

GENERAL INFORMATION

For information regarding depreciation deductions for property placed in service outside New York after 1984 and before 1994, see Finance Memorandum 99-4 "Depreciation for Property Placed in Service Outside New York After 1984 and Before 1994".

For information regarding depreciation deductions for "qualified property," "qualified New York Liberty Zone property" and "qualified New York Liberty Zone leasehold improvements" placed in service after September 10, 2001, see Finance Memorandum 02-3 "New York City Tax Consequences of Certain Retroactive Federal and New York Tax Law Changes" (revised).

For tax years beginning on or after January 1, 2004, the City has decoupled from certain provisions regarding the treatment of SUVs. See Administrative Code sections 11-641(b)(14), (r) and (s). See also Finance Memorandum 05-1-R dated September 22, 2005 "Application of IRC §280F Limits to Sport Utility Vehicles".

PURPOSE OF FORM

Use Form NYC-8B to claim a credit or refund of Banking Corporation Tax. PLEASE NOTE THAT FORM NYC-8B CAN NO LONGER BE USED TO FILE AN AMENDED RETURN. IF YOU OWE ADDITIONAL TAX, FILE AN AMENDED NYC-1 OR NYC-1A.

An amended New York City return using Form NYC-1 must be filed within 90 days after filing an amended federal or New York State return. An amended NYC return using Form NYC-1A must be filed within 120 days after filing an amended Federal or New York State return.

If a change or correction of federal or New York State taxable income or other tax base is made by the Internal Revenue Service and/or the New York State Department of Taxation and Finance, report the change on Form NYC-3360B or 3360F (Report of Federal/State Change). **Do not use Form NYC-8B.**

FILING REQUIREMENTS FOR REFUND OR CREDIT

1. A separate Form NYC-8B must be filed for each tax period for which a credit or refund is claimed.
2. This claim must be filed within *three* years from the time the return was filed or *two* years from the time the tax was paid, whichever expires later, or, if no return was filed, within *two* years from the time the tax was paid. If the claim is filed within the three-year period, the amount of the credit or refund cannot exceed the portion of the tax paid within the three years immediately preceding the filing of the claim plus the period of any extension of time for filing the return. If the claim is not filed within the three-year period, but is filed within the two-year period, the amount of credit or refund cannot exceed the portion of the tax paid during the two years immediately preceding the filing of the claim.
3. If the period for assessing the tax has been extended by agreement between the taxpayer and the Department of Finance, the claim for refund or credit must be made within six months after the expiration of the period.
4. If a timely petition for the redetermination of a deficiency has been filed, no separate claim for credit or refund need be filed for that year.
5. A corporation disclaiming liability for tax must attach a completed Form NYC-245, Activities Report of Corporations, or a copy of the letter of exemption issued by the Department of Finance.

CLAIMS BASED ON CREDIT(S)

If this claim is based upon the energy cost savings credit or relocation and employment assistance program (REAP) credit it must be accompanied by Form NYC-9.5 or Form NYC-ECS together with appropriate documentation. Note: The ECS credit formerly allowed by Admin. Code §11-643.5(c) has been repealed as of November 1, 2000.

If this claim is based on the relocation and employment assistance program applicable to Lower Manhattan (effective July 1, 2003) (LMREAP), it must be accompanied by Form NYC-9.8.

If this claim is based on a UBT Paid Credit, file an amended Form NYC-1 or NYC-1A and include Form NYC-9.7B.

SPECIFIC INSTRUCTIONS**COLUMN 1 - AMOUNT ORIGINALLY REPORTED**

Enter the amounts from your New York City return as originally filed or as you later amended it.

COLUMN 2 - NET CHANGE

Enter the net increase or net decrease for each line you are changing. Use parentheses around all amounts that are decreases. (*Attach a separate schedule explaining the increases or decreases.*) Submit a schedule of allocation percentages (if any) utilized in making entries in column 2.

COLUMN 3 - CORRECT AMOUNT

Add the increase in column 2 to the amount in column 1 or subtract the column 2 decrease from column 1. Enter the result in column 3. For any item not changed, enter the amount from column 1 in column 3.

LINE 15 - 25% FIRST INSTALLMENT

Enter in column 1 and column 3 the amount of the 25% first installment as reported on the original return.

LINE 19 - PRIOR PAYMENTS

Enter at line 19, columns 1 and 3, the sum of: a) all estimated tax payments made for the period covered by this return, including the 25% first installment; b) all amounts paid with any application for extension to file the original return; c) all overpayments from prior tax periods credited towards the tax for the period covered by this return; and d) all amounts paid with the original return or previously filed amended return.

LINES 20 AND 21 - PRIOR APPLICATION OF OVERPAYMENT

Enter at line 20, columns 1 and 3, the amount of any overpayment shown on the original return or previous refund claim (for the same period) previously refunded to you.

Enter at line 21, columns 1 and 3, the amount of any overpayment shown on the original return or previous refund claim (for the same period) that you requested to be credited towards tax for a subsequent period.

LINE 23

If the amount on line 22, column 3, exceeds the amount on line 18, column 3, enter the excess on line 23. If the amount on line 22, column 3, does not exceed the amount on line 18, column 3, enter zero on line 23. If you owe additional tax, you must file an amended return on the applicable Form NYC-1 or NYC-1A. (See "Purpose of Form")

SIGNATURE

This report must be signed by an officer authorized to certify that the statements contained herein are true. If the taxpayer is a publicly-traded partnership or another unincorporated entity taxed as a corporation, this return must be signed by a person duly authorized to act on behalf of the taxpayer.

Preparer Authorization: If you want to allow the Department of Finance to discuss your return with the paid preparer who signed it, you must check the "yes" box in the signature area of the return. This authorization applies only to the individual whose signature appears in the "Preparer's Use Only" section of your return. It does not apply to the firm, if any, shown in that section. By checking the "Yes" box, you are authorizing the Department of Finance to call the preparer to answer any questions that may arise during the processing of your return. Also, you are authorizing the preparer to:

- Give the Department any information missing from your return,
- Call the Department for information about the processing of your return or the status of your refund or payment(s), and
- Respond to certain **notices that you have shared with the preparer** about math errors, offsets, and return preparation. The notices **will not** be sent to the preparer.

You are not authorizing the preparer to receive any refund check, bind you to anything (including any additional tax liability), or otherwise represent you before the Department. The authorization cannot be revoked, however, the authorization will automatically expire no later than the due date (without regard to any extensions) for filing next year's return. **Failure to check the box will be deemed a denial of authority.**

CUSTOMER ASSISTANCE

If you have a tax-related question or problem, contact Customer Assistance by calling (212) 504-4036, Monday through Friday, between 9:00am and 4:30pm.

Additional information is accessible from our Internet website located at:

nyc.gov/finance

Make remittance payable to the order of:

NYC DEPARTMENT OF FINANCE

Payment must be made in U.S. dollars, drawn on a U.S. bank.

To receive proper credit, you must enter your correct Employer Identification Number on your tax return and remittance.

MAIL TO:

NYC DEPARTMENT OF FINANCE

P. O. BOX 5120

KINGSTON, NY 12402-5120