



Instructions for Form IT-215

Claim for Earned Income Credit

New York State • New York City

IT-215-1



Caution: For personal income tax purposes, NYS has decoupled from federal changes made to the Internal Revenue Code (IRC) after March 1, 2020. Therefore, thresholds and amounts used in the calculation of this credit will be based on a recomputed federal adjusted gross income (FAGI). Line 19a on the IT-201 and IT-203 will be used, instead of line 19. If the amounts on your Form IT-201 or Form IT-203 lines 19 and 19a do not match, your New York credit must be calculated using the recomputed FAGI.

General information

Noncustodial Parent New York State Earned Income Credit (EIC)

New York State full-year residents who are noncustodial parents and pay child support may be eligible for the noncustodial parent New York State earned income credit. This credit may be claimed instead of the New York State earned income credit. See Form IT-209, *Claim for Noncustodial Parent New York State Earned Income Credit*, for further information on this credit.

Who qualifies

To qualify for the **New York State earned income credit** (NYS EIC) you must have claimed the federal earned income credit, or could have based on your NY recomputed FAGI and recomputed earned income.

To qualify for the **New York City earned income credit** (NYC EIC) you must:

- have been a full-year or part-year resident of New York City; **and**
- have claimed the federal earned income credit, or could have based on your NY recomputed FAGI and recomputed earned income.

Note: Because of the different methods for computing the two credits (NYS EIC and NYC EIC), if you qualify for the NYC EIC, you may end up with a NYC EIC amount even if you do not end up with a NYS EIC amount (line 16 of Form IT-215). Be sure to complete **Worksheet C, New York City earned income credit**, on page 3 to compute your NYC EIC.

If you are a resident or part-year resident, you may qualify for a refund of any earned income credit in excess of your tax liability. Nonresidents of New York State **do not** qualify for a refund of the NYS EIC.

How to claim the credit

To claim the **NYS EIC**, you must complete Form IT-215 using the information from your federal return, worksheets, and, if applicable, the federal earned income credit line instructions. You must file Form IT-215 with your New York State income tax return.

To claim the **NYC EIC**, you must:

- complete Form IT-215, using the information from your federal return, worksheets, and, if applicable, the federal earned income credit line instructions;
- complete **Worksheet C, New York City earned income credit**, on page 3; **and**
- file Form IT-215 with your New York State income tax return if you qualify for the credit(s).

Note: If you filed NYS Form IT-558, your federal amounts must be recalculated using your NY recomputed FAGI and recomputed earned income.

Line instructions

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

All resident, nonresident, and part-year resident filers complete lines 1 through 17 as applicable.

All part-year New York State resident filers must also complete lines 18 through 26.

All New York City residents and part-year residents must also complete lines 27 and 28.

Line 1 and 1a – Generally, you must have claimed the federal earned income credit in order to claim the New York State and New York City earned income credits. However, due to NYS decoupling from IRC code changes after March 1st 2020, you may be eligible for NYS and NYC credit, if applicable, based on your NY recomputed FAGI and recomputed earned income.

If you claimed the federal credit and did not file NYS Form IT-558, you do not need to recalculate your federal earned income credit.

If you filed NYS Form IT-558, but were ineligible for the federal earned income credit due to your FAGI or earned income amounts, check federal eligibility based on your NY recomputed FAGI and recomputed earned income. If the recomputed amounts make you eligible, calculate your recomputed federal earned income credit using these amounts. Use the federal 1040 instructions for line 27, federal worksheets, and federal lookup tables in order to arrive at your recomputed federal earned income credit amount. Enter this amount on Form IT-215, line 10.

If you claimed the federal earned income credit and filed NYS Form IT-558, you must recalculate your federal earned income credit using your NY recomputed FAGI and recomputed earned income amounts. These recomputed amounts must be used to recompute your federal worksheets, federal earned income credit line instructions, and when using credit lookup tables in order to arrive at your recomputed federal earned income credit amount. Enter this amount on Form IT-215, line 10.

