



Instructions for Form CT-5.3

Request for Six-Month Extension to File

Tax Law – Articles 9-A and 33

New for 2023

For a detailed list of what's new, including a summary of tax law changes, visit New for 2023 or visit our website at www.tax.ny.gov (search: 2023).

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

This form is for general instructions that apply to all corporation tax forms. It includes a variety of topics about how to fill out your form (for example, entry formats and third-party designee), filing and payment information (such as when Form CT-200-V is required), collection options that we may take, tax shelter information, and your rights under the Tax Law. Form CT-1 also has our contact information if you need help, and our privacy notification.

For details, see Form CT-1 or visit our website at www.tax.ny.gov (search: CT-1).

Note: All citations are to New York State Tax Law sections unless specifically noted otherwise.

General information

For the purposes of these instructions, the corporation responsible for filing a combined return is referred to as:

- for general business corporations, as the *designated agent*
- for insurance corporations, as the *parent*

Corporations, other than the designated agent or parent, required to pay a fixed dollar minimum tax are *member corporations*.

Requirements for a valid New York State extension

- Most corporation taxpayers are required to file their extensions electronically. To learn more, see *Tax documents that must be e-filed* on our website.
- You must file Form CT-5.3 and pay the properly estimated combined franchise tax, combined fixed dollar minimum tax on group *member corporations*, and combined metropolitan transportation business tax (MTA surcharge) on or before the original due date of the tax return for which you are requesting an extension, as determined on *Worksheet for lines 1, 2, and 9* in these instructions.
- The properly estimated combined *franchise tax*, combined fixed dollar minimum tax on group member corporations, and combined MTA surcharge must either:
 - equal or exceed the combined franchise tax, combined fixed dollar minimum tax on group member corporations, and combined MTA surcharge shown on your tax return for the *preceding tax year*, (if it was a 12-month tax year); or
 - equal or exceed 90% of the *combined franchise tax, combined fixed dollar minimum tax on group member corporations, and combined MTA surcharge* as finally determined for the tax year for which you are requesting this extension.

The *preceding tax year* is the tax year immediately before the tax year for which you are requesting this extension.

The *franchise tax* is the amount of combined franchise tax computed after you deduct any tax credits and before you add the combined fixed dollar minimum tax on group member corporations.

You must adjust *the combined franchise tax, combined fixed dollar minimum tax on group member corporations, and combined MTA surcharge* for the preceding tax year as necessary to correct errors in computation or in the application of tax rate or tax base.

To request an extension of time to file both the combined franchise tax and MTA surcharge returns:

- Use lines 1 through 8 to compute the estimated combined franchise tax and combined minimum tax.
- Use lines 9 through 13 to compute the estimated MTA surcharge.
- Submit only one Form CT-5.3. Do **not** submit separate forms for each return.
- Submit **only one** payment of the total combined amount of franchise tax, fixed dollar minimum tax of group member corporations, and MTA surcharge.

Who may file Form CT-5.3

The *designated agent or parent* of a new or existing combined group will file one Form CT-5.3 to request a six-month extension of time to file for all corporations included in the combined group. However:

- each taxpayer *member corporation* of a **new** combined group must also file a **separate** Form CT-5, *Request for Six-Month Extension to File (for franchise/business taxes, MTA surcharge, or both)*, to extend the time to file for the **first** period for which the new combined group files a combined return, and
- each taxpayer member corporation being **newly** added to an **existing** combined group must also file a **separate** Form CT-5 to extend the time to file the return for the **first** period for which they are included in the combined group's return.

Note: Non-taxpayer corporations included in a combined group are **not** required to file a separate Form CT-5, regardless of whether or not they are included on Form CT-5.3.

Neither filing, nor the failure to file, a particular extension request in any way impacts who must be included in a combined group.

Approval of request for a six-month extension to file

If you properly file Form CT-5.3 and pay properly estimated tax on or before the original due date of the return, we will grant you a six-month extension of time for filing a combined franchise tax return or MTA surcharge return.

If you file your return by the extended due date and pay the balance of the tax due with your return, we will not impose late filing or late payment penalties.

