five-year period during which your credit is allowed. When issued, the component certificate will state the first tax year for which the credit may be claimed, the expiration date, and the maximum amount of credit component allowable for each year. In addition, for each year you are claiming the credit, you must have an eligibility certificate, issued by a licensed architect or engineer, certifying that you have satisfied the required green building standards relating to each credit component for which you are claiming a credit. You must also file a copy of the component certificate and the eligibility certificate with Form DTF-630 for each year you are claiming the credit, and you must report certain specified information to the DEC.

Complete a separate Form DTF-630 for each initial credit component certificate issued by DEC.

Eligibility

The following taxpayers are eligible to claim this credit **if they already have** a DEC-issued component certificate:

- corporations taxable under Article 9, sections 183, 184, 185, or 186 of the Tax Law
- corporations taxable under Article 9-A of the Tax Law
- individuals, estates, and trusts taxable under Article 22 of the Tax Law
- partners in a partnership, including members of a limited liability company (LLC) that is treated as a partnership for federal tax purposes, shareholders of a New York S corporation, and beneficiaries of an estate or trust who are taxable under Article 22 of the Tax Law
- banking corporations taxable under Article 32 of the Tax Law
- insurance corporations taxable under Article 33 of the Tax Law

Credit amount

The amount of the credit is the sum of the credit components specified in the component certificate. The credit is not refundable. If the amount of credit exceeds the taxpayer's tax for the year,

the excess may be carried over to the following year or years. If a credit is allowed to an owner who sells a building or to a tenant who terminates his or her tenancy within the five-year period of allowance of such credit, the successor owner or successor tenant would be allowed the credit for the remainder of the five-year period, provided that the property continues to meet the applicable environmental and energy efficiency standards.

The credit cannot reduce the tax to less than the following statutory minimum taxes:

- \$75 under Article 9, section 183
- \$10 under Article 9, section 185
- \$125 under Article 9, section 186
- the larger of the tax on minimum taxable income base or the fixed dollar minimum tax computed under Article 9-A
- \$0 under Article 22
- \$250 under Article 32
- \$250 under Article 33

The credit is not allowed against the metropolitan transportation business tax surcharge (MTA surcharge) under Articles 9, 9-A, 32, or 33.

Specific instructions

See the instructions for your tax return for the *Privacy notification* or if you need help contacting the Tax Department.

Fiduciaries: Complete Part 2, Part 3, and Part 4. If applicable, also complete Part 1. An estate or trust that divides the credit among itself and its beneficiaries must attach Form DTF-630 to Form IT-205, *Fiduciary Income Tax Return*, showing each beneficiary's share of the credit.

A married couple in a business enterprise that made an IRC 761(f) election to file two federal Schedule C forms instead of a partnership return: If you file jointly, compute your credit amount as if you were filing one federal Schedule C for the business. Complete Part 2 and Part 3, and if applicable, complete Part 1.

All others: Complete Part 2 and Part 3, and if applicable, complete Part 1.

Part 1 – Partners in a partnership, shareholders of a New York S corporation, beneficiaries of an estate or trust

Enter your share of the partnership's, New York S corporation's, estate's, or trust's credit. This information can be obtained from the partnership, the New York S corporation, the estate, or the trust. Provide the name and identification number of the partnership, New York S corporation, estate, or trust. If you are claiming a credit from more than one partnership, New York S corporation, estate, or trust, combine all amounts on Part 1 and attach a list showing a breakdown of amounts and the name and identification number of each entity. Include this amount on line 7.

Part 2 – Computing the credit

Lines 1 through 6

Enter the amounts set forth on the component certificate, where such amounts have been ratified by the issuance of an eligibility certificate associated with such component certificate.

Line 7 – Add lines 1 through 6 and, if applicable, include the Part 1 amount.

Fiduciaries: Transfer this amount to the *Total* line of Part 4, column C.

Line 10 – Enter the amount of net credit available for carryover. Follow the applicable instructions below.

- **Corporations:** Enter the amount from last year's Form DTF-630.
- **Partnerships and New York S corporations:** Since the credit is passed through to the individual partners or shareholders, there is no available carryover. Enter **0** on line 10.
- **Individuals and fiduciaries:** Enter the amount from last year's Form DTF-630.