Line 2 – You cannot claim the New York State and New York City earned income credits if your investment income is more than \$3,650. For most people, investment income is the total amount of:

- taxable interest (from line 2b of federal Form 1040);
- tax-exempt interest (from line 2a of federal Form 1040);
- ordinary dividends income (from line 3b of federal Form 1040); **and**
- capital gain net income from line 7 of federal Form 1040 (if more than zero).

For additional information on what qualifies as investment income, see **federal** Publication 596, *Earned Income Credit*.

Line 3 – File Form IT-215 with your New York State income tax return. If you have already filed your return, you must file an amended return to claim the credit.

Form IT-215 cannot be filed by itself. You **must** file this claim with a return.

Line 4 – If you claimed qualifying children on your federal Schedule EIC, list each child's name including suffix (for example, Jr., Sr., III) in the spaces provided on line 4 of Form IT-215. If you claimed more than three qualifying children on your federal Schedule EIC, enter the required information for three qualifying children in the spaces provided on the form and submit a statement

with your return with the required identifying information for each additional child (be sure to include your name and Social Security number (SSN)).

Caution: To be eligible to claim the New York State and New York City earned income credits, you and your qualifying children must have correct and valid SSNs by the due date of the return (including extensions). If not, you may not file late or amend your return for purposes of claiming this credit.

Be sure to mark an **X** in the box under the heading *Full-time student* if your child was born before 2002, was a full-time student under 24, and was younger than you (or your spouse, if filing jointly). Mark an **X** in this box **only** if you marked the **Yes** box on your federal Schedule EIC, line 4a.

Be sure to mark an **X** in the box under the heading *Person with disability* if your child was born before 2002 and was permanently disabled during any part of the tax year. Mark an **X** in this box **only** if you marked the **Yes** box on your federal Schedule EIC, line 4b.

Note: You may be required to provide supporting documentation stating that the qualifying person was permanently disabled during the tax year.

 **Caution for Lines 6 and 8:** If your earned income for 2020 is less than your earned income in 2019 and you elected for federal purposes to use your 2019 earned income in the calculation of your federal credit, you must also use your 2019 earned income in calculating your NYS and NYC earned income credit. **Enter special condition code P3** on your Form IT-201, *Resident Income Tax Return*, item G, or your Form IT-203, *Nonresident and Part-Year Resident Income Tax Return*, item F. If you used 2019 earned income, you would not make any adjustments on line 6 (including those in Worksheet A) or on line 8 for NYS Form IT-558 modifications.

Line 6 – Complete Worksheet A below to determine the amount to enter on line 6.

| Worksheet A | |
|---|--|
| Wages, salaries, tips, etc. | |
| 1 Enter the amount from federal Form 1040, line 1; or if you are a member of the clergy or a church employee who checked the Yes box in step 5, line 1, of the federal Form 1040 instructions for line 27, enter the amount from step 5, line 1, of the federal Form 1040 instructions | 1 _____ |
| 2 Enter the amount of your nontaxable combat pay, if any , from step 5, line 8 of the federal Form 1040 instructions for line 27 | 2 _____ |
| 3 Enter the amount, if any, included on NYS Form IT-558, Line 4, Code A-004, <i>Exclusion for certain employer payments of student loans</i> | 3 _____ |
| 4 Add lines 1, 2, and 3. Enter here and on Form IT-215, line 6. | 4 <input style="width: 100px; height: 20px;" type="text"/> |

Line 7 – If you:

- received a taxable scholarship or fellowship grant that was not reported on a federal Form W-2;
- received a Medicaid waiver payment that you excluded on your federal return and want to exclude from your earned income;
- were paid an amount as an inmate in a penal institution for work; or
- received an amount as a pension or annuity from a nonqualified deferred compensation plan or a nongovernmental section 457 plan (this amount may be shown on your federal Form W-2, box 11),

enter the total of those amounts on line 7.