Interest applies to any tax not paid by the original due date of the return.

When to file

File Form CT-5.3 on or before the original due date of your combined tax return (3½ months after the end of the tax year).

If you cannot file within the six-month extension period, you may request up to two additional three-month extensions by filing Form CT-5.1, *Request for Additional Extension of Time to File*, for each additional extension requested.

Where to file

Mail Form CT-5.3 to:

**NYS CORPORATION TAX
PO BOX 15180
ALBANY NY 12212-5180**

Private delivery services: See Publication 55, *Designated Private Delivery Services*.

Reporting period

Use this tax form for calendar year 2023, fiscal years that begin in 2023 and end in 2024, and tax years of less than 12 months that begin on or after January 1, 2023, but before January 1, 2024.

You can also use the 2023 form if:

- you have a tax year of less than 12 months that begins and ends in 2024, **and**
- the 2024 form is not yet available at the time you are required to file the form.

In this case you must show your 2024 tax year on the 2023 form and take into account any Tax Law changes that are effective for tax years beginning after December 31, 2023.

All filers must complete the beginning and ending tax period boxes in the upper-right corner on page 1 of the form.

Line instructions

Line A: Make your check or money order payable in U.S. funds. We will accept a foreign check or foreign money order only if payable through a United States bank or if marked **Payable in U.S. funds**.

Lines 1, 2, and 9: To properly estimate the combined franchise tax, combined fixed dollar minimum tax on group member corporations, and the combined MTA surcharge, use *Worksheet to compute lines 1, 2, and 9*.

Worksheet for lines 1, 2, and 9

Complete Parts 1 and 2. However, if the corporation was not subject to franchise tax for the preceding tax year, or if the preceding tax year was less than a 12-month tax year, skip Part 1 and complete only Part 2 (see *Worksheet instructions for lines 1, 2, & 9*).

Part 1 - Preceding year (if it was a 12-month tax year)

A. Combined franchise tax from preceding tax year A. _____

B. Combined fixed dollar minimum tax on taxable group member corporations from preceding tax year B. _____

C. Combined MTA surcharge from preceding tax year C. _____

Part 2 - Current year

D. Combined franchise tax estimated to be due for the current tax year D. _____

E. Combined fixed dollar minimum tax on taxable group member corporations estimated to be due for the current tax year E. _____

F. Combined MTA surcharge estimated to be due for the current tax year F. _____

Enter on line 1 the amount from either line A or line D.

Enter on line 2 the amount from either line B or line E.

Enter on line 9 the amount from either line C or line F.

Exception: You may use the combination of lines A, B, and F on lines 1, 2, and 9 when the corporation filed a 12-month franchise tax return for the preceding tax year, but became subject to the MTA surcharge for the tax year for which this extension is requested.

Worksheet instructions for lines 1, 2, and 9

Part 1

Line A – Enter the amount of combined franchise tax (after you deduct any credits and before you add the combined fixed dollar minimum tax on group member corporations and MTA surcharge) shown on the combined franchise tax return for the preceding tax year, if it was a tax year of 12-months.

Line B – Enter the amount of the combined fixed dollar minimum tax on group member corporations (before the MTA surcharge) included on the combined franchise tax return for the preceding tax year, if it was a tax year of 12-months.

Line C – Enter the amount of combined MTA surcharge shown on the combined MTA surcharge tax return for the preceding tax year, if it was a tax year of 12-months. Enter 0 if you are not subject to the MTA surcharge for the tax year for which this extension is requested.

Part 2

Line D – Determine the combined franchise tax (after you deduct any tax credits and before you add the fixed dollar minimum tax on group member corporations and MTA surcharge) for the tax year for which this extension is requested. Multiply the combined franchise tax by an amount not less than 90% and enter the result (see *Requirements for a valid New York State extension*).

Line E – Total the member fixed dollar minimum tax (Part 1, column D) of those members of the group that are taxable in New York. Then, multiply that total by an amount not less than 90% and enter the result (see *Requirements for a valid New York State extension*).

