



FINANCE
NEW • YORK

NYC
222

NEW YORK CITY DEPARTMENT OF FINANCE
**UNDERPAYMENT OF ESTIMATED
TAX BY CORPORATIONS**

1998

For CALENDAR YEAR 1998 or FISCAL YEAR beginning _____ and ending _____

ATTACH TO YOUR TAX RETURN

Print or Type ▼

Name

EMPLOYER IDENTIFICATION NUMBER

Employer Identification Number input fields

Computation of Underpayment

Table with 6 rows for computation of underpayment, including 1998 tax, sales tax addback, credits, and 90% of line 5.

Enter quarterly due dates of installments →

Fields for quarterly due dates: 1 - FIRST, 2 - SECOND, 3 - THIRD, 4 - FOURTH, each with a 19__ box.

Main table for underpayment calculation with 15 rows and 4 columns for quarterly installments.

→ COMPUTATION CONTINUES ON PAGE 2

Exceptions that Avoid the Underpayment Penalty

Total cumulative amount paid or credited from the beginning of the taxable year through the installment dates that correspond to the 15th day of the 3rd, 6th, 9th and 12th months of the taxable year _____

- EXCEPTION 1- Prior year's tax (1997) \$ _____
EXCEPTION 2- Tax on prior year's facts and law using 1998 rates
EXCEPTION 3- Tax on annualized 1998 income
EXCEPTION 4- Tax on recurring seasonal income

Table with 4 columns for quarters and rows for tax percentages (50%, 75%, 100%, 45%, 67.50%, 90%) and instructions to enter percentages.

C o m p u t a t i o n o f P e n a l t y

1 - FIRST _____ 19 _____	2 - SECOND _____ 19 _____	3 - THIRD _____ 19 _____	4 - FOURTH _____ 19 _____
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16. Enter the date of payment or the 15th day of the 3rd month after the close of the taxable year, whichever is earlier16.				
17. Number of days from due date of installment to the date shown on line 1617.				
18. Number of days on line 17 after 3/15/98 and before 4/1/9818.				
19. Number of days on line 17 after 3/31/98 and before 7/1/9819.				
20. Number of days on line 17 after 6/30/98 and before 10/1/9820.				
21. Number of days on line 17 after 9/30/98 and before 1/1/9921.				
22. Number of days on line 17 after 12/31/98 and before 4/1/9922.				
23. Number of days on line 17 after 3/31/99 and before 7/1/9923.				
24. Number of days on line 17 after 6/30/99 and before 10/1/9924.				
25. Number of days on line 17 after 9/30/99 and before 1/1/0025.				
26. Number of days on line 17 after 12/31/99 and before 3/15/0026.				
27. <u>Number of days on line 18 x 9% x amount on line 15</u> 36527.				
28. <u>Number of days on line 19 x 8% x amount on line 15</u> 36528.				
29. <u>Number of days on line 20 x 8% x amount on line 15</u> 36529.				
30. <u>Number of days on line 21 x 8% x amount on line 15</u> 36530.				
31. <u>Number of days on line 22 x * % x amount on line 15</u> 36531.				
32. <u>Number of days on line 23 x * % x amount on line 15</u> 36532.				
33. <u>Number of days on line 24 x * % x amount on line 15</u> 36533.				
34. <u>Number of days on line 25 x * % x amount on line 15</u> 36534.				
35. <u>Number of days on line 26 x * % x amount on line 15</u> 36635.				
36. Add lines 27 through 3536.				
37. To complete this line, refer to the instructions for line 3737.				
38. Add line 36 (and line 37, if applicable) columns 1 through 4. Enter total and transfer amount to Form NYC-4S, Schedule A, line 12c or Form NYC-3L, Schedule A, line 18c or Form NYC-3A, sch. A, line 20c. (see instructions for line 37)38.				

* FOR THE APPLICABLE RATE OF INTEREST AFTER 12-31-98, CALL: (718) 935-6000.

PURPOSE OF FORM

Form NYC-222 will enable corporations to determine if they paid the correct amount of estimated tax by the proper due date. If the minimum amount was not paid timely, an underpayment penalty may be imposed for the period underpaid. This form helps you to determine whether or not you are subject to this penalty.

ESTIMATED TAX

Every corporation subject to the New York City General Corporation Tax must pay with its return (Form NYC-3L or Form NYC-4S), or with its Application for Automatic Extension (Form NYC-6), an amount equal to 25% of its preceding year's tax computed without regard to the sales or compensating use tax credit, real estate tax escalation credit, employment opportunity relocation costs credit, energy cost savings credit or relocation and employment assistance program (REAP) credit, if the preceding year's tax computed after all allowable credits is more than \$1,000.

