



Instructions for Form IT-660

Empire State Digital Gaming Media Production Credit

General information

You are eligible for this credit if you or your business:

- is a digital gaming media production entity;
- engaged in qualified digital gaming media productions; **and**
- received a certificate of tax credit from Empire State Development (ESD) showing the following:
 - certificate number,
 - allocation year of the tax credit, and
 - amount of tax credit.

Empire State Development allocates the amount of the credit. For rules and regulations regarding the credit, including the application process for the credit, visit Empire State Digital Gaming Media Production Credit Program or Empire State Development at www.esd.ny.gov.

Credit calculation

The credit is equal to the total of the qualified media production costs of one or more qualified digital gaming media productions multiplied by:

- 25% (.25) for qualified digital gaming media productions in the Metropolitan Commuter Transportation District (MCTD), **or**
- 35% (.35) for qualified digital gaming media productions in New York State, but outside the MCTD.

Limitations

- The aggregate credit amount in any taxable year is limited to \$5 million dollars.
- A taxpayer is limited to \$1,500,000 per year.
- You may not use any digital gaming media production costs used in calculating this credit in the calculation of any other credit.
- If you do not use the full amount of the credit against your tax liability this year, you may request a refund or apply the overpayment to next year's tax. However, the Tax Department will not pay interest on the refund or overpayment.

How to claim the credit

If you are an individual, a beneficiary or fiduciary of an estate or trust, a partner in a partnership (including members of an LLC treated as a partnership for federal tax purposes), or a shareholder of an S corporation, and you are claiming the Empire State digital gaming media production credit, file Form IT-660 with your income tax return.

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, calculate your credit amount as if you were filing one federal Schedule C for the business.

An **estate or trust** that divides the credit between itself and its beneficiaries must submit Form IT-660 with Form IT-205, *Fiduciary Income Tax Return*, showing each beneficiary's share of the credit.

A **partnership** must file Form IT-660 with Form IT-204, *Partnership Return*, showing the total credit.

A **New York S corporation** does not file Form IT-660. It must file Form CT-660, *Empire State Digital Gaming Media Production Credit*.

If you are a **shareholder of an S corporation**, obtain your share of the credit from the S corporation and follow the instructions on this form for claiming the credit on your income tax return.

Line instructions

Note: Complete a separate Form IT-660 for each certificate of tax credit issued to you.

Line A: Mark an **X** in the appropriate box to determine the parts of this form you need to complete. If you are claiming this credit **both** as an individual (sole proprietor), partnership, or fiduciary of an estate or trust that earned the credit **and** as a partner, shareholder, or beneficiary receiving a share of the credit, mark an **X** in the Yes box and complete all appropriate schedules on one Form IT-660.

Lines B through E: If you do not enter the correct information, your credit may be denied. Partners, shareholders, or beneficiaries **must** get this information from their partnership, S corporation, estate or trust. Keep a copy of your certificate to provide upon request.

Additional forms: If you have more entries than will fit on the lines provided in Schedule A, B, or C, submit additional Forms IT-660, completing only the necessary schedules. Include your name and taxpayer identification number on each form. On the indicated lines of the first Form IT-660, include the totals from all additional Forms IT-660. Place the extra forms behind the first Form IT-660 and submit them with your return.

Schedule A: Individual (including sole proprietor), partnership, and estate or trust

If you received more than one certificate of tax credit from ESD, you must complete separate Forms IT-660, lines B through E and Schedule A, line 1 for each certificate you received. If needed, see *Additional forms*.

Line 1: Enter the credit amount listed on the certificate of tax credit issued to you by ESD. The amount entered cannot exceed the amount listed on the certificate.

Schedule B: Partner's, shareholder's, or beneficiary's share of credit

Enter the appropriate information for each partnership, New York S corporation, or estate or trust from which you received a share of the credit. You may obtain this information from the partnership, S corporation, estate or trust. If needed, see *Additional forms*.

Schedule C: Beneficiary's and fiduciary's share of credit

An estate or trust must complete this schedule. If you allocate or assign the credit to your beneficiaries, base the division on each beneficiary's share of the income of the estate or trust. Provide your beneficiaries with their share of the credit amount. If needed, see *Additional forms*.

Schedule D: Calculation of credit

Lines 8 through 12: Complete the lines that apply to you.

Individuals: Enter the amount from line 12 and code **660** on:

- Form IT-201-ATT, *Other Tax Credits and Taxes*, line 12; or
- Form IT-203-ATT, *Other Tax Credits and Taxes*, line 12.

Partnerships: Enter the amount from line 12 and code **660** on Form IT-204, line 147.

Fiduciaries: Include the amount from line 12 and code **660**, on Form IT-205, line 33.