Line F – Determine the combined MTA surcharge for the tax year for which this extension is requested. Multiply the combined MTA surcharge by an amount not less than 90% and enter the result (see *Requirements for a valid New York State extension*). Enter 0 if not subject to the MTA surcharge for the tax year for which this extension is requested.

Line 14: Add lines 8 and 13. If zero or less, enter **0**.

You cannot apply an estimated overpayment of the:

- **Franchise tax** (when line 7 is greater than line 4) against an estimated balance due of MTA surcharge (when line 9 is greater than line 12) on line 13.
- **MTA Surcharge** (when line 12 is greater than line 9) against an estimated balance due of franchise tax (when line 4 is greater than line 7) on line 8.

Lines 8 and 13 **cannot** show amounts less than zero.

Enter the payment amount on Line A.

Combined filer information

This section will help the Tax Department identify:

- the corporations in the combined group,
- short tax years,
- the amounts of the individual fixed dollar minimum taxes, and
- which corporations in the combined group made certain payments included on lines 17 through 21.

Use **Part 1** to list corporations in the combined group other than the *designated agent or parent*. Include foreign corporations that are included in the combined group that are not otherwise taxable in New York State. You must pay a fixed dollar minimum tax for each member listed in Part 1.

Do **not** include foreign corporations that would not otherwise be taxable in New York; enter **N/A** in column D for those foreign corporations.

Use **Part 2** for the designated agent or parent.

Part 1: Corporations included in the combined group other than the designated agent or parent

Column A: Enter the **name of each corporation** included in the combined group. Do **not** include the designated agent or parent.

Column B: Enter the employer identification number of each corporation listed in column A.

Column C: For any appropriate corporations, indicate the beginning and ending dates of any tax year of less than 12 months.

Column D: Enter the fixed dollar minimum tax for each member of the combined group. Do **not** include a foreign corporation included in the combined group that is not taxable in New York State; enter **N/A** for those foreign corporations.

Columns E, F, and G

Complete columns E, F, and G for any corporation that filed on a separate basis for their tax period immediately preceding the tax year for which this extension is being requested.

Column E: Enter the sum of any overpayment you requested to be credited to the next period, plus any tax credits applied to the next period shown on the tax return filed for the tax period preceding the tax period for which this extension is being requested

Column F: If a corporation made any separate installment payments on Form CT-400, *Estimated Tax for Corporations*, for the tax period for which this extension is being requested, enter the total amount on the line for that corporation.

Column G: If a payment was made on Form CT-5 filed for the tax period for which this extension is being requested, indicate which corporation filed the form and the amount of payments it made, if any.

Part 2: Parent or designated agent only

Enter any prepayments made by the parent or designated agent, as applicable.

Composition of prepayments

If additional space is needed, enter **see attached** in the *Composition of prepayments* section and enter all relevant prepayment information on a separate sheet. Include the amount(s) in column(s) A and B, line 22.

Line 17: Determine the amount to enter by completing the *Worksheet for line 17* below.

Worksheet for line 17

From the Form CT-300 used to report the mandatory first installment (MFI) for the tax period for which this extension is being filed (Note: For calendar-year 2023 filers, that Form CT-300 was due March 15, 2023):

1. Enter the portion of line A (<i>Payment enclosed</i>) that represents the applicable (New York State or MTA surcharge) MFI paid (generally, the amount in the applicable column of line 6 of that Form CT-300)	1. _____
2. Enter the portion of line 5, column A (or column B, as appropriate) actually applied toward satisfying the amount on either line 2, or line 4, as appropriate. This is, generally, the lesser of the amount in line 5, column A (or column B, as appropriate), or the amount on line 2, (or line 4, as appropriate) of that Form CT-300. This is your 2022 <i>anticipated overpayment applied</i> .	2. _____
3. Add the amounts on lines 1 and 2 and enter the total here and on line 17 in the corresponding column	3. _____

Line 19: Enter overpayments credited from prior years. You may also include from last year's return any amount of refundable tax credits you chose to be credited as an overpayment.

Signature

If an outside individual or firm prepared the document, all applicable entries in the paid preparer section must be completed, including identification numbers (see *Paid preparer identification numbers* in Form CT-1). Failure to sign the document will delay the processing of any refunds and may result in penalties.