In addition, corporations must file a Declaration of Estimated Tax (Form NYC-400) if the estimated tax for the current taxable year after all allowable credits can reasonably be expected to exceed \$1,000. The due date for the declaration and the dates for paying the installments of estimated tax depend upon when the requirements for making a declaration are first met. (*Refer to Form*

NYC-400 for details.)

NOTE

If any date falls on a Saturday, Sunday or legal holiday, substitute the next regular workday.

NOTE

A corporation is not excused from filing a declaration and paying estimated taxes for the current year merely because its tax liability for the preceding year was \$1,000 or less or it did not file a return for the preceding year. However, if the preceding year's tax was less than \$1,000, the taxpayer was not required to make the 25% prepayment based on the preceding year's tax at the time it filed its return (or its application for extension of time for the filing of the return) for that year.

EXCEPTIONS THAT AVOID THE UNDERPAYMENT PENALTY

A corporation does not have to pay a penalty if the total amount of all payments made on or before each installment date equals or exceeds the amount that would have been required to be paid by that installment date if the estimated tax were an amount determined under any of the four exceptions listed below. (*Refer to Section 11-676 of the NYC Administrative Code.*)

A different exception may be applied to each underpayment. If no exception applies, complete lines 16 through 38 to determine the amount of the penalty.

NOTE

Large corporations (corporations that had allocated taxable income or entire net income of \$1 million or more in any of the three years preceding the current year) may not use exceptions 1 or 2. Such corporations may only use the exception for annualized income, or the exception for recurring seasonal income (exceptions 3 or 4, respectively).

**Exception 1
Prior Year's Tax**

This exception applies if a corporation paid estimated taxes equal to the tax reported on its 1997 return. To qualify for this exception, the corporation must have filed an income tax return showing a tax liability for the preceding taxable year, and that taxable year consisted of 12 months.

Exception 2
Tax Based On Prior Year's Facts and Law Using Current Year's Rates
This exception applies if a corporation paid an amount of estimated tax equal to a tax computed by applying the current year's rates to the facts shown on the return for, and under the law applicable to, the preceding taxable year. **The term "current year's rate" is any of the four methods of calculating the General Corporation Tax, including the minimum tax.**

Exception 3**Tax On Annualized Income**

This exception applies if a corporation made an estimated tax payment of at least 90% of the amount it would owe if its estimated tax were a tax computed on annualized taxable income for the months preceding an installment date.

A corporation may annualize its income:

- a) for the first 3 months, or for the first 5 months if the installment was required to be paid in the 6th month;
- b) for the first 6 months, or for the first 8 months if the installment was required to be paid in the 9th month; and
- c) for the first 9 months, or for the first 11 months if the installment was required to be paid in the 12th month.

To annualize, multiply taxable income for the period by 12 and divide the resulting amount by the number of months in the period (3, 5, 6, 8, 9 or 11 as the case may be). (Refer to Section 11-676.4(c).)

Exception 4**Additional Exception for Recurring Seasonal Income**

This exception applies to a corporation with recurring seasonal income. Under this exception, income may be annualized by assuming that income earned in the current year is earned in the same seasonal pattern as in the 3

preceding tax years. (For information about computing this exception, refer to Section 11-676.4(d) of the NYC Administrative Code. Attach your computation to this form.)

AUTOMATIC EXTENSION FILERS

Corporations who filed an Application for Automatic Extension (Form NYC-6) for 1997 or who were required to make less than four payments on account of estimated tax for 1998 may find that the stated percentages on the Exception Worksheet on page 1 do not accurately reflect the computation of the exceptions. Such taxpayers should compute these exceptions on a separate rider and attach it to this form.

**LINE 10
AMOUNT OF INSTALLMENTS DUE**

Divide the amount on line 9 by the number of remaining installments required for the year. Enter the result in the appropriate columns, 2 through 4.

**LINE 12
OVERPAYMENT OF PREVIOUS INSTALLMENT**

An overpayment on line 14 in excess of prior underpayments is to be applied as a credit against the next installment. A payment of estimated tax on any installment date is considered a payment of any previous underpayment only to the extent that the payment exceeds the amount of

the installment as computed on line 14.

**PAGE 2
COMPUTATION OF PENALTY**

If no exception applies, complete lines 16 through 38 to determine the amount of the penalty for each installment. If you made more than one payment for a given installment, attach a separate computation for each payment. The penalty is computed for the period of underpayment, line 17, at a rate set periodically by the New York City Department of Finance.

For information as to the applicable rate after December 31, 1998, or any other rate of interest, call Taxpayer Assistance at:

(718) 935 - 6000

**LINE 37
PENALTY FOR UNDERPAYMENT OF ESTIMATED TAX**

In columns 1 through 4 of line 37, for those installment payments (line 13) that equal 80% or more of line 5 divided by 4, multiply the penalty shown on line 36 in each applicable column by 75%. Enter this result in the applicable column on line 37. Combine these revised amounts with the remaining amounts on line 36 and enter the total on line 38.