Line 11 – Follow the applicable instructions below.

- **Partnerships:** Enter the line 11 amount and code **630** on Form IT-204, line 147.
- **New York S corporations:** Enter the line 11 amount on the applicable line on Form CT-34-SH.
- **All others:** Also complete Part 3.

Part 3 – Computation of credit used and carried forward

Line 13 – For filers of Forms CT-185, CT-186, CT-3, CT-32, and CT-33-NL, enter your tax due before credits, plus any net recaptured credits.

For all other corporate filers, add any net recaptured credits to the amounts specified below:

- Form CT-183 - Enter the total of the tax due before credits from Forms CT-183 and CT-184 (if applicable).
- Form CT-184 - See Form CT-183 above.
- Form CT-3-A - Enter the combined franchise tax due before credits.
- Form CT-32-A - Enter the combined franchise tax.
- Form CT-33 - Enter the amount from line 11.
- Form CT-33-A - Enter the amount from line 15.

For Article 22 filers:

- Form IT-201 - Enter the tax from Form IT-201, line 39, plus any amount from Form IT-201-ATT, line 21.
- Form IT-203 - Enter the tax from Form IT-203, line 46, plus any amount from Form IT-203-ATT, line 20.
- Form IT-205 - Enter the tax from Form IT-205, line 8 (for residents), or line 9 (for nonresidents), **plus** any credits shown on line 1 of the *Addbacks worksheet*, in the instructions for Form IT-205, line 12.

Line 14 – If you are claiming more than one tax credit for this year, enter the amount of credits claimed before applying the green building credit. Include any other green building credit claimed for other buildings you own. Otherwise enter **0**.

You must apply certain credits before the green building credit. Corporation tax filers, refer to the instructions of your franchise tax return to determine the order of credits that applies. Article 9-A filers, refer to Form CT-600, *Ordering of Corporation Tax Credits*, and its instructions.

If filing as a member of a combined return, include any amount of tax credit(s), including green building credit(s), being claimed by other members of the combined group that you wish to apply before your green building 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), and 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 claimed by other members of the combined group.

Article 22 filers: When applying credits, use the following rules:

- First apply any household credit.
- Next apply any credits that cannot be carried over or refunded.

- Then apply any credits that can be carried over for a limited duration.
- Then apply any credits that can be carried over for an unlimited duration.
- Apply refundable credits last.

Line 16 – Article 33 filers, enter minimum tax of \$250 if filing Form CT-33 or Form CT-33-NL. If filing Form CT-33-A, enter the total of the parent's minimum tax plus the combined minimum tax for subsidiaries.

Line 18 – Article 22 filers:

Individuals: If your total credits from all sources are **\$2 million or less**, enter the amount from line 18 and code **630** on Form IT-201-ATT, line 6, or Form IT-203-ATT, line 7.

Fiduciaries: Include the amount from line 18 on Form IT-205, line 10.

If your total credits from all sources are **more than \$2 million**, you may be subject to a credit deferral. Complete lines 18 and 19, but do not enter the amount from line 18 on your tax return. See Form IT-500, *Income Tax Credit Deferral*, to determine the proper amount to enter on your 2010 tax return.

Line 18 – All others:

If your total credits from all sources are **\$2 million or less**, enter the amount from line 18 on your franchise tax return.

If your total credits from all sources are **more than \$2 million**, you may be subject to a credit deferral. Complete lines 18 and 19, but do not enter the amount from line 18 on your tax return. See Form CT-500, *Corporation Tax Credit Deferral*, to determine the proper amount to enter on your tax return.

Under Article 9, the credit or carryover of credit is first applied against the franchise tax imposed under section 183. Any excess credit or carryover of credit is then applied against the franchise tax imposed by section 184.

Part 4 – Beneficiary's and fiduciary's share of green building credit

If an estate or trust allocates or assigns the credit to its beneficiaries, base the division on each beneficiary's proportionate share of the income of the estate or trust.

Provide the beneficiaries with their share of the credit.