Line 8 – Business income or loss applies only to federal Form 1040, Schedule 1 filers. Enter the amount of business income or loss from your federal Form 1040 instructions, *Earned Income Credit Worksheet B*, the total of lines 1e, 2c and 3, **increased** by any amount(s) included on NYS Form IT-558, line 4, code A-008, *Depreciation of qualified improvement property (QIP)*, or code A-009, *Modifications of limitations on business interest*, and **reduced** by any amount(s) on NYS Form IT-558, line 13, code S-003, *Depreciation of qualified improvement property (QIP)*, or code S-005, *Modifications of limitations on business interest*, if applicable. Use a minus sign to show a loss or a negative amount. Be sure to enter your employer identification number (EIN) for your business. If you have income or loss from more than one business, enter the EIN representing your primary business activity. If your primary business activity doesn't have an EIN, enter your Social Security number.

Line 10 – If you did not file NYS Form IT-558, enter the amount from federal Form 1040, line 27.

If you did file NYS Form IT-558, you must recalculate your federal credit using your NY recomputed FAGI and recomputed earned income amounts.

Enter this recomputed amount on line 10.

Line 11 – The NYS EIC is 30% (.30) of the federal earned income credit reduced by any household credit allowed. The rate has already been filled in for you.

Line 12 – This amount represents your NYS EIC **before** it has been reduced by the amount of household credit allowed.

If the amount on line 12 is more than zero, and you are a full-year or part-year New York City resident, be sure to complete **Worksheet C, New York City earned income credit**, on page 3 to compute your NYC EIC. Enter the amount of your NYC EIC on Form IT-215, line 27.

Lines 13, 14, and 15 – Complete **Worksheet B** on the back of Form IT-215. Then continue with line 13.

Line 16 – Allowable New York State earned income credit.

For filing status ①, ②, ④, or ⑤

- **Residents:** Enter the line 16 amount on Form IT-201, line 65.
- **Nonresidents:** Enter the line 16 amount on Form IT-203, line 43.
- **Part-year residents:** Enter the line 16 amount on Form IT-203, line 43, **and continue** on line 18.

For filing status ③, **Married filing separate return**

- The line 16 amount represents both spouses' combined (total) NYS EIC. You must complete line 17 and indicate the amount of line 16 that you are claiming.

Line 17 – Complete this line **only** if your filing status is ③, *Married filing separate return*. See the instructions for Form IT-201 or IT-203 to determine your filing status.

Show the portion of line 16 that you are claiming as your share of the NYS EIC, and follow the appropriate instructions below. Remember, while the NYS EIC can be split in any manner you and your spouse agree to, the combined amount of both spouses' New York State credits cannot be more than the amount on line 16.

- **Residents:** Enter the line 17 amount on Form IT-201, line 65.
- **Nonresidents:** Enter the line 17 amount on Form IT-203, line 43.
- **Part-year residents:** Enter the line 17 amount on Form IT-203, line 43, **and continue** on line 18.

Part-year New York State residents only

Lines 18 through 26 need to be completed **only** by part-year New York State residents claiming the NYS EIC who are filing Form IT-203, *Nonresident and Part-Year Resident Income Tax Return*, for this year. The amounts for these lines can be found on the appropriate lines of Form IT-203 or Form IT-203-ATT, *Other Tax Credits and Taxes*, or their instructions (Form IT-203-I).

The NYS EIC must first reduce your tax liability to zero before the remaining excess NYS EIC is eligible to be refunded. The amount to be refunded will be based on the ratio of resident period income to the combined income from both the resident and nonresident periods.

Line 23 – If this amount is less than zero, **stop**; you have no remaining excess earned income credit available to be refunded.

Line 25 – Divide line 23 by line 24 and round the result to the fourth decimal place. (Do not enter more than 100% (1.0000) even if your actual result is more than 100%.) If the amount on line 24 is less than zero, but the amount on line 23 is more than zero, enter 100%. If the result is zero percent (0%), you have no remaining excess earned income credit available to be refunded. Do not complete line 26.

Line 26 – If line 25 is greater than 0%, multiply line 22 by line 25. Enter the line 26 amount on Form IT-203-ATT, line 10, and submit Form IT-215 with your Form IT-203. This amount represents the refundable portion of your part-year resident NYS EIC.

Instructions for completing Worksheet B

Line 2 – Enter the amount from Form IT-112-R, *New York State Resident Credit*, line 30, or Form IT-112-C, *New York State Resident Credit for Taxes Paid to a Province of Canada*, line 46.

Line 3 – Enter the amount of your **available** accumulation distribution credit. This amount may be greater than your

accumulation distribution credit claimed on Form IT-201-ATT, line 1, or Form IT-203-ATT, line 2.

Instructions for completing Worksheet C, New York City earned income credit, below:

Line 1 – Because of the different methods in computing the two credits (NYS EIC and NYC EIC), if you qualify for the NYC EIC, you will end up with an NYC EIC amount even if you do not end up with an NYS EIC amount (line 16 of Form IT-215 is **0**).

Line 4 – Complete this line only if your New York City filing status is *Married filing separate return*. See the instructions for Form IT-201 or IT-203 to determine your filing status.

Remember that while the NYC EIC can be split in any manner you and your spouse agree to, the combined amount of both spouses' New York City credits cannot be more than the amount on line 3. **If you are a full-year New York City resident, enter this amount on Form IT-215, line 27, and on Form IT-201, line 70. If you are a part-year New York City resident, continue with line 5.**

Lines 6 and 7 – **Part-year New York City residents must also enter these amounts on Form IT-215, line 28.**

Note: If your filing status is married filing a joint return, you and your spouse had different New York City resident periods, and you are filing separate Forms IT-360.1, enter on lines 6 and 7 both spouses' combined (total) amounts from both Forms IT-360.1.

Worksheet C

New York City earned income credit
(Worksheet C instructions above)

| | | |
|---|---|-----|
| 1 Enter the amount from Form IT-215, line 10 (see instructions above) | 1 | |
| 2 NYC EIC rate 5% (.05) | 2 | .05 |
| 3 Allowable NYC EIC (multiply line 1 by line 2) | 3 | |
| <ul style="list-style-type: none"> • If your New York City filing status is <i>Married filing separate return</i>, also complete line 4 below. • Part-year New York City residents must also complete lines 5 through 9 below. • All others enter the line 3 amount on Form IT-215, line 27; also enter on Form IT-201, line 70. | | |
| 4 If your New York City filing status is <i>Married filing separate return</i> , the NYC EIC credit on line 3 above can be divided between spouses in any manner you wish. Enter on line 4 the amount of credit you are claiming. | 4 | |
| <ul style="list-style-type: none"> • Part-year New York City residents must also complete lines 5 through 9 below. • All others enter the line 4 amount on Form IT-215, line 27, and on Form IT-201, line 70. | | |
| (If your filing status is ② and you and your spouse had different New York City periods of residency, see the Worksheet C instructions above.) | | |
| 5 NYC EIC (from line 3 or line 4 above) | 5 | |
| 6 Enter the amount from Form IT-360.1, line 20, Column B ; also enter this amount on Form IT-215, line 28B | 6 | |
| 7 Enter the amount from Form IT-360.1, line 20, Column A ; also enter this amount on Form IT-215, line 28A | 7 | |
| 8 Divide line 6 by line 7 (round the result to four decimal places; cannot exceed 1.000)..... | 8 | |
| 9 Part-year NYC resident EIC (multiply line 5 by line 8). Enter this amount on Form IT-215, line 27; also enter on Form IT-201, line 70, or on Form IT-203-ATT, line 11. | 9 | |
| Also complete line 28 on Form IT-215